



Shire of Brookton Delegation Register

Reviewed: May 2016 (Ordinary Council Meeting 19 May 2016) with amendments per page 2

Amendments

Version: Inclusive of the following amendments;

- *Adding in delegations embedded in the Council Policy Manual adopted by Council the same day (19 May 2016) including;*
 - *Policy 1.2 Council Committees – Terms of Reference;*
 - *Policy 1.10 CEO Performance and Salary Review;*
 - *Policy 1.11 Legal Representation for Council Members and Employees;*
 - *Policy 1.15 Use of Corporate Credit Cards;*
 - *Policy 1.18 Hall Hire;*
 - *Policy 1.21 Weather Related Road Closures;*
 - *Policy 1.29 Waiving and/or Discounting of Hire Fees and Charges;*
 - *Policy 2.17 Investment Management Strategy;*
 - *Policy 3.13 Patios, Verandas and Carports; and*
 - *Policy 3.14 Signage within Zoned and/or Reserved Land.*
- *Adding Delegation No. 1.53 Authorised Persons (Acting CEO added September 2016) noting these positions are appointed direct by legislation and or the CEO pursuant to the source legislation as listed.*
- *Adding Delegation 1.54 Writing Off Small Rates Balances (OCM November 2016)*
- *Adding Delegation 1.55 Appointment of Acting CEO (OCM November 2016)*
- *Adding Delegation 1.56 Graffiti Vandalism Act 2013 (OCM November 2016)*
- *Amending Delegation 1.40 Purchase Orders with commentary and sub-delegation limits*
- *Replacing Delegation 1.5 Disposal of Fixed Assets with a new Delegation (OCM December 2016)*

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INTRODUCTION

The Council's ***Delegation Register*** is a set of delegations adopted by the Council, pursuant to sections 5.14 and 5.42 of the Local Government Act 1995, and this Register meets the obligations of sections 5.18 and 5.46 of that Act.

The Council (and delegator) is required by statute to formally review the Delegations contained within this document at least once per annum.

The Delegation Register compliments the separate document entitled the *CEO's Management Policies & Procedures Manual*, which are administrative policies adopted by the CEO for management of the Shire under general powers pursuant to section 5.41 (d) of the Local Government Act 1995.

A Person with a Delegation or Sub-Delegation, pursuant to sections 5.71, 5.75 and 5.76 of the Local Government Act 1995, is bound to disclose financial interest and impartiality declarations and also required to lodge Primary and Annual Financial Interest Declarations Returns.

COUNCIL DELEGATIONS

1.1 Payment from Trust and Municipal Funds

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42 and S6.10
References	-	Local Government (Financial Management) Regulations 1996 r. 12 & r. 13
	-	Management Policy 1.18 – Bank Signatories

Delegation

Council delegates its authority and power to the Chief Executive Officer to make payments from the Trust and Municipal Funds of the Shire of Brookton.

This function can be performed by the Deputy Chief Executive Officer, Community Services Manager, Senior Finance Officer and Executive Support and Administration Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Compliance with Local Government (Financial Management) Regulations 12 and 13 and Council Policy 1.18 – Bank Signatories.

1.2 Insurance Renewal

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S6.10

Delegation

Council delegates its authority and power to the Chief Executive Officer to enter into appropriate contracts of insurance through the services of an Insurance Broker, appointed by Council.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Nil.

1.3 Tenders for Budgeted Items

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.57, S6.10
	-	Local Government (Functions and General) Regulations Part 4.

Delegation

Council delegates its authority and power to the Chief Executive Officer to arrange advertisements inviting tenders for specific items included in the Budget worth, or expected to be worth, more than \$150,000 that do not, in his opinion, require Council approval of design. (e.g. Plant, Machinery etc.). Tenders received shall be presented to Council for decision.

Council delegates its authority and power to the Chief Executive Officer to make minor variations to a contract for goods and services before entering into a contract on behalf of the Shire of Brookton with the successful tenderer.

Conditions

Compliance with Local Government (Functions and General) Regulations 1996.

1.4 Investments

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S6.14
	-	Trustees Act 1962 – Part III
	-	Local Government (Financial Management) Regulations r. 19
	-	Management Policy 2.17 - Investment Management Strategy

Delegations

Council delegates its authority and power to the Chief Executive Officer to invest money held in the Municipal or Trust Funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962 or in an investment approved by the Minister.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

1. Internal control procedures to be followed to ensure control over the investments.
2. Compliance with Clause 19 Local Government (Financial Management) Regulations 1996 and Council Policy.
3. Compliance with Council Policies 2.16 and 2.17 – Liquidly Management Strategy and Investment Management Strategy.
4. Compliance with CEO Management Policy 1.4 - Investment of Surplus Funds

1.5 Disposal of Fixed Assets

Date Adopted	-	March 2006
Date Reviewed	-	June 2015
Authority	-	Local Government Act 1995 - Sections 3.58, 5.42 and Local Government (Functions and General) Regulations 1996, Regulation 30(3)
References	-	Local Government Act 1995 S6.10

Delegation

Disposal of Surplus Fixed Assets

Council delegates its authority and power to the Chief Executive Officer to write-off, sell or dispose of, by calling for expressions of interest or any other fair and transparent means, items of surplus plant, light vehicles, equipment, materials, tools etc. which are no longer required, are deemed outmoded or no longer serviceable.

