



Norseman Woodlands to Eucla Coast

# Register of Delegations

Reviewed August 2023



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## INTRODUCTION

This Register of Delegations informs the public of the activities, powers, functions and duties of the Shire of Dundas. Delegations entrust certain types of decisions to the CEO, employees or committees.

The use of delegated authority in Local Government promotes efficient service delivery to the community. Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership.

The Register of Delegations is reviewed annually as required by the Local Government Act (section 5.46); and contains all current delegations from Council to the CEO and committees, and from the CEO to employees. It sets out the statutory power and function delegated and refers to the legislation that allows such delegation and what the conditions and policy compliance requirements are.

# Local Government Act 1995

## Delegation of Power

### **Delegation of some powers and duties to certain committees:**

- 5.16 (1) Absolute majority required to delegate; cannot delegate power of delegation.
- (2) To be in writing and may be general or conditional.
- (3) Can be for a period or indefinite.
- (4) Doesn't prevent Council acting through another.

5.17 Limits on delegations to committees.

5.18 Register of delegations to be kept and reviewed annually.

### **Delegation of some powers and duties to CEO:**

- 5.42 (1) Absolute majority required to delegate.
- (2) To be in writing and may be general or conditional.

5.43 Limits on delegations to CEO.

5.44 CEO may delegate to others, but not the power of delegation.

- 5.45 (1) (a) Can be for a period or indefinite.
- (b) Absolute majority required to amend or revoke.
- (2) Doesn't prevent Council or CEO acting through another.

- 5.46 (1) & (2) Register of delegations to be kept and reviewed annually.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

### **Admin Regulations 19.**

“Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty had been delegated is to keep a written record of –

- (a) how the person exercised the power or discharged the duty;
- (b) when the person exercised the power or discharged the duty;
- (c) the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty”.



# Finance

## F01 Payments from Trust and Municipal Funds

**Function to be performed:** To make payments from the municipal fund bank accounts and the trust fund bank accounts for payment of creditors and payroll.

**Delegated to:** Chief Executive Officer

**On delegated to:** Deputy Chief Executive Officer  
Senior Administration Officer  
Finance/Payroll Officer

**Conditions:**

- 1 Compliance with Regulations 12 and 13 of the Local Government (Financial Management) Regulations 1996.
- 2 Each payment from the Municipal fund bank accounts and the trust fund bank accounts is to be noted on a list compiled each month showing:
  - 1) The payee's name
  - 2) The amount of the payment
  - 3) The date of the payment
  - 4) Sufficient information to identify the transaction
- 3 The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

**Record of Use:** Records are to be kept under the provision of General Disposal Authority for Local Government Records Legislation.

**Reference:** S5.42/5.44, S6.10 – Local Government Act 1995 Local Government (Financial Management) Regulations 1996

**Council Policy:** N/A.

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended** TBC

## F02 Investments

**Function to be performed:**

- 1 To invest money held in the Municipal, Reserve or Trust Funds that is not required for the time being for any purpose in pursuant to the Local Government Act 1995, s6.14 (1), Local Government (Financial Management) Regulation 1996, r.19. and Part III of the Trustees Act 1962 or in an investment approved by the Minister.
- 2 To establish and document internal control procedures to be followed to ensure control over the investments.

**Delegated to:** Chief Executive Officer

**On delegated to:** Deputy Chief Executive Officer  
Senior Administration Officer  
Finance/Payroll Officer

**Conditions:**

- 1) The establishing of documental internal control procedures to be followed to ensure control over the investments.
- 2) Compliance with Clause 19(2) Local Government (Financial Management) Regulations 1996
- 3) Council Policy "F.1 - Investments"

**Record of Use:** In accordance with Council Policy F.1 – Investments.  
Monthly Investment Report provided to Council.  
Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Local Government Act 1995: s6.14 (Power to invest);  
Local Government (Financial Management) Regulation 1996: r.19 (Investments, control procedures for), r.38 (Reserve accounts, information about in annual financial report) (1)(f);  
Trustees Act 1962: Part III (Investments)

**Council Policy:** F.1 – Investments  
**Date Adopted:** 5<sup>th</sup> December 2006  
**Date Amended:**

### **F03 Hire Fees & Charges – Recreation Centres**

**Function to be performed:** To adjust/vary recreation centre, halls, and pavilion and oval hire fees and charges as determined in the budget.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Subject to Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996; and

- where it is considered that there is the need due to extenuating circumstances, unusual kind of use
- The cost of normal hire per participant being prohibitive in relation to the financial resources of the hirer/s.
- One-off usage discounts being supported in favour of regular use discounts.
- The participation of children/juniors in the program.
- The benefits to the Shire, its staff and the community in general.
- The costs to the Shire, including any forfeited opportunity costs.
- Any other circumstances that warrant consideration to a discount or waiving of fees.

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** S5.42, S6.10 Local Government Act (As Amended).

<b>Council Policy:</b>	C.4 Recreation Facilities
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## **F04 Donations**

<b>Function to be performed:</b>	To determine requests for donation of monies up to the value of \$1,000
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	<p>Donations may be considered:</p> <ol style="list-style-type: none"><li>1 Where a group or individual can demonstrate:<ul style="list-style-type: none"><li>• Significant direct benefit to the local community</li><li>• That the group is an incorporated community group or non-profit making organisation.</li><li>• That the financial status of the group is such as to justify a donation from the Shire.</li><li>• Special circumstances or needs exist to warrant a donation, e.g. Support of needy groups or individuals who bring credit to the shire by achieving state or national representation or awards, which sees them requiring financial assistance for traveling, accommodation or other incidental expenses.</li></ul></li><li>2 Have regard for the budget.</li><li>3 To give an equal opportunity for community clubs and societies to be considered for funding, the CEO may at his discretion, put in place arrangements so that requests for financial assistance are invited and considered at the same time each year.</li><li>4 Any Council policy in relation to this matter.</li></ol>
<b>Record of use:</b>	<p>Retention of a file copy of relevant correspondence.</p> <p>Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.</p>

**Reference:** Local Government Act 1995.

**Council Policy:** C4 Recreation Facilities

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> February 2018

## F05 Budget Implementation

**Function to be performed:** To use management discretion in:

- 1) Implementing expenditure programs contained in the budget the detail of which has been finalised;
- 2) the appointment of consultants and contractors to enable the proper administration of the Shire's business;
- 3) prioritising work, unless otherwise directed by the Shire;
- 4) determining whether to call tenders or sell by tender or auction where an obligation does not exist to do so under the Local Government Act 1995;
- 5) initiating arrangements for loans subject to referral to Council for adoption;
- 6) authorising overtime; and
- 7) engaging temporary staff.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

- Conditions:**
- 1) That costs are contained within budget allocations.  
Subject to compliance with the Local Government Act 1995 (as amended) and Council's policy statements.
  - 2) Quotations to be called for the purchase of items of plant, equipment and machinery having an estimate of up to \$150,000. Tenders to be called for plant, equipment and machinery items being an estimated value in excess of \$150,000 (this is consistent with the Tender Regulations).
  - 3) Wherever tenders are called, the tenders be decided by the Council (in most cases Council would consider a recommendation from the relevant officer).
  - 4) Quotations are to be obtained on any contract exceeding 10% of the statutory amount above which tenders are to be called (in Functions & General Reg. 11 (2)), (currently \$15,000).
  - 5) Where quotations are called, under 5 above, the CEO accept the most advantageous quotation and should the most advantageous quote be in excess of the budget, provisions report details to the next following meeting of the Council (a report to the relevant committee satisfies this requirement).

**Record of use:** Retention of file copy of internal control procedures.

Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** F3 Purchasing Policy

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21st February 2017

## **F06 Conferences, Seminars, Training Courses - Expenses of Councilors and Staff**

**Function to be performed:** 1 To reimburse all reasonable expenses to members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses.  
2 The payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or staff member to be accompanied by another person.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Obtain from the Councillor or staff member receipts or other appropriate proof that the expense was incurred. Obtain a declaration that the expense was incurred wholly whilst on Council business.

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Local Government Act 1995.

**Council Policy:** HR 2 Travel & Accommodation Allowances & Expenses  
M 1 Conferences Members Attendance & Representation

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> October 2020

## **F07 Expenditure Prior to adoption of Budget**

**Function to be performed:** To incur operating expenditures from the Municipal Fund prior to the adoption of the annual budget.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** This delegation refers to operating expenditure only.