Conditions

- Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.
- The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items. Any fixed assets written off should have an accumulative written down value not exceeding \$20,000 per financial year, nor an individual written down value of more than \$1,000.

Disposal of Land

The CEO is delegated authority to give effect to Council's Policy with respect to the Koornong Residential Estate, to dispose of land within the estate and to sign the necessary transfer and sale documents.

The CEO is delegated authority to dispose of land for the purposes of periodic or fixed term residential leasing of Council owned or managed properties but not otherwise (eg outright sale).

Conditions

- Compliance with the provisions of the Local Government Act 1995, Section 3.58 (private treaty advertising etc), noting that if there are written submissions made not supporting the proposed disposition, the CEO is to refer the proposal to the Council for determination.
- Compliance with the Council's Policy entitled 'Koornong Residential Estate'.
- Compliance with the Council's Management Policy No. 1.21 'Common Seal' and Delegation No. 1.43 'Common Seal'.

Disposal and or Trade of Motor Vehicles, Plant & Equipment

Council delegates its authority and power to the Chief Executive Officer to sell or dispose of, either outright or by trade, by calling for expressions of interest or any other fair and transparent means, items of plant, vehicles, equipment, materials, tools etc. which are included in the Budget for disposition / trade.

Conditions

- Compliance with the provisions of the Local Government Act 1995, Section 3.58 (including the sale (or trade) as consideration within a tender) and / or the Local Government (Functions and General) Regulations 1996, Regulation 30 (3) (the market value of the asset is less than \$20,000 or it is traded as part of an asset being acquired that is worth less than \$75,000).
- Compliance with Council Policy 1.2 'Council Committees – Terms of Reference', requiring referral to the Plant and Works Committee, all items of proposed major plant purchases. For the purposes of this condition, 'major' is defined as any item of Plant (or Motor Vehicle) proposed to be purchased that has a value greater than \$75,000.
- Achieving at least 80% of the Budgeted outright disposition price or staying within 10% of the Budgeted net trade price.

1.6 Contractors - Use on Works

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government (Functions and General) Regulations Part 4 and Part 4A Council Policy 1.18 – Buy Local Policy

Delegation

Council delegates its authority and power to the Chief Executive Officer to engage private contractors to assist and complement Council's work staff in carrying out any works and services.

This function can be performed by the Deputy Chief Executive Officer and Principal Works Supervisor acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

In exercising this delegated authority the Chief Executive Officer shall have due regard to the following:

1. It must be demonstrated that engaging private contractors will be in the best interest of Council.
2. Appropriate funds are provided in the Budget.
3. The engagement of private contractors shall only take place with due compliance with the Local Government (Functions and General) Regulations relating to tenders.

1.7 Removal Expenses

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	n/a

Delegation

Council delegates its authority and power to the Chief Executive Officer to determine the level of payment for removal expenses for any new employee that is appointed to a position with the Shire of Brookton.

Conditions

1. The expenses being reasonable as to the circumstances and location of the new employee.
2. The expenses may include a motor vehicle kilometre rate allowance in lieu of fares for the employee's family plus out-of-pocket expenses, meals and sundries.

1.8 Staff Housing

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Management Policy 1.11– Staff Housing and Housing Subsidy

Delegation

Council delegates its authority and power to the Chief Executive Officer to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council.

Conditions

In exercising this delegation the Chief Executive Officer shall have regard to any Council Policy in place from time to time.

1.9 Telephones (Private) - Use by Employees for Council Business

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Management Policy 1.15 - Telephone Charges - Residences

Delegation

Council delegates its authority and power to the Chief Executive Officer to make appropriate financial and other arrangements with any employees to have a telephone installed in their principal place of residence within the Shire for some use on Council business.

The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee for telephone expenses incurred on Council business.

Conditions

Nil.

Recommend deletion – mobile phones principal point of contact

1.10 Management - Engagement of Professional Services

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	n/a

Delegation

Council delegates its authority to the Chief Executive Officer to take the action deemed necessary with a view to engaging appropriate professional services and/or legal advisers to provide the appropriate services to facilitate and/or promote the conduct of Council business.

This function can be performed by the Deputy Chief Executive Officer, Principal Works Supervisor, Community Services Manager, Planner and Executive Support and Administration Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Nil.