**Record of Use:** List of accounts for payment to Council

**Reference:** Local Government Act (As Amended).

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## **F08 Insurance**

***Function to be performed:*** To enter into appropriate contracts of insurance.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** N/A

***Conditions:*** Nil

***Record of Use:*** Insurance policies held by the Council.

***Reference:*** Part 3 of Local Government Act (As Amended).

***Council Policy:*** F.5 Insurance

***Date Adopted:*** 5<sup>th</sup> December 2006

***Date Amended:*** 21<sup>st</sup> May 2013



## F09 Rate Records and Recovery of Rates and Service Charges

### **Function to be performed:**

1. Where appropriate or necessary, to amend the rate record of the local government for the 5 years preceding the current financial year as contemplated by section 6.39 (2)(b).
2. To enter into agreements in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges.
3. To determine the dates that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995, such that the due payment of a rate or service charge, or the first instalment thereof as the case may be, shall become due and payable 35 days after the date noted on the rate notice as the date the rate notice was issued;
4. To take any or all the actions pursuant to the provisions of the Act as reasonable and proper, to recover rates and service charges due to the local government;
5. Pursuant to section 6.64 (3) of the Act, to lodge caveats on land where the rates or service charges are in arrears, and it is considered that the interests of the Council should be protected; and to subsequently withdraw such caveats once arrears of rates have been settled.
6. To exercise discretion regarding granting an extension of time for the service of objections to the rate record in accordance with Section 6.76(4) of the Local Government Act 1995;
7. To allow or disallow in accordance with section 6.76 (5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection on accordance with Section 6.76(6)
8. To discharge the obligations specified in section 6.39(1) of the Local Government Act 1995 (as amended).
9. The service of notices of valuation and rates referred to in section 6.41(1) of the Local Government Act 1995.
10. The powers conferred on Section 6.40 of the Local Government Act 1995.
11. The recovery of rates by complaint or action pursuant to the provisions of 6.56(1) of the Local Government Act 1995.
12. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.

<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	List of rate arrears submitted to Council from time to time.
<b><i>Reference:</i></b>	Local Government Act (As Amended).
<b><i>Council Policy:</i></b>	F 4 Rates Recovery
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	20 <sup>th</sup> October 2020

## **F10 Insurance – Public Liability Claims**

<b><i>Function to be performed:</i></b>	To consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's solicitors.
<b><i>Record of Use:</i></b>	Information on file and advice provided to Council.  Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Local Government Act (As Amended).
<b><i>Council Policy:</i></b>	F 5 Insurance
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **F11 Surplus Equipment, Materials & Tools**

**Function to be performed:** To sell surplus equipment, materials, tools, etc. with an estimated value of less than \$2,000 which are no longer required, or are outmoded, or are no longer serviceable.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** By calling for expressions of interest, holding of a surplus goods sale at Council's depot, or any other fair means.  
Where it has not been possible to dispose of surplus equipment, materials, tools, and such like as outlined above, dispose of such things by other nominated means, including scrapping, after a listing of such items and the proposed disposal method has been provided to the Council.

**Record of Use:** Information on File and advice provided to Council.  
Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Local Government Act (As Amended) Sect 3.58 and Financial Management Regulation 5.2

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## **F12 Trust Fund**

***Function to be performed:*** To manage the Trust Fund as required by Section 6.9 of the Local Government Act.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** Deputy Chief Executive Officer  
Senior Administration Officer

***Conditions:*** N/A

***Record of Use:*** Council's Accounting Records. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

***Reference:*** Local Government Act (As Amended) Sect 6.9 and Financial Management Regulations.

***Council Policy:*** Nil

***Date Adopted:*** 5<sup>th</sup> December 2006

***Date Amended:*** 21st January 2021

## F13 Loan Raising and Borrowing on Credit

- Function to be performed:**
- (1) Where the annual budget makes provisions for the borrowing of money to enable specified activities or functions to occur, to make arrangements for those borrowings to be obtained in a timely manner, having due regard for any directions given either generally or in particular by the Treasurer (or a person acting in that behalf and authorised by the Treasurer)
  - (2) To arrange with the Local Government's banking institution for a sufficient overdraft facility where the circumstances of the Municipal Fund cash flow dictate such a requirement.
  - (3) To arrange for corporate credit card facilities in accordance with the requirements and limitations imposed by Council policy in this respect.

**Delegated to:** Chief Executive Officer

**On delegated to:** Deputy Chief Executive Officer  
Senior Administration Officer  
Finance/Payroll Officer

**Conditions:** Nil

**Record of Use:** Council's Accounting Records. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Local Government Act (As Amended) Sect 6.20, 6.21 and Financial Management Regulations.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21st January 2021

## F14 Purchase Order Authorisation

**Function to be performed:** 1 To sign purchase orders for items contained within the current budget with limitations in accordance with Council purchasing policy.  
2 This delegation includes authorisation to accept a tender for purchase up to an amount of \$150,000 (Local Government Act 1995 section 5.43 (b)).

**Delegated to:** Chief Executive Officer

**On delegated to:** Certain staff members are authorised to sign purchase orders on behalf of the Council with limitations in accordance with Council F.3 Purchasing Policy.

Deputy Chief Executive Officer

Manager of Works & Services

Senior Administration Officer

Tourism & CRC Coordinator

Projects Officer

**Record of use:** Synergy Soft, purchase order module to be used in issuing purchase orders. Office copy of the purchase order to be handed over to Account Officer along with details of quotations received. Records to be kept under the provisions of **General Disposal Authority for Local Government Records Legislation**.

**Reference:** S5.42 Local Government Act 1995 (As Amended).

**Council Policy:** F 3 Purchasing Policy

**Date Adopted:** 20<sup>th</sup> May 2008

**Date Amended:** 22 August 2023

## F15 Recovery of Debts

<b>Function to be performed:</b>	The Chief Executive Officer is delegated authority to negotiate with debtors unable to pay debts due to hardships. The Chief Executive Officer is delegated authority to initiate legal action for the recovery of debts either through the local court or by Council's solicitors, as the case may warrant, when all other reasonable attempts at collection have been exhausted.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Deputy Chief Executive Officer Senior Administration Officer Finance/Payroll Officer
<b>Conditions:</b>	<ol style="list-style-type: none"><li>1) The establishing of written records of any action taken.</li><li>2) Compliance with relevant sections of the Local Government (Financial Management) Regulations 1996 and Local Government Act 1995.</li></ol>
<b>Record of Use:</b>	Records to be kept under the provisions of <u>General Disposal Authority for Local Government Records</u> Legislation.
<b>Reference:</b>	S5.42 Local Government Act, 1995 (As Amended)
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	21st January 2021
<b>Date Amended:</b>	22 August 2023



## F16 Land Valuations

<b>Function to be performed:</b>	To obtain from the Valuer General or a qualified private Valuer, the value of any land or property that is subject of a report or submission to the Council involving negotiations for the purchase or sale of property.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Deputy Chief Executive Officer Senior Administration Officer Finance/Payroll Officer
<b>Conditions:</b>	Provisions to be included in budget for land valuation expenses.
<b>Record of Use:</b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	S5.42 Local Government Act, 1995 (As Amended)
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	21st January 2021
<b>Date Amended:</b>	22 August 2023

## **F17 Shire Businesses Retail Stock/Product/ Services– Norseman IGA, Norseman Licensed Post Office, and Norseman Visitor Centre**

**Function to be performed:** To price Norseman IGA, Norseman Licensed Post Office, and Norseman Visitor Centre retail stock/product and or services as per commercial agreements with relevant suppliers, and in consideration of the conditions listed below.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Subject to Regulations 5, 8 and 10 of the Local Government (Financial Management) Regulations 1996; and

- where it is considered that there is the need due to extenuating circumstances, unusual kind of use
- One-off usage discounts being supported in favour of regular use discounts.
- The participation of Shire of Dundas local community groups
- The benefits to the Shire, and the community in general.
- The costs to the Shire, including any forfeited opportunity costs.
- Any other circumstances that warrant consideration to a discount or waiving of fees and or product costs.
- Ordering and purchasing of retail stock is conducted as per the Shire's Purchasing Policy

**Record of Use:** Electronic copy of receipts to be archived and kept in accordance with records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** S5.42, S6.10 Local Government Act (As Amended).

**Council Policy:** F3 Purchasing Policy,

**Date Adopted:**

**Date Amended:**

## Administration

### A01 Use of Shire Vehicle

***Function to be performed:*** To make appropriate private use arrangements with all staff having use of a Council vehicle.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** Deputy Chief Executive Officer  
Manager Works and Services

***Conditions:*** Usage of vehicles is to be in accordance with Council policy

***Record of Use:*** Vehicle Logbook. (Where applicable)  
Plant Pre-Start Forms

***Reference:*** Nil.

***Council Policy:*** HR 6 Use of Shire vehicles

***Date Adopted:*** 5<sup>th</sup> December 2006

***Date Amended:*** 22 August 2023

## **A02 Staff Housing**

***Function to be performed:*** To make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by the Council.

***Delegated to:*** Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	<p>1 In exercising this delegation regard shall be given to any Council policy in place from time to time.</p> <p>2 In the event that any Council provided accommodation is at any time not required for Council employees, the Chief Executive Officer is delegated authority to rent or lease the accommodation to persons other than Council employees or organisations</p> <p>3 The rental to other persons or organisations is subject to an appropriate tenancy agreement and period that does not unduly impact on the Shires requirements for the property.</p>
<b><i>Record of Use:</i></b>	Personnel Files.
<b><i>Reference:</i></b>	Nil.
<b><i>Council Policy:</i></b>	Nil.
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

### **A03 Staff Relocation Expenses**

<b><i>Function to be performed:</i></b>	To determine any application for relocation expenses.
<b><i>Delegated to:</i></b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Relocation expenses are to be in accordance with Council Policy.
<b><i>Record of Use:</i></b>	Employee Files.
<b><i>Reference:</i></b>	Nil.
<b><i>Council Policy:</i></b>	ST 3 Relocation and Removal Expenses
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **A04 Salaries**

<b><i>Function to be performed:</i></b>	To review and alter salaries and conditions payable to all staff.
<b><i>Delegated to:</i></b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	In exercising this delegated authority, the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available in Council's Budget. If any salary change is likely to involve over Budget expenditure, the change will require endorsement of Council.
<b><i>Record of Use:</i></b>	Employee Files.
<b><i>Reference:</i></b>	Nil.
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **A05 Liquor – Sale & Consumption at Council Facilities**

<b><i>Function to be performed:</i></b>	To approve applications for the sale of liquor from the Council's facilities and impose any conditions relating to its sale as considered appropriate.
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<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.
<b>Record of Use:</b>	Applications and approvals to be kept in Filing System.
<b>Reference:</b>	S5.42 Local Government Act, 1995 (As Amended). Sections 59 and 119 of the Liquor Licensing Act 1988.
<b>Council Policy:</b>	C.4 Recreation facilities
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	20 <sup>th</sup> October 2020

## **A06 Impounding Goods – Authorised Employee**

<b>Function to be performed:</b>	To authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding;
<b>Delegated to:</b>	Chief Executive Officer



<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996, Part 6.
<b><i>Record of Use:</i></b>	Report to Council.
<b><i>Reference:</i></b>	Local Government Act, 1995 (As Amended) – S5.42 Local Government Act, 1995 – S3.39
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **A07 Award - Industrial Matters**

<b><i>Function to be performed:</i></b>	To instruct the local government's consultants in workplace relations if considered appropriate to act on the Council's behalf in any general Industrial/Award matter and any industrial dispute involving an employee or employees of the Council.
<b><i>Delegated to:</i></b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	File records of authorisations given.
<b><i>Reference:</i></b>	Local Government Act, 1995.
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **A08 Contract Variations**

<b><i>Function to be performed:</i></b>	To approve minor variations to contracts which have been entered into by the Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.
<b><i>Delegated to:</i></b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	Contract Register
<b><i>Reference:</i></b>	Local Government Act, 1995 and Tender Regulations
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **A09 Legal Advice**

<b><i>Function to be performed:</i></b>	To obtain such legal advice and opinions as considered is necessary in the management of the Local Government.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A

<b>Conditions:</b>	Subject to existing budgetary provisions for that purpose
<b>Record of Use:</b>	Information on File and advice provided to Council. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Local Government Act, 1995.
<b>Council Policy:</b>	A.3 Legal Representation
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## **A10 Native Title**

<b>Function to be performed:</b>	To register an interest in any Native Title Claim affecting Council in order for Council to have a sufficient interest to become a party to the Native Title Application.
<b>Delegated to:</b>	Chief Executive Officer

<b>On delegated to:</b>	N/A
<b>Conditions:</b>	Nil
<b>Record of Use:</b>	Records to be kept in native title file. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Local Government Act, 1995.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21st January 2021

## **A11 Telephones – Employees Private Use & Shire Business**

<b>Function to be performed:</b>	<ol style="list-style-type: none"><li>1. To make appropriate financial and other arrangements with all employees to have a telephone installed in his/her principal place of residence for use on Council business and to make appropriate arrangements to reimburse any employee with any telephone expense incurred on Council business.</li><li>2. To make appropriate financial and other arrangements with approved employees for the use of a work mobile phone.</li></ol>
<b>Delegated to:</b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	Deputy Chief Executive Officer Senior Administration Officer
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	Records to be kept of business-related phone calls. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Local Government Act, 1995.
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	22 August 2023

## **A12 Enforcements and Legal Proceedings**

<b><i>Function to be performed:</i></b>	<ol style="list-style-type: none"><li>1) To appoint persons or classes of person to be authorised for the purposes of performing functions regarding the enforcement of local laws.</li><li>2) To issue to each person authorised to enforce local laws a certificate stating that the person is so authorised and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</li></ol>
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3) To appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Subject to compliance with the following:

- Local Government Act 1995
- Dog Act 1976
- Bush Fire Act 1954
- Health Act 1911
- Local Government (Miscellaneous Provisions) Act 1960
- Local Laws, Parking and Dogs
- Council Policy

**Record of Use:** Retention of file copy of relevant correspondence.

**Reference:** S5.42/S5.44, S9.10, S9.19, S9.20 and S9.23 Local Government Act, 1995 (As Amended) Section 44.9 Local Government (Miscellaneous Provisions) Act 1960.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> October 2020

### **A13 Delegation of Power**

**Function to be performed:** Where a senior officer is authorised to act as the Chief Executive Officer, as per Council policy, all delegations to the Chief Executive Officer may be performed/ undertaken by the Acting Chief Executive Officer.

**Delegated to:** N/A

<b>On delegated to:</b>	N/A
<b>Conditions:</b>	In the absence of Chief Executive Officer and when authorised in writing, the delegated senior officer shall act as the Chief Executive Officer.
<b>Record of use:</b>	Retention of file copy of relevant appointment in Personnel File. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	S5.42 Local Government Act 1995 (As Amended).
<b>Council Policy:</b>	HR.5 Acting Chief Executive Officer / Acting in “Senior” Positions
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	20 <sup>th</sup> October 2020

## **A14 Executive Functions**

**Function to be performed:** To perform the following duties so far as reasonable and practicable in the discharge of executive functions on behalf of the local government-

1. to ensure that the lawful use of any land, thoroughfare or premises is not obstructed and any reasonable request that a person makes to avoid such obstruction is met;
2. to ensure that as little harm or inconvenience is caused, and as little damage is done as is possible;
3. to ensure that danger to any person or property does not arise from anything done on land;



4. to ensure that anything belonging to the local government, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises to thing entered, is removed as soon as practicable unless this Act expressly allows it to be left there;
5. to ensure that buildings, fences and other structures are not disturbed or damaged;
6. to ensure that when the local government enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence; and
7. to ensure any physical damage done to any land, premises or thing, is immediately made good unless compensation has been paid or is to be paid.

**Delegated to:** Chief Executive Officer

**On delegated to:** Manager Works and Services  
Projects Officer  
Depot Supervisor  
Authorised Officer

**Conditions:** Subject to those officers specified above having responsibility for carrying out, or for supervising or overseeing a function or activity of the local government, delegations 1 to 7 specified above apply (excluding any authorisation to determine the amount or form of compensation referred to in item 7)

**Record of use:** Report to Council.

**Reference:** Local Government Act Sect. 3.21

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 22 August 2023

## A15 Council Members - Register of Delegations to Committees

**Function to be performed:** To keep a register of the delegations made by the Council to Committees, the Register being required in accordance with the provisions of Section 5.18 of the Act.