1.11 Local Laws Administration

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 Part 9 S9.1 and S9.4

Delegation

Council delegates its authority and power to the Chief Executive Officer to administer its Local Laws and initiate legal action if considered necessary.

Conditions

Regard to be taken of any Local Law in respect to the particular subject and S9.1 and S9.4 of the Local Government Act 1995.

1.12 Liquor – Licensing and Permits (Council Property)

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Liquor Licensing Act 1988 Management Policy 1.23 – Hall Hire

Delegation

Council delegates its authority and power to the Chief Executive Officer to approve applications for occasional liquor licences, liquor licences or permits for property under the care, control and management of Council.

Conditions

Compliance with the Liquor Licensing Act 1988 and Management Policy 1.23.

1.13 Rate Book

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 Part 6 Division 6

Delegation

Council delegates its authority and power to the Chief Executive Officer for the performance of the following functions of Council:

1. The time allowed for the payment of the rate before it becomes in arrears – Section 6.50(2) of the Local Government Act 1995.
2. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book – Section 6.76(4) of the Local Government Act 1995.
3. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56(1) of the Local Government Act 1995.
4. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995.
5. Requiring a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with Section 6.60(2) of the Local Government Act 1995.

This function can be performed by the Deputy Chief Executive Officer and Senior Finance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Nil.

1.14 Road Closures – Temporary

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.50 and S3.51 Local Government (Functions and General) Regulations 1996 r.4, r.5 and r.6

Delegation

Council delegates its authority and power to the Chief Executive Officer to temporarily close a street or a portion of a street to vehicles for a period not exceeding 28 days in cases of emergency in connection with Council works or by reason of heavy rain or when a street is likely to be damaged by the passage of traffic of any particular class.

Conditions

Refer to Clauses 3 - 6 of the Local Government (Functions and General) Regulations 1996.
Refer also Council Policy 1.21 Weather Related Road Closures.

1.15 Native Title

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Native Title Act 1999

Delegation

Council delegates its authority and power to the Chief Executive Officer to register an interest in any native title claim affecting Council in order for Council to have sufficient interest to become a party to the native title application.

Conditions

Nil.

1.16 Impounding Goods – Authorised Employee

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42 and S3.39
References	-	Local Government (Functions and General) Regulations 1996 Part 6

Delegation

Council delegates its authority and power to the Chief Executive Officer to remove and impound any goods that are involved in a contravention that can lead to impounding. The authorizations referred to in this delegation are those required under Section 3.39(1) of the Local Government Act 1995.

This function can be performed by the Principal Works Supervisor acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 6.

1.17 Offences - Bush Fires Act

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Bush Fires Act 1954 S.59 (3) and S.59A

Delegation

Council delegates its authority and power to the Chief Executive Officer to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the Shire of Brookton and, if the Chief Executive Officer thinks fit, to institute and carry on proceedings in the name of the Shire of Brookton against any person alleged to have committed any of those offences. This delegation extends to the issue and/or withdrawal of infringement notices in accordance with the provisions of Section 59A of the Bush Fires Act 1954.

Conditions

Nil.

1.18 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.47 and S3.58
	-	Local Government (Functions and General) Regulations Part 4

Delegation

Council delegates its authority and power to the Chief Executive Officer to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the Local Government Act 1995.

Conditions

Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.

The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items.

1.19 Proceedings under Dog Act

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Dog Act 1976 s.29, s.33E and s.44

Delegation

In accordance with Section 44 of the Dog Act 1976, the Chief Executive Officer has delegated authority to institute and carry on proceedings in the name of the Shire of Brookton in respect to offences alleged to have been committed within the district of the Shire of Brookton against the Dog Act.

This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Dog Act 1976.

This delegation also enables the Chief Executive Officer to Declare Dangerous Dogs pursuant to the Section 33E of the Dog Act 1976.

Conditions

Nil.

1.20 Gates

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 Schedule 9.1 cl.5

Delegation

Council delegates its authority and power to the Chief Executive Officer to approve the erection of gates on road surveys on both boundary and internal fencing of properties.

Conditions

In any circumstances considered controversial the applications are to be referred to Council.
A Register of Gates with fences / gates across them is required pursuant to legislation – Local Government Act 1995, Schedule 9.1, cl 5.

1.21 Health Act - Notices and Orders

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Health Act 1911
References	-	Health Act 1911

Delegation

Council delegates its authority and power to the Environmental Health Officer to exercise and discharge all of the following powers and functions under the Health Act 1911:

1. The forming of opinions and making of declarations.
2. The grant and issue of licences, permits, certificates and approvals.
3. The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions.
4. The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.

Conditions

1. Subject to the provisions of the Health Act, Local Laws and Council Policies.
2. Applicant must be advised of objections and/or appeal rights.

1.22 Development Applications – Advertising

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Town Planning Scheme No. 3

Delegation

The Chief Executive Officer has delegated authority to advertise development applications for public comment where the Chief Executive Officer considers such applications should have public comment prior to consideration by Council and to make available from Council's files information regarding the development application so that the public are in a position to make a proper assessment.

Conditions

Compliance with Town Planning Scheme No. 3.

1.23 Traffic Regulatory Signs

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Main Roads WA Guideline "Traffic Signals" D09#88641

Delegation

Council delegates its authority and power to the Chief Executive Officer to install appropriate traffic regulatory signs at such places as the Chief Executive Officer considers necessary.

Conditions

Subject to Main Roads WA approval if appropriate.

1.24 Events on Roads

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Road Traffic (Events on Roads) Regulations 1991 Local Government Act 1995 S3.50

Delegation

Council delegates its authority and power to the Chief Executive Officer to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.

Conditions

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

1.25 Restricted Access Vehicles (RAV)

Date Adopted	-	new
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Council Policy 1.24 - Restricted Access Vehicles Road Traffic Act 1974; Road Traffic (Vehicle Standards) Rules and Regulations 2002

Delegation

Council delegates its authority and power to the Chief Executive Officer to issue Letters of Approval to RAV operators specifying which roads they may use and the conditions that apply to that use.

Conditions

Compliance with Council Policy 1.24 – Restricted Access Vehicles.

1.26 Appointment of Authorised Persons

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S9.10, 9.19, 9.20 and 9.23 Other Acts and Local Laws

Delegation

Council delegates its authority and power to the Chief Executive Officer to appoint persons or classes of persons in relation to enforcement and legal proceedings.

Conditions

Refer Local Government Act 1995 S9.23, Dog Act 1976, Bush Fire Act 1954, Health Act 1911, Local Laws and Council Policies.

1.27 Delegation of Power

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Management Policy –1.10 Staff Annual Leave

Delegation

In the absence for any reason of the appointed Chief Executive Officer, the officer authorised to exercise delegations is the person appointed as Acting Chief Executive Officer.

Conditions

Nil.

1.28 Additional Powers Exercised When Notices Given Requiring Certain Things to be done by Owners or Occupiers of Land

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.25

Delegation

Council delegates its authority and power to the Chief Executive Officer to issue notices pursuant to Section 3.25 of the Local Government Act 1995 to owners and occupiers of land requiring certain things to be done.

Council delegates its authority and power to the Chief Executive Officer, to take what action is deemed necessary to cover the costs incurred in achieving the purpose for which a notice was given pursuant to Section 3.25 of the Local Government Act from persons who failed to comply with the said notice.

Conditions

Subject to the express provisions of the Local Government Act 1995 and Council Policies.

1.29 Lodgement of Caveats

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S6.64

Delegation

Council delegates its authority and power to the Chief Executive Officer to lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect to the land is unpaid for at least (3) three years.

Conditions

Nil.

1.30 Reserves Under Control of a Local Government

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.54

Delegation

Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

Conditions

Nil.

1.31 Thoroughfares: Notification to Affected Owners

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.51 (3) Local Government (Functions and General) Regulations 1996

Delegation

Council delegates its authority and power to the Chief Executive Officer to ensure the requirements of Section 3.51(3) of the Local Government Act 1995 are observed relating to affected land owners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.

Conditions

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.

1.32 Thoroughfares: Ensuring Public Access Maintained

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 S3.50

Delegation

Council delegates its authority and power to the Chief Executive Officer to ensure that access by vehicle to land adjoining a thoroughfare can be reasonably provided, when works are carried out associated with fixing or altering the level or alignment of that public thoroughfare.

Conditions

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.

1.33 Powers of Entry onto Land

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Local Government Act 1995 Part 3 Division 3 Subdivision 4

Delegation

Council delegates its authority and power to the Chief Executive Officer to undertake the functions and duties required under the Local Government Act 1995 in respect of:

Section 3.39 - Appointment of Authorised Persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding.

Section 3.40 - Removal of Vehicle and impounding of goods by an authorised person.

Section 3.42 - Action required in respect to impounding of non-perishable goods.

Section 3.44 - The Issue of Notices regarding collection of goods if not confiscated.

Section 3.46 - Withholding of goods pending payment of costs.

Section 3.47 - The Disposal of confiscated or uncollected goods.

Section 3.48 - Recovery of Costs incurred in the impounding exercise.

Conditions

Requirements of r.29 of the Local Government (Functions and General) Regulations 1996 and Council Policies.

1.34 Execution of Leases

Date Adopted	-	March 2006
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Management-Policy – 1.21 Common Seal

Delegation

Council delegates its authority and power to the Chief Executive Officer to execute and apply the Council common seal to new leases for properties that Council has previously resolved to lease.

Conditions

1. Compliance with Local Government Act 1995 and any other written law.
2. Compliance with Management Policy 1.21 – Common Seal.