**Delegated to:** Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	<p>The register is only required if Committees are in existence and have delegated powers of duties.</p> <p>Council acknowledges that this task could be interpreted to be a function of the CEO under Section 5.41 (d) – management of day to day operations.</p>
<b><i>Record of use:</i></b>	Register
<b><i>Reference:</i></b>	S5.42 and S5.18 Local Government Act 1995 (As Amended).
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	20 <sup>th</sup> October 2020

## **A16 Certain things to be done in respect of land**

### ***Function to be performed:***

1. To give any notice deemed appropriate to require certain things to be done by the owner or occupier of land as the case requires; and
2. Where a person has failed to comply with the notice take appropriate action pursuant to section 3.26 of the Act.

<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	The Chief Executive Officer may delegate appropriate officers to give any notice pursuant to section 3.25 of the Act where considered appropriate.
<b>Conditions:</b>	Nil
<b>Record of use:</b>	File of correspondence and actions. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	S3.25, S3.26 etc. Local Government Act 1995 (As Amended).
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## **A17 Tenders**

### **Function to be performed:**

1. To call tenders as required pursuant to the Local Government (Functions and General) Regulations 1996 Part 4 provision of goods and services in relation to the supply of goods and services by tender;
2. To determine appropriate criteria for deciding which tender should be accepted;

3. To ensure that there is an adequate specification upon which to invite tenders for goods or services and to decide upon the extent of detailed information to be made available to interested tenderers;
4. To assess tenders by written evaluation against the assessment criteria;
5. When assessing tenders to take into consideration Part 4A of the regulations, regional price preference;
6. To make determination about seeking expressions of interest in lieu of public tenders;
7. To evaluate expressions of interest to determine which would be capable of satisfactorily supplying the goods or services; and
8. Unless otherwise specified by the Council for a case, where the consideration involved does not exceed \$150,000 and is acceptable or advantageous to the local government.
  - (a) to accept a tender provided that the appropriate provision has been made in Council's Budget; and
  - (b) to decline to accept a tender where none is deemed acceptable or advantageous to the Local Government.

<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	N/A
<b><i>Record of use:</i></b>	Report to Council and file of correspondence and actions. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Local Government Tender Regulations and Local Government Act 1995 (As Amended).
<b><i>Council Policy:</i></b>	F.4 Purchasing policy
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> October 2020

## **A18 Power of Entry**

**Function to be performed:** To exercise all of the powers and duties of the Local Government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995 in circumstances where it is necessary to do so.

**Delegated to:** Chief Executive Officer

<b><i>On delegated to:</i></b>	Manager Works and Services Projects Officer Depot Supervisor Authorised Officer
<b><i>Conditions:</i></b>	Except where it is deemed an emergency to exist under section 3.34, every reasonable attempt will be made to obtain the consent of the owner or occupier of the land in question before invoking the powers of this delegation.
<b><i>Record of use:</i></b>	Record to be kept on appropriate file.
<b><i>Reference:</i></b>	S3.28 to S3.36 Local Government Act 1995 (as amended).
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	22 August 2023

## **A19 Copies of Information**

<b><i>Function to be performed:</i></b>	To ensure copies are available to persons inspecting information made available for inspection under Division 7, Part 5 of the Act.)
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Deputy Chief Executive Officer

Senior Administration Officer  
Information & Technology Officer

**Conditions:** Ensure that the price at which the copies are sold does not exceed the cost of providing copies. (Refer to Section 5.96)

**Record of use:** Record to be kept on appropriate file.

**Reference:** S5.94 Local Government Act 1995 (As Amended).

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 22 August 2023

## Engineering

### E01 Temporary Rural Road closures

**Function to be performed:** To temporarily close a street or a portion of a street for a period not exceeding 30 days to vehicles in cases of emergency, in connection with Council works, by reason of heavy rain, a street likely to be damaged by the passage of traffic of any particular class.

<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services Projects Officer Depot Supervisor
<b>Conditions:</b>	Compliance with the Local Government (Functions and General) Regulations 1996.
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Local Government Act 1995 (As Amended) – S5.42, S3.50, S3.51. Local Government (Function and General) Regulations 1996.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## E02 Powers of Entry onto Land

### **Function to be performed:**

To undertake the functions and duties required under Part 3 –  
(Power of Entry) of the Local Government Act 1995 in respect of

- Sections 3.28 to 3.36 and 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 goods.
- Section 3.48 – Recovery of costs incurred in the impounding exercise.

<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services
<b>Conditions:</b>	Compliance with the Local Government (Functions and General) Regulations 1996 and Council Policies.
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Local Government Act 1995 (As Amended) – S5.42, S3.39, S3.40, S3.44, S3.46, S3.47. Local Government (Function and General) Regulations 1996.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5th December 2006
<b>Date Amended:</b>	20 <sup>th</sup> October 2020

### **E03 Road Trains and Extra Mass Permits**

<b>Function to be performed:</b>	To determine any application for the use of such roads granting approval with or without conditions and, subject to assessment and approval of the use of the road/s by Main Roads WA.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services

<b>Conditions:</b>	Have regard for any policy of the Council in relation to the use of local roads by restricted access vehicles
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Road Traffic Vehicle Standard Regulations
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## **E04 Traffic Control Signals and Road Regulatory Signs**

<b>Function to be performed:</b>	<ol style="list-style-type: none"><li>1.To make application to Main Roads WA for approvals to install stop and give-way signs at such places as considered warranted other than in accordance with any urban or rural traffic management plan adopted by Council,</li><li>2.Arrange installation of “school bus stop” signs and other appropriate traffic warning, advisory or directional signs at such places on local roads as considered necessary.</li></ol>
<b>Delegated to:</b>	Chief Executive Officer

<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	On receipt of the necessary approval to arrange to have the appropriate signs erected in accordance with the provisions of the approval.
<b><i>Record of Use:</i></b>	Correspondence on file. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b><i>Reference:</i></b>	Road Traffic Code 2000
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **E05 Temporary Closure of Thoroughfares to Vehicles**

<b><i>Function to be performed:</i></b>	(1) To give the necessary notice and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding three months; and (2) to partially and temporarily close a thoroughfare for which the local government is responsible without giving public notice.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A

<b>Conditions:</b>	The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.50 of the Local Government Act 1995. In relation to delegation (2) where: (a) the closure is for the purpose of carrying out repairs and maintenance; and (b) the closure is unlikely to have a significant adverse effect on users of the thoroughfare.
<b>Record of Use:</b>	Correspondence on file. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Section 3.50 Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## **E06 Events on Roads**

<b>Function to be performed:</b>	To determine whether the local government approves of the making of any order for the temporary closure of a road within the district under those provisions of the Road Traffic Act 1974 relating to events on roads and complementary regulations.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A

**Conditions**

Have regard for the following:

- Whether the proponent should be required to publicise the proposal for public comment.
- What inconvenience will the closure create for general road users, and are there satisfactory arrangements which will minimise that inconvenience (e.g. detours via other roads)?
- The views of the landholders who will be affected by any closure and can any genuine concerns be accommodated
- Do the proponents have the resources to properly control the event. Proponents are required to provide sufficient details in writing of their activity and the resources, personnel and experience they will provide to administer and control the event and matters peripheral to it.
- Does approval infer that the road is suitable for the event in question?
- Any approval will be signified in writing, conditional upon the stipulation that approval does not constitute an undertaking or inference that the thoroughfare is suitable or of a condition appropriate for the activities, and that the proponents are required to make their own judgments about such things.
- Whether or not the administration fee to consider the application, or the charge to erect, maintain, or remove barriers, signs and other equipment, as determined by Council in its fees and charges schedule (if any), are imposed on the proponent/s, will be at the discretion of the CEO pursuant to Delegation Number F14.

**Record of Use:**

Correspondence on file. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation

**Reference:**

Section 81 of Road Traffic Act 1974.

**Council Policy:**

Nil

**Date Adopted:**

5<sup>th</sup> December 2006

**Date Amended:**

21<sup>st</sup> May 2013

**E07 Use of Contractors**

**Function to be performed:**

To engage private contractors to assist and complement Council's work staff in carrying out any works and services.

**Delegated to:**

Chief Executive Officer

**On delegated to:**

Manager of Works and Services

<b>Conditions:</b>	In exercising this delegated authority, the Chief Executive Officer shall have due regard to the following: <ul style="list-style-type: none"><li>• It must be demonstrated that by engaging the private contractors, it will be in the best interests of the Council;</li><li>• Appropriate funds are provided in the budget.</li><li>• The engagement of private contractors shall only take place in accordance with the Shires Purchasing policy;</li><li>• All contracts are to be formalised in writing.</li></ul>
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Section 3.50 Local Government Act 1995
<b>Council Policy:</b>	F 3 Purchasing policy
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## E08 Light Vehicle Replacement

<b>Function to be performed:</b>	To call tenders and/or quotations for the changeover of light vehicles and to purchase the appropriate light vehicle or to accept a tender for the light vehicle.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services
<b>Conditions:</b>	This delegation shall only be exercised when:

- provision of sufficient funds for the purpose has been made in the Shires budget.
- in accordance with the Shires Purchasing policy

**Record of Use:**

Correspondence on File/ Tender Register. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation

**Reference:**

Local Government Act 1995

**Council Policy:**

T.5 Plant replacement program  
F 3 Purchasing policy

**Date Adopted:**

5<sup>th</sup> December 2006

**Date Amended:**

22 August 2023

## **E09 Land for Roads**

**Function to be performed:**

- 1 To take appropriate action to acquire any privately owned land that is required for the realignment of road reserves to accommodate the implementation of Council's annual road works program or those planned in future programs.
- 2 Offer the landowners, as compensation, the valuation as determined by the Valuer General plus an amount of 10% where appropriate.
- 3 To negotiate arrangements with affected landowners whereby the Shire may carry out works to the value of any compensation payable.

<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	Have due regard to the provisions made for the resumption of land in Shires budget.
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Section 3.55 of Local Government Act 1995, Section 55 of Land Administration Act, Main Roads Act and Public Works Act.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## **E10 Street Tree Removal**

<b>Function to be performed:</b>	To authorise the removal of any trees on any town site street or road reserve where the street or road is under the care, control and maintenance of the Shire.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services



<b>Conditions:</b>	This delegation shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, structurally dangerous or is causing a traffic hazard by restricting the vision of motorists.
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Local Government Act 1995.
<b>Council Policy:</b>	T.10 Trees & native vegetation
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## **E11 Road closures**

<b>Function to be performed:</b>	<ol style="list-style-type: none"><li>1. To initiate the process for the closure of any road in the district, by seeking comment from affected landowners, services authorities, etc. and advertising the proposal for public comment.</li><li>2. When all responses are received and the advertising period has expired, submit details to the Council for formal consideration.</li></ol>
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A

<b>Conditions:</b>	Notices and advertisements are to clearly demonstrate the Council is not committed to the closure proposal but is simply wanting comments to assist in determining whether to proceed further with the closure, or not.
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Local Government Act 1995.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	20 <sup>th</sup> October 2020

## **E12 Gates and Other Devices Across Thoroughfares**

<b>Function to be performed:</b>	To approve or deny applications for motor traffic passes, grids or gates across public thoroughfares where pastoral fence lines are proposed to intersect with such thoroughfares.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services

**Conditions:** Applications are to be in writing and in considering and deciding on such applications, have regard for any policy of Council in relation to these matters.

**Record of Use:** Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation

**Reference:** Local Government Act 1995.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 22 August 2023

### **E13 Dangerous Excavation in or near Public Thoroughfares**

**Function to be performed:** To take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation No. 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or upon land adjoining a public thoroughfare.

**Delegated to:** Chief Executive Officer

**On delegated to:** Manager of Works and Services

<b>Conditions:</b>	Nil
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Reference:</b>	Local Government Act 1995.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## **E14 Crossovers**

<b>Function to be performed:</b>	<p>To determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council policy.</p> <p>To give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.</p>
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If the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so, as a debt due from the person.

**Delegated to:** Chief Executive Officer

**On delegated to:** Manager of Works and Services

**Conditions:** Nil

**Record of Use:** Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation

**Reference:** The Local Government (Uniform Local Provisions) Regulations 1996 contain provisions relating to the construction and maintenance of crossings, and, contributions to crossings. Section 5 (1) Road Traffic Act 1974.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 22 August 2023

## **E15 Public Thoroughfares – Fixing Levels, Alignments or Drainage to Adjoining Land**

**Function to be performed:** To fix or alter the level of or the alignment of a public thoroughfare and drain water from a public thoroughfare or other public place onto adjoining land.

**Delegated to:** Chief Executive Officer

<b><i>On delegated to:</i></b>	Manager of Works and Services
<b><i>Conditions:</i></b>	To give the required notice as specified in Section 3.51 (1), (3) and (4) and consider any submissions received prior to undertaking the alteration or fixing of levels.
<b><i>Record of Use:</i></b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b><i>Reference:</i></b>	Section 3.51 of the Act and clause 5 of the Local Government (Functions and General) Regulations 1996.
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	22 August 2023

## **E16 Pipelines Under Thoroughfares**

<b><i>Function to be performed:</i></b>	To approve the construction of pipelines under thoroughfares under the care, control and management of the local government
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Manager of Works and Services

<b>Conditions:</b>	The delegation is subject to the following: <ul style="list-style-type: none"><li>• Compliance with the provisions of the Local Government (Uniform Local Provisions) Regulations 1996</li><li>• The depth of any pipeline is to be no less than a level under the road of 450mm determined at the lowest table drain;</li><li>• Arrangements are to be made for the installation of the pipeline, which address matters such as the work arrangements, traffic control and public safety, insurance indemnity and proper reinstatement;</li><li>• A register of approvals to be maintained which includes a record of the currency of indemnity insurance; and</li><li>• The location of pipelines shall be marked by approved signs, installed and maintained by the pipeline owner whilst the pipeline remains under the roadway.</li></ul>
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Council Policy:</b>	Nil
<b>Reference:</b>	Local Government (Uniform Local Provisions) regulations 1996
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## **E17 Drilling on Roadsides**

<b>Function to be performed:</b>	To deal with any application to conduct drilling on roadsides which are under the care, control and management of the local government.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Manager of Works and Services

<b>Conditions:</b>	Nil
<b>Record of Use:</b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b>Council Policy:</b>	Nil
<b>Reference:</b>	Local Government (Uniform Local Provisions) Regulations 1996
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	22 August 2023

## **E18 Doing Things on Land that is not Local Government Property**

<b>Function to be performed:</b>	To make determinations about the need of matters contemplated by Schedule 3.2 (and other applicable requirements) in respect of the local government's functions and works, and where necessary to give effect to such determinations either by agreement with landowners where possible, or otherwise by utilising Delegation A12 to obtain access to land for that purpose.
<b>Delegated to:</b>	Chief Executive Officer



<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	Correspondence on File. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation
<b><i>Council Policy:</i></b>	Nil
<b><i>Reference:</i></b>	Section 3.27 Local Government Act 1995
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## **E19 Private Works**

<b><i>Function to be performed:</i></b>	Carry out private works utilising Council employees and plant.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Manager of Works and Services

**Conditions:**

1. Private works will only be undertaken when time permits to ensure there is no disruption to Council's works programme.
2. Requests for private works for the time other than that suited to the Council shall be completed outside the Council's normal working hours and charged at the appropriate penalty rates.

**Record of Use:**

Correspondence on File.

Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation

**Council Policy:** Nil

**Reference:** Section 5.42 Local Government Act 1995

**Date Adopted:** 20<sup>th</sup> February 2018

**Date Amended:** 22 August 2023

## Health

### H01 Environmental Health

**Function to be performed:** In accordance with the provisions of Section 24 of the Public Health Act 2016 the Chief Executive Officer is appointed and authorised to exercise and discharge the following powers and functions:

1. Issue such Health Act notices and orders as appropriate;
2. Determine applications for license under the Health Act.

<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	To any person appointed by the local authority to the position of Authorised Officer.
<b>Conditions:</b>	Subject to the provisions of the Health Act, Local Laws and Council Policies, the applicant being advised of objections and appeal rights as well as a detailed report to the monthly Council meeting
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Public Health Act 2016 (As Amended)
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	20 <sup>th</sup> October 2020

## **H02 Local Government Septic Tank Approvals**

### **Function to be performed:**

Pursuant to the provisions of Section 24 of the Public Health Act 2016 (As Amended), the Authorised Officer is hereby appointed and authorized to exercise and discharge powers and functions conferred on local government for the purpose of Regulation 4 of the Health (Treatment of Sewerage and Disposal Effluent and Liquid Waste) Regulations 1974:

1. For the purpose of section 107(2)(a) of the Health Miscellaneous Provisions Act 20111, an apparatus is to be approved a local government if it is intended to serve:
  - a. A single dwelling

- b. Any other building that produces not more than 540 litres of sewerage per day;
- 2. A person may apply for approval by:
  - a. Completing an application in a form approved by the Executive Director, Public Health
  - b. Forwarding application to the Shire of Dundas together with any documents required under Regulation 5 and the fee specified in Item 1, of Schedule 1;
- 3. The Shire of Dundas upon application will as soon as practicable after receiving the application:
  - a. Grant approval, or
  - b. Refuse to grant approval;
- 4. Where the Shire refuses to grant approval, it shall provide to the applicant written notice:
  - a. Advising the person of the refusal, and
  - b. Setting out the reasons for the refusal;

**Delegated to:** To any person appointed by the local authority to the position of Authorised Officer.

**On delegated to:** Nil.

**Conditions:** Subject to the provisions of the Public Health Act 2016, Health Miscellaneous Provisions Act 2011, Local Laws and Council Policies.  
The applicant being advised of objections and/or appeal rights.