2. Chief Executive Officer and Shire President jointly to sign the lease document.

1.35 Committee - Community Housing

Date Adopted - June 2008
Date Reviewed - May 2016
Authority - Local Government Act 1995 S5.17
References - Local Government Act 1995 S3.18
Council Policy 1.2 Council Committees

Delegation

Council delegates its authority and power to the Community Housing Committee to select suitable tenants when vacancies arise at the Madison Square units.

Conditions

Nil.

1.36 Committee – Les McMullen Memorial Recreation Grants

Date Adopted - May 1996
Date Reviewed - May 2016
Authority - Local Government Act 1995 S5.17
References - Local Government Act 1995 S3.18
Council Policy 1.2 Council Committees

Delegation

Council delegates its authority and power to the Les McMullen Memorial Recreation Grants Committee to award grants to eligible sporting bodies in accordance with the provisions of the estate of the late Mr Les McMullen.

Conditions

Compliance with the provisions of the estate of the late Mr Les McMullen.

1.37 Registration of Dogs

Date Adopted - May 2009
Date Reviewed - May 2016
Authority - Local Government Act 1995 S5.44
References - Dog Act 1976 S.11 – Staff and Services

Delegation

Council appoints the following persons as Dog Registration Officers, either until their employment ceases or their appointment is rescinded by Council, whichever comes first:

Administration Officer
Works Administration Officer
Executive Support and Administration Officer.

Conditions

Nil.

1.38 Planning Compliance

Date Adopted	-	March 2009
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.44
References	-	Town Planning Scheme no. 3 Clause 8.1(c)

Delegation

Council delegates its authority and power to the Chief Executive Officer to enter properties and buildings at all reasonable times for the purpose of ascertaining whether the provisions of the Town Planning Scheme are being complied with.

The CEO delegates this authority and power to the Shire Planner and/or Planning Officer.

Conditions

Nil.

1.39 Authorised Officers

Date Adopted	-	May 2009
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S9.10
References	-	Various Acts and Regulations

Delegation

Council appoints the following persons as Authorised Officers, either until their employment ceases or their appointment is rescinded by Council, whichever comes first:

- (a) CEO as authorised person for the Shire of Brookton under the:
 - 1. Bush Fires Act 1954 and Regulations.
- (b) CEO and Deputy CEO as authorised persons for the Shire of Brookton under the:
 - 2. Caravan Parks and Camping Grounds Act 1995
 - 3. Dog Act 1976 and Regulations
 - 4. Litter Act 1979 and Regulations
 - 5. Local Government (Miscellaneous Provisions) Act 1960
 - 6. Local Government Act 1995
 - 7. Control of Vehicles (Off-road Areas) Act 1978
 - 8. Building Act 2011
 - 9. Building Regulations 2012
 - 10. Cat Act 2011 and Regulations
- (c) Environmental Health Officer as an authorised person for the Shire of Brookton under the:
 - 11. Caravan Parks and Camping Grounds Act 1995
 - 12. Local Government (Miscellaneous Provisions) Act 1960 – all parts except Part XX.
- (d) Contracted Shire Ranger as an authorised person for the Shire of Brookton under the:
 - 13. Dog Act 1976 and Regulations
 - 14. Local Government (Miscellaneous Provisions) Act 1960 Part XX.
 - 15. Cat Act 2011 and Regulations

Conditions

Nil.

1.40 Purchase Orders

Date Adopted	-	December 2008
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.44
References	-	Statutory Policy 2.11 Management Policy 1.16

Delegation

Council delegates authority to the Chief Executive Officer to sign official Council Purchase Orders on behalf of the Council.

Sub-Delegation by the CEO

It is noted that the CEO has complete purchasing authority across all Budget lines (subject to Council's Policies and the tender threshold of \$149,999 plus GST) and that any officer appointed as Acting CEO has authority as though he or she was the CEO, unless in the instrument of acting appointment, it has been restricted in some manner by the Council or CEO.

The purchasing function can be performed by the following officers relating to their 'Responsible Officer' general ledger / job account and limited through the Synergy Soft Purchasing System to the below dollar value limits (all excluding GST):

Deputy Chief Executive Officer	\$9,999
Principal Works Supervisor	\$49,999
Executive Support and Administration Officer	\$9,999
Environmental Health Officer	\$9,999
Community Services Manager	\$9,999

For expediency and practicality, the above officers also have general purchasing authority, across all Budget lines, subject to provision being contained in the Budget, regardless of the relevant 'Responsible Officer', for purchase orders up to and including \$999.

Acting CEO comment (DS22.11.16): Section 5.41(d) of the Local Government Act 1995, allocates and defines the responsibility of the management of the Local Government to the CEO and therefore this delegation above is deemed redundant and is best served by being a Management Policy at the discretion of the CEO, and not recorded as a delegation. (for review by Council / CEO May 2017)

Further, if necessary, the Act also provides that officers may 'act through' the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

1. Provision for the purchase being contained in the Council's Budget and;
2. Compliance with all of the Council's Policies including;
 - 1.6 Contractors – Use on Works
 - 1.10 Management – Engagement of Professional Services
 - 1.16 Buy Local and;
 - 2.11 Purchasing.