**Record of use:** Retention of file copy of relevant correspondence.  
Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Public Health Act 2016 (As Amended), Health Miscellaneous Provisions Act 2011, Health (Treatment of Sewerage and Disposal Effluent and Liquid Waste) Regulations 1974

**Council Policy:** Nil

**Date Adopted:** 21st February 2017

**Date Amended:** 20<sup>th</sup> October 2020



### **H03 Dealing with Nuisances**

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 184 of the Health Miscellaneous Provisions Act 2011 the Chief Executive Officer is authorised to deal with nuisances.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To any person appointed by the local authority to the position of Authorised Officer.
<b><i>Conditions:</i></b>	Subject to the provisions of the Health Act, Local Laws and Council Policies.  The applicant being advised of objections and/or appeal rights.
<b><i>Record of use:</i></b>	Retention of file copy of relevant correspondence.  Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Health Miscellaneous Provisions Act 2011 (As Amended)
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	21st February 2017
<b><i>Date Amended:</i></b>	19th February 2019

## **H04 Camping other than at a Park or a Camping ground**

<b><i>Function to be performed:</i></b>	To grant approval to an applicant wishing to camp on land or a period of up to three (3) months in any twelve-month period.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Nil.
<b><i>Conditions:</i></b>	Subject to the approval being in accordance with the provisions of Regulation 11(2)(a) of the Caravan Parks and Camping Grounds Regulations 1997.
<b><i>Record of use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Health Act 1911 (As Amended)
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	21st February 2017
<b><i>Date Amended</i></b>	20 <sup>th</sup> October 2020

## **H05 Food Act 2008 – Enforcement Action (section 122)**

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 122 of the Food Act 2008, the Chief Executive Officer is appointed and authorized to exercise and carry out enforcement action for the purposes of this act.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To any person appointed by the local authority to the position of Authorised Officer
<b><i>Conditions:</i></b>	Subject to the provisions of the Food Act 2008 and Council Policies, the businesses being advised of appeal rights and a detailed report to the monthly Council Meeting.
<b><i>Record of use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Food Act 2008
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	21st February 2017



## H06 Designation of Authorised Officers – Public Health Act 2016

***Function to be performed:*** In accordance with section 24 of the Public Health Act, the Chief Executive Officer is authorised to designate Authorised Officers to carry out functions under the Public Health Act 2016.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** N/A

***Conditions:*** Subject to Section 18 of the Public Health Act 2016.

***Record of use:*** Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

***Reference:*** Public Health Act 2016

***Council Policy:*** Nil

***Date Adopted:*** 21st February 2017

## H07 Authorised Officers for Certificates of Authority

<b>Function to be performed:</b>	In accordance with the provisions of Section 24 and Section 30 of the Public Health Act 2016, the Chief Executive Officer is authorised to designate a person or class of persons as an Authorised Officer and issue Certificates of Authority.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	Subject to provisions of Section 24, 30 and 312 of the Public Health Act 2016.
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Public Health Act 2016
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	21st February 2017

## H08 Appointment of Authorised Officers – Health (Asbestos) Regulations 1992

<b>Function to be performed:</b>	In accordance with Health (Asbestos) Regulations 1992, Section 15(d) (5) -, the Chief Executive Officer is authorised to appoint persons or classes of persons to be authorised officers or approved officers for purpose of Criminal Procedures Act 2004.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	Public Health Act 2016, Section 25 - Certain authorised officers to have qualifications and experience.
<b>Record of use:</b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Public Health Act 2016, Health (Miscellaneous Provisions) Act 1911, Health (Asbestos) Regulations 1992, Criminal Procedure Regulations 2005
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	20th February 2018.

## H09 Dwellings Unfit for Habitation

<b><i>Function to be performed:</i></b>	To declare that a house, or any part thereof is unfit for human habitation in accordance with the provisions of Section 135 of the Health Miscellaneous Provisions Act 1911 (as amended).
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To the person occupying the office of Authorised Officer / Building Surveyor
<b><i>Conditions:</i></b>	Subject to the provisions of Section 135 of the Health Miscellaneous Provisions Act 1911 (as amended).
<b><i>Record of use:</i></b>	Certificates issued, and correspondence issued. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Section 135 of the Health Miscellaneous Provisions Act 1911 (as amended).
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	21st February 2017
<b><i>Date Amended:</i></b>	19th February 2019

## H10 Dwellings to be Repaired

**Function to be performed:** Require owner of a house declared unfit for habitation or in a poor state of repair, to make repairs and render clean such a house.

**Delegated to:** Chief Executive Officer.

**On delegated to:** To the person occupying the office of Authorised Officer / Building Surveyor

**Conditions:** The order is accordance with the provisions of Section 139 of the Health Miscellaneous Provisions Act 1911 (as amended).

**Record of use:** Notices and correspondence issued.  
Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Section 139 of the Health Miscellaneous Provisions Act 1911 (as amended).

**Council Policy:** Nil

**Date Adopted:** 21st February 2017

**Date Amended:** 19th February 2019

# Building

## B01 Building Permit

**Function to be performed:** To fulfill the obligations of the local government under the Building Act 2011 and Building Regulations 2012 in respect of:

- a. Approval or refusal of plans and specifications relating to applications for building licenses and the authority to issue or refuse a building permit, including the authority to impose conditions as appropriate.
- b. The authority to extend for a period for an applicant who has been issued a permit, to complete construction.
- c. The authority to approve or refuse amended plans and/or specifications including the authority to impose conditions as appropriate.

**Delegated to:** Chief Executive Officer

**On delegated to:** The person holding the office of Building Surveyor.

**Conditions:**

1. Subject to the provisions of the Building Act 2011, Building Regulations 2012, relevant building codes, local laws, Council's policies and specific resolutions of the Council.
2. Prior to issuing a building permit in respect of an application which involves the relocation of a non-transportable dwelling the application shall be submitted to the Council for determination.
3. Applicants being advised of appeal rights.

**Record of use:** Licenses and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Building Act 2011  
Building Regulations 2012

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> October 2020

## **B02 Demolition Permit**

<b><i>Function to be performed:</i></b>	To fulfill the obligations of the local government under the Building Act 2011 and Building Regulations 2012 in relation to a demolition permit.
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	The person holding the office of Building Surveyor.
<b><i>Conditions:</i></b>	Subject to the provisions of the Building Act 2011, Building Regulations 2012, relevant Local Laws, Council's Policies and specific Resolutions of Council.
<b><i>Record of use:</i></b>	Permits and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Building Act 2011 Building regulations 2012
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	17 <sup>th</sup> May 2012

### **B03 Occupancy Permit / Building Approval Certificate**

<b><i>Function to be performed:</i></b>	To fulfill the obligations of the local government under the Building Act 2011 and Building Regulations 2012 in relation to an occupancy permit.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the provisions of the Building Act 2011 and Building regulations 2012.
<b><i>Record of use:</i></b>	Permits issued, and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Building Act 2011 Building regulations 2012
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013



## **B04 Building Order - Unlawful Works**

<b><i>Function to be performed:</i></b>	To issue a building order pursuant to Building Act 2011 and Building regulations 2012 to control unlawful works as considered necessary.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Nil
<b><i>Conditions:</i></b>	Subject to the provisions of the Building Act 2011 and Building Regulations 2012, Local Government Act 1995, Council's resolutions and policies.
<b><i>Record of use:</i></b>	Notices and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Building Act 2011 Building Regulations 2012.
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## B05 Building Order - Removal of Neglected and Dilapidated Buildings

**Function to be performed:**

To fulfill the obligations of the local government under the Building Act 2011 and Building Regulations 2012 in relation to the removal of neglected and dilapidated buildings:

1. Where there is reason to suspect that a building within the district is in a dangerous state, to direct that the Building Surveyor or another competent person to carry out a survey of that building.
2. Where the Building Surveyor or another competent person certifies that a building is in a dangerous state, to serve written building order upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.
3. Where appropriate or otherwise necessary, to shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Subject to the provisions of the Building Act 2011, Building regulations 2012, Local Government Act 1995, relevant Local Laws, Council's policies and specific resolutions of Council.

**Record of use:** Building orders, notices and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Building Act 2011      Building regulations 2012

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## **B06 Strata titles**

<b><i>Function to be performed:</i></b>	To issue the appropriate certificates in respect to buildings as may be show on strata plan to be lodged for registration under the Act
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	On the provision that the building shown on the strata plan are first inspected to ensure compliance with the town planning, health and other Council requirements and that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.
<b><i>Record of use:</i></b>	Certificates and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Strata Titles Act 1985 Section 23
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

## B07 Building Permit Fees – Refunds and Exemptions

- Function to be performed:**
- 1 To determine applications for the refund of building permit fees where a building project is abandoned after issue of the building license
  - 2 To determine any applications from sporting, charitable and other community groups for exemption from payment of any building license fees.

**Delegated to:** Chief Executive Officer.

**On delegated to:** N/A

**Conditions:** This delegation applies only to that part of the building permit fee retained by Council and not to that part collected for other statutory purposes.

Any refund shall not exceed 50% of the building permit fee paid and no refund is to be made when the building project is abandoned after the expiry of 12 months from the date of issue of the permit.

**Record of use:** Council records and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Building Act 2011  
Building regulations 2012

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## **B08 Depositing Materials on Streets**

***Function to be performed:*** To fulfill the obligations of the local government under the Building Act 2011 and Building Regulations 2012 in relation to depositing building materials on the verge of streets and ways where appropriate.

***Delegated to:*** Chief Executive Officer

***On delegated to:*** N/A

***Conditions:*** Nil

***Record of use:*** Building licenses issued, and correspondence issued.  
Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

***Reference:*** Building Act 2011  
Building regulations 2012

***Council Policy:*** Nil

***Date Adopted:*** 5<sup>th</sup> December 2006

***Date Amended:*** 21<sup>st</sup> May 2013

## B09 Authorised Persons – Building Act 2011

<b>Function to be performed:</b>	The CEO is Delegated Authority as “Authorised Persons” under the provisions of Sections 96, 100, 102, 103, 106 and 109 of the Building Act 2011.
<b>Delegated to:</b>	Chief Executive Officer.
<b>On delegated to:</b>	The person holding the office of Building Surveyor.
<b>Conditions:</b>	Subject to provisions of Sections 96, 100, 102, 103, 106 and 109 of the Building Act 2011.
<b>Record of use:</b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	Building Act 2011.
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	21st February 2017

## **B10 Certificate of Design Compliance**

<b><i>Function to be performed:</i></b>	To issue Certificates of Design Compliance pursuant to Section 127 of the Building Act 2011.
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	The person holding the office of Building Surveyor.
<b><i>Conditions:</i></b>	Subject to provisions of Section 127 of the Building Act 2011.
<b><i>Record of use:</i></b>	Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Building Act 2011.
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	21st February 2017

# Town Planning

## TP01 Development Applications - Advertising

**Function to be performed:** To advertise development applications for public comment in addition to those involving an 'SA' use where such applications should have public comment prior to consideration by the Council, and to make available from Council's file's, information regarding the development application so as the public are in a position to make a proper assessment.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** The delegation powers of the Town Planning Scheme No.2 do not allow the delegate to delegate. As the legislative power is via the planning scheme, the Local Government Act is irrelevant.

**Record of use:** Development and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Shire of Dundas Town Planning Scheme No 2.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013



## TP02 Development Applications

### **Function to be performed:**

1. To approve development applications where proposals comply with the Town Planning and Development Act, Council Planning Scheme, Policies, Codes and all other statutory provisions except where:
  - An advertised development application has received a submission by way of objection, other than an objection which can be satisfied by conditions of consent;
  - The proposed development, although not advertised, is of contentious nature;
  - Matters requiring concurrence of the Minister for Planning or any other Statutory Authorities.
2. To approve development application, where such applications vary only to a minor extent from Council's Planning Scheme, Policies or Codes;

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** The delegation powers of the Town Planning Scheme No.2 do not allow the delegate to delegate. As the legislative power is via the planning scheme, the Local Government Act is irrelevant.

Subject to consultation with appropriate managerial and technical staff.

All applications to be recommended for refusal are to be determined by Council

**Record of use** Development applications and correspondence issued.

Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Shire of Dundas Town Planning Scheme No 2  
Town Planning and Development Act

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 20<sup>th</sup> October 2020

### TP03 Development Applications – Extension of Time

<b>Function to be performed:</b>	To approve application for a reasonable extension of time in respect to development applications previously approved by Council or approved under delegated authority.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	The delegation powers of the Town Planning Scheme No.2 do not allow the delegate to delegate. As the legislative power is via the planning scheme, the Local Government Act is irrelevant.
<b>Record of use:</b>	Development application and correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Shire of Dundas Town Planning Scheme No 2.
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	5 <sup>th</sup> December 2006
<b>Date Amended:</b>	21 <sup>st</sup> May 2013

## TP04 Legal Proceedings – Town Planning

**Function to be performed:**

- 1 Instigate prosecution proceedings in a court of competent jurisdiction.
- 2 Represent Council where necessary at prosecutions, appeals and enquiries pertaining to the enforcement of the provisions of the Town Planning and Development Act and the implementation of Council's Town Planning Scheme.
- 3 Seek legal advice if considered necessary.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Nil.

**Record of use:** Development application and correspondence issued, and legal advice presented to Council. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Shire of Dundas Town Planning Scheme No 2.

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## TP05 Discretion to Modify Standards – Town Planning

<b><i>Function to be performed:</i></b>	To modify the development standards of the planning scheme as allowed for under the provisions of Clause 5.5 of the Scheme Text
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Provided such modifications are not considered of a controversial nature and sound justification exists for the use of discretion.
<b><i>Record of use:</i></b>	Development application and correspondence issued, and legal advice presented to Council. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Shire of Dundas Town Planning Scheme No 2.
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	5 <sup>th</sup> December 2006
<b><i>Date Amended:</i></b>	21 <sup>st</sup> May 2013

# Bushfire Control

## BF01 Bush Fires Act 1954- Powers duties and Functions of a Local Government

<b>Function to be performed:</b>	Authority to perform all of the powers, duties and functions of the local government under the Bush Fires Act 1954 and Bush Fires Regulations 1954.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	<p>Excludes powers and duties that are subject to separate delegated authority within this Register</p> <p>BFO2 Firebreak Order Variation Delegation</p> <p>BFO3 Burning - Prohibited and Restricted Times – Variations</p> <p>BF04 Use of Council Plant</p> <p>Appointment of Bush Fire Control Officers;</p> <p>; and Delegation BOF3 - Prosecutions; • are prescribed in the Act with a requirement for a resolution of the local government; and • are prescribed by the Act for performance by appointed officers.</p>
<b>Record of use:</b>	Copies of correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b>Reference:</b>	Bushfires Act 1954
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	22 August 2023

## BF02 Firebreak Order - Variation

**Function to be performed:** (1) To approve or refuse application to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land.  
(2) Where a landowner or occupier has failed to comply with the requirements imposed by the local government to make and maintain fire breaks, or any approval obtained under part (1) of this delegation, to invoke the powers enabled by section 33 (4), (5) & (8) of the Bush Fires Act 1954.