1.41 Specific Provisions under Town Planning Scheme No. 3

Date Adopted	-	August 2009
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S 5.44
References	-	Town Planning Scheme no. 3 Clause 8.9
	-	Council Policies 3.13 (Patios) and 3.14 (Signage)

Delegation

Council delegates to the Chief Executive Officer the authority to:

- Issue planning approvals relating to Development Applications;
- Issue Council response to Western Australian Planning Commission for subdivision/amalgamation applications and clear conditions relating to subdivision and amalgamations;
- Sign outward correspondence relating to Town Planning matters;
- Sign strata titles in accordance with the Strata Titles Act;
- Determine and approve all Development Applications classified as a "P" use under the Shire of Brookton's Town Planning Scheme No. 3 Table 1 – Zoning Table;
- Determine and approve Grouped Dwelling Development Applications that comply with the Residential Design Codes 2008 and Town Planning Scheme No. 3;
- Determine and approve Single Dwelling Development Applications that comply with Town Planning Scheme No. 3, on Commercial, Industrial, Rural Town site and Farming zoned land;
- Determine and approve Development Applications in Avon River South Flood Plain areas that comply with the Residential Design Codes 2008 and Town Planning Scheme No. 3;
- Determine and approve Outbuilding Development Applications that comply with the Residential Design Codes 2008, the Shire of Brookton's Outbuilding Policy and Town Planning Scheme No. 3;
- Determine and approve Development Applications that contain minor variations to Town Planning Scheme No. 3 or the Residential Design Codes;
- Determine and approve minor variations to Development Approvals, provided development has not already commenced;
- Issue certificates of compliance for the Residential Design Codes 2008;
- Respond to development applications relating to public housing from the Department of Housing and be the principal Shire contact point for the Department of Housing; and
- Determine and respond to subdivision referrals from the Western Australian Planning Commission, which relate to the alignment of roads;
- Approve signage applications where planning approval has not lapsed pursuant to Clause 7.1 of the Town Planning Scheme, No. 3 and;
- Determine and approve Home Based Occupation Permits.

The CEO delegates this authority and power to the Shire Planner and Planning Officer.

Conditions

Nil.

1.42 Requests for Donations

Date Adopted	-	February 2010
Date Reviewed	-	June 2015
Authority	-	Local Government Act 1995 S 5.42
References	-	Council Policy 1.29 and Delegation 1.50

Delegation

Council delegates its authority and power to the Chief Executive Officer to determine requests for financial assistance from community organisations and events by way of cash donations.

Conditions

- Donations up to the value of \$500 can be made available where a not-for-profit group or individual can demonstrate significant direct benefit to the community.
- The total of any cash donations made under this delegated authority in any one year shall not exceed the amount provided for that purpose in Council's Budget without formal Council approval.

1.43 Common Seal

Date Adopted	-	May 2010
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	S 9.49A, S 9.49B

Delegation

Council delegates its authority and power to the Chief Executive Officer to affix the common seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council or Management Policy 1.21 – Common Seal.

Conditions

Use of the seal to be recorded in the Council's Seal Register (magiq ID 4141).

1.44 Authorised Officer – Food Act 2008

Date Adopted	-	June 2010
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 s. 5.42 and s. 5.44
References	-	Food Act 2008

Delegation

1. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers or functions of the local government in regard to the following sections of the Food Act 2008:
 - Appoint authorised officers in accordance with section 122.
 - Appoint designated officers to issue infringement notices in accordance with section 126(2).
 - Appoint designated officers to extend the payment period for infringement notices or withdraw infringement notices in accordance with sections 126(6) and 126(7).
2. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers and functions of the local government in regard to the following sections of the Food Act 2008:
 - Issue prohibition orders in accordance with section 65.
 - Clear and remove a prohibition order in accordance with section 66.
 - Provide written notification not to issue a certificate of clearance in accordance with section 67.
 - Grant, apply conditions, refuse, vary, or cancel registration of a food business in accordance with section 110 and 112.

This function can be performed by the Environmental Health Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions

Nil.

1.45 Variations to Firebreak Order

Date Adopted	-	August 2010
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S 5.42
References	-	Bush Fires Act 1954 s.48

Delegation

Council delegates its authority and power to the Chief Executive Officer to determine applications for the provision of firebreaks in alternative positions and to determine applications for the provision of alternative fire protection measures on the land, in accordance with the provisions of Clause 7.1 of Council's Firebreak Order and in consultation with the Chief Bush Fire Control Officer.

Conditions

- The Chief Executive Officer has the right to grant, refuse, alter or add any conditions to any application.
- No exemptions can be issued.

1.46 Building Matters – Permits, Certificates & Orders

Date Adopted	-	April 2012
Date Reviewed	-	May 2016
Authority	-	Building Act 2011 s.127
References	-	Town Planning Scheme No. 3 Building Code of Australia

Delegation

Pursuant to the Building Act 2011, Section 127, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, Building Surveyor and Planning Officer to perform the duties and functions of the Building Act 2011 pertaining to buildings and associated incidental structures:

- Section 20 – Granting of Building Permits
- Section 21 – Granting of Demolition Permits
- Section 22 – Refusal of Permits
- Section 58 – Granting and Refusing Occupancy Permits and Building Approval Certificates
- Section 65 – Consider Extending the Period of Duration of an Occupancy Permit or Building Approval Certificate
- Section 110 – Issue Building Orders
- Section 117 – Revoke Building Orders

Conditions

Compliance with Town Planning Scheme No. 3, the Building Code of Australia, and other relevant Local Laws and Policies.

1.47 Building Matters – Building Authorisations

Date Adopted	-	April 2012
Date Reviewed	-	May 2016
Authority	-	Building Act 2011 Part 8
References	-	Town Planning Scheme No. 3 Building Code of Australia

Delegation

Pursuant to the Building Act 2011, Part 8 - enforcement, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, Building Surveyor and Planning Officer in respect of compliance matters pertaining to buildings and associated incidental structures:

- Section 100 – Entry Powers
- Section 101 – Powers After Entry for Compliance Purposes
- Section 102 – Obtaining Information & Documents
- Section 103 – Use of Force and Assistance
- Section 106 – Application for Warrant to Enter a Place

Conditions

Compliance with Town Planning Scheme No. 3, the Building Code of Australia, and other relevant Local Laws and Policies.

1.48 Building Matters – Fines, Penalties & Enforcement

Date Adopted	-	April 2012
Date Reviewed	-	May 2016
Authority	-	Building Act 2011 Part 8
References	-	Town Planning Scheme No. 3 Building Code of Australia

Delegation

Pursuant to the Building Act 2011, Part 8 - Enforcement, Council delegates its authority and power to the Chief Executive Officer, Deputy Chief Executive Officer, Building Surveyor and Planning Officer in respect of enforcement matters pertaining to buildings and associated incidental structures, and authorises them to prepare, sign and serve notices in relation to fines, penalties and enforcement: Section 96 – Authorised Persons

Conditions

Compliance with Town Planning Scheme No. 3, the Building Code of Australia, and other relevant Local Laws and Policies.

1.49 Committee – CEO Performance and Salary Review

Date Adopted	-	May 2016
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.17
References	-	Local Government Act 1995 S5.38 Council Policies 1.2 Council Committees and 1.10 CEO Performances and Salary Review

Delegation

Council delegates its authority and power to the CEO Performance and Salary Review Committee to conduct the performance review and salary package review and amend his/her salary package.

Conditions

Compliance with the terms of the contract, the Salaries and Allowances Tribunal CEO Determinations and to be conducted annually in April / May and prior to the Budget Meeting.

1.50 Hall, Buildings, Reserves, Plant and Facility Hire

Date Adopted	-	May 2016
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Council Policies 1.18 Hall Hire and 1.29 Waiving and/or - Discounting of Hire Fees and Charges and Delegation 1.42

Delegation

1. The CEO is granted delegated authority to deal with and make decisions pertaining to special requests regarding the Hall Hire and those uses which are not explicitly covered in the governing policies, subject to compliance with Council Policy 1.18.
2. The CEO is granted delegated authority to deal with and make decisions pertaining to waiving and or discounting of hire fees and charges relating to Council buildings, facilities, reserves or plant subject to compliance with Council Policy 1.29 (maximum funding per applicant \$250).

Conditions

1. Subject to the provisions of the relevant Council Policies listed.
2. Provision of list of waivers or discounts to the subsequent Council Briefing Forum.

1.51 Use of Corporate Credit Cards

Date Adopted	-	May 2016
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Council Policy 1.15 Use of Corporate Credit Cards

Delegation

The Shire of Brookton, in order to enhance daily purchasing processes and reduce administrative costs, will authorise the issue, by its preferred financial services provider, of corporate credit cards with a maximum credit limit of \$10,000, under delegated authority of the Chief Executive Officer.

Conditions

1. Subject to the provisions of the Council Policies including 1.15 - Use of Corporate Credit Cards, 1.16 - Buy Local and 2.11 - Purchasing.

1.52 Legal Representation for Council Members and Employees

Date Adopted	-	May 2016
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.42
References	-	Council Policy 1.11 Legal Rep. for Council Members /Employees

Delegation

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise on behalf of Council any of the powers of Council (of the Policy) to a maximum of \$2,000 in respect of each application.