**Delegated to:** Chief Executive Officer

**On delegated to:** N/A

**Conditions:** Nil.

**Record of use:** Copies of correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Bush Fires Act 1954

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

### **BF03 Burning - Prohibited and Restricted Times - Variations**

**Function to be performed:** To varying the prohibited burning times and restricted burning times.

**Delegated to:** Chief Executive Officer and Shire President

**On delegated to:** N/A

**Conditions:**

- 1 The Shire President and the Chief Executive Officer as the Chief Bushfire Control Officer be delegated jointly the local government's powers and duties under Section 17(7) and (8) and Section 18(5) of the Bush Fires Act; and
- 2 Provided that the Officer in Charge of the Department of Environment and Conservation is consulted before the authority under this delegation is exercised

**Record of use:** Copies of correspondence issued. Records are to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.

**Reference:** Bush Fires Act 1954

**Council Policy:** Nil

**Date Adopted:** 5<sup>th</sup> December 2006

**Date Amended:** 21<sup>st</sup> May 2013

## **BF04 Use of Council Plant**

<b><i>Function to be performed:</i></b>	To place Shire plant and operators at the disposal of the Bush Fire Control Officer in the event of an emergency for bush fire prevention and/or control measures.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	In situations where shire plant is required, the persons requesting such assistance must first guarantee payment of all costs incurred.
<b><i>Record of use:</i></b>	Copies of correspondence issued. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Bush Fires Act 1954
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	21st February 2017



## BF05 Appointment of Bush Fire Control Officers

<b>Function to be performed:</b>	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and</p> <ul style="list-style-type: none"><li>• of those Officers, appoint as required the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li><li>• determine the respective seniority of other Bush Fire Officers so appointed.</li></ul> <p>2. Authority to issue directions to Bush Fire Control Officer/s to burn on or at the margins of a road reserve under the care, control and management of the Shire of Dundas.</p>
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	Excludes powers and duties that: are prescribed in the <i>Bush Fire Act 1954</i> with the requirement for a resolution by Council or are subject to separate delegated authority within this Register.
<b>Record of use:</b>	<p>Appointments are to be facilitated through the required governance processes.</p> <p>Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.</p>
<b>Reference:</b>	Bush Fire Act 1954
<b>Council Policy:</b>	Nil
<b>Date Adopted:</b>	22 August 2023

# Register of Delegations

**To:** **Audit Committee**

**Membership** As determined by the Council's resolution.

**Role:** To fulfill Council's statutory requirements pursuant to the Local Government (Audit) Regulations.

## Delegated Duties and Responsibilities

The following duties and responsibilities are delegated to the Audit Committee by the Council at the Ordinary Meeting of the Council held on the 23rd February 2021:-

1. The Audit Committee's role, in accordance with Regulation 16 of the Local Government (Audit) Regulations 1996, is to:
  - a. guide and assist the local government in carrying out:
    - i. its functions under Part 6 of the Act;
    - ii. its functions relating to other audits and other matters related to financial management; and
  - b. functions in relation to audits conducted under Part 7 of the Act. review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
    - i. report to the council the results of that review; and
    - ii. give a copy of the CEO's report to the Council.
  - c. monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
    - i. regulation 17(1); and
    - ii. the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
  - d. support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
  - e. oversee the implementation of any action that the local government —
    - i. is required to take by section 7.12A(3); and
    - ii. has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and

iii. has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and

iv. has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);

f. perform any other function conferred on the audit committee by these regulations or another written law.

2. The Committee may provide guidance and assistance to the local government regarding:

a. other matters to be audited;

b. the scope of audits; and

c. financial, risk and compliance management functions as prescribed in the Local Government Act 1995; as well as

d. other matters specified in these Terms of Reference.

3. The Committee may resolve to request the Chief Executive Officer (CEO) to provide any information or make arrangements to provide independent expert advice, as appropriate and required by the Committee in order to fulfil its duties and responsibilities.

4. The Committee is to review and make recommendations to the Council regarding:

a. Financial Management

i. the annual Financial Statements with a view to being satisfied as to their accuracy and timeliness and the inclusion of prescribed disclosures and information;

ii. changes in accounting practices, policies and material changes in accounting treatment, providing advice on the appropriateness of implementation strategies; and

iii. the Shire's financial status and performance.

b. Risk Management

i. the Shire's risk management strategies and policies;

ii. the adequacy of the Shire's risk management systems and practices; and

iii. the management of strategic risks, identifying as appropriate, specific risks for more detailed review and response.

c. Internal Controls

- i. the standard and effectiveness of the Shire's corporate governance and ethical considerations;
  - ii. the integrity, adequacy and effectiveness of the Shire's financial and administration policies, systems and controls in providing financial and governance information which:
    - is accurate and reliable;
    - complies with legislative obligations and requirements; and
    - minimises the risk of error, fraud, misconduct or corruption; and
  - iii. the efficiency and effectiveness on achievement of objectives.
- d. Legislative Compliance
- i. the integrity, adequacy and effectiveness of the Shire's systems and controls for legislative compliance;
  - ii. the level of compliance with legislative obligations as well as the Shire's policies;
  - iii. the CEO's report on the review of the Shire's legislative Compliance systems, at least once triennially; and
  - iv. the annual statutory Compliance Audit.
- e. External Audit Planning and Reporting
- ii. the integrity, adequacy and effectiveness of the Shire's External Audit Plan;
  - iii. reports, findings and recommendations arising from External Audits;
  - iv. the audit of the Shire's Annual financial statements;
  - v. the integrity, adequacy and effectiveness of the management response and any actions proposed to be taken to address issues raised by the External Auditor; and
  - vi. the oversight and monitoring of implementation of agreed actions.

**To: Chief Executive Officer**

**Delegations**

In accordance with Local Government Act Section 5.42(1), I advise that the Council of the Shire of Dundas on 21<sup>st</sup> September 2020, by absolute majority, to delegate the following duties and powers to you:

**FINANCE**

- F01 Payments from trust and municipal funds
- F02 Investments
- F03 Hire fees & charges – Recreation Centre
- F04 Donations
- F05 Budget implementation
- F06 Conferences, seminars, training – expenses of Councillors and Staff
- F07 Expenditure prior to adoption of budget
- F08 Insurance
- F09 Rate records and recovery of rates and service charges
- F10 Insurance – public liability claims
- F11 Surplus equipment, materials and tools
- F12 Trust fund
- F13 Loan raising and borrowing on credit
- F14 Purchase order authorization
- F15 Recovery of debts
- F16 Land valuation

**ADMINISTRATION**

- A01 Use of Shire vehicle
- A02 Staff housing
- A03 Staff relocation expenses
- A04 Salaries
- A05 Liquor – sale and consumption at recreation centre
- A06 Impounding goods – authorised employee
- A07 Award - industrial matters
- A08 Contract variations
- A09 Legal advice
- A10 Native title
- A11 Telephone – Employees private use & Shire business
- A12 Enforcements and legal proceedings
- A13 Delegation of power

- A14 Executive functions
- A15 Council members – register of delegations to committees
- A16 Certain things to be done in respect of land
- A17 Tenders
- A18 Power of entry
- A19 Copies of information

### **ENGINEERING**

- E01 Temporary rural road closures
- E02 Powers of entry onto land
- E03 Road trains and extra mass permits
- E04 Traffic control signals and road regulatory signs
- E05 Temporary closure of thoroughfares to vehicles
- E06 Events on roads
- E07 Use of contractors
- E08 Light vehicle replacement
- E09 Land for roads
- E10 Street tree removal
- E11 Road closures
- E12 Gates and other devices across thoroughfares
- E13 Dangerous excavation in or near public thoroughfares
- E14 Crossovers
- E15 Public thoroughfares – fixing levels alignments or drainage to adjoining land
- E16 Pipelines under thoroughfares
- E17 Drilling on roadsides
- E18 Doing things on land that is not local government property
- E19 Private work

### **HEALTH**

- H01 Environmental health
- H02 Local government septic plan approval
- H03 Dealing with nuisances
- H04 Camping other than at a park or a camping ground
- H05 Food Act 2008 – enforcement action (section 122)
- H06 Appointment of authorized officers – Health Act 2016
- H07 Authorised officer for certificate of authority
- H08 Dwellings unfit for habitation
- H09 Dwellings to be repaired

### **BUILDING**

- B01 Building permit
- B02 Demolition permit
- B03 Occupancy permit

- B04 Building order – unlawful works
- B05 Building order - removal of neglected and dilapidated buildings
- B06 Strata titles
- B07 Building permit fees – refunds and exemptions
- B08 Depositing materials on streets

**TOWN PLANNING**

- TP01 Development applications – advertising
- TP02 Development applications
- TP03 Development applications – extension of time
- TP04 Legal proceedings – town planning
- TP05 Discretion to modify standards

**BUSHFIRE CONTROL**

- BF01 Firebreak order – variation
- BF02 Burning – prohibited and restricted times – variation
- BF03 Use of council plant

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Shire President

**To: Deputy Chief Executive Officer**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

- F01 Payments from Trust and Municipal Funds