Conditions

1. An application approved by the CEO is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

1.53 Appointed / Designated Officers (Direct from the relevant Act)

Date Adopted	-	September 2016
Date Reviewed	-	September 2016
Authority	-	Various Acts as listed
References	-	Various Acts and Regulations

Delegation

The following persons are appointed as Authorised or Designated Officers, either until their employment ceases or their appointment is withdrawn by the Chief Executive Officer (CEO), whichever comes first:

- Rules of Conduct Complaints Officer*

 - Unless otherwise appointed by the Council, the Chief Executive Officer is designated as the Local Government's Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or Rules of Conduct. Local Government Act 1995 (Section 5.120 (1) (2)).
- Public Interests Disclosure Officer*

 - The Chief Executive Officer has designated the Deputy CEO as the Local Government's Public Interest Disclosure Officer for receiving and registering disclosures of public information relating to matters falling within the sphere of responsibility of the Shire of Brookton. Public Interest Disclosure Act 2003 (Section 23 (1) (a)).
- Freedom of Information (FOI) Coordinator*

 - The Chief Executive Officer, as the Shire of Brookton's Principal Officer for the purposes of the Act, designates the Deputy CEO as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests. Freedom of Information Act 1992 (Section 100 (1)).
- Freedom of Information Internal Review Officer*

 - The Chief Executive Officer has determined that the position of Chief Executive Officer is designated as the Local Government's Internal Review Officer. Freedom of Information Act 1992 (Section 41).
- Equal Employment Opportunity (EEO) Officer*

 - The Chief Executive Officer has determined that the position of Deputy CEO is designated as the Local Government's Equal Employment Opportunity Officer for implementing Council's Equal Employment Opportunity Management Plan and promoting Council's Equal Employment Opportunity Policy. Equal Opportunity Act 1984 (Section 145).
- Litter Officers*

 - All members of the Council and all employees of the local government are authorised officers. Litter Act 1979 (Sections 26, 27, 27A and 30).
- Citizenship Officers*

 - The Minister for Immigration and Citizenship, acting under subsection 27(5) of the Australian Citizenship Act 2007 authorises the classes or person from time to time holding, occupying or performing the duties of a person, mentioned in the Second Schedule to this Instrument, to receive a pledge of commitment.

<ul style="list-style-type: none"> • The following officers of the Shire of Brookton are authorised to receive a pledge of commitment; <ul style="list-style-type: none"> - President of the Shire - Deputy President of the Shire - Chief Executive of the Shire. <p>Conditions Nil</p>

<p>1.54 Write-Off Small Rates Balances</p>	
Date Adopted	- November 2016
Date Reviewed	- Not applicable
Authority	- Local Government Act 1995 S5.42 & S6.12 (1)(c)
References	- Nil
<p>Delegation The Chief Executive Officer is delegated approval to write off small rates balances on properties where the balance owing is less than \$5.00 per assessment.</p>	
<p>Sub-Delegation by the CEO The Chief Executive Officer sub-delegates this function to the Deputy Chief Executive Officer and / or Senior Finance Officer.</p>	
<p>Conditions</p> <ol style="list-style-type: none"> 1. All write-offs are to be recorded (as a total) in the Annual Financial Report, pursuant to Regulation 42(2) (d) of the Local Government (Financial Management) Regulations 1996 and individually, in the Rate Book (Assessment), pursuant to Regulation 55 (x)(iv) of those Regulations. 	

<p>1.55 Appointment of Acting CEO</p>	
Date Adopted	- November 2016
Date Reviewed	- Not applicable
Authority	- Local Government Act 1995 S5.36
References	- Nil
<p>Delegation The Chief Executive Officer (CEO), or Acting CEO, is delegated authority to appoint a senior employee of Council, subject to any relevant Council Policy, to act in the capacity of Chief Executive Officer during scheduled absences of the Chief Executive Officer. During unscheduled absences of the CEO, the Deputy CEO is to act as CEO.</p>	
<p>Sub-Delegation by the CEO Nil</p>	
<p>Conditions</p> <ol style="list-style-type: none"> 1. Council Policy No. 2.22 Appointment of Acting CEO, is to be complied with. 	

1.56 Graffiti Vandalism Act 2013

Date Adopted	-	November 2016
Date Reviewed	-	Not applicable
Authority	-	Graffiti Vandalism Act 2013, S16, S22
References	-	Nil

Delegation

That Council note the introduction into Western Australian law of the Graffiti Vandalism Act 2013, and that Council delegate all of the local government's powers and ability to discharges all of its duties under section 16 of that statute to the Chief Executive Officer, including pursuant to section 22, the right to utilise and modify as necessary Forms 4 and 6 in Schedule 1 to the Local Government (Functions and General) Regulations 1996, noting that the officer may on delegate all or any of those powers as the officer deems fit.

Sub-Delegation by the CEO

Nil

Conditions

1. Nil

End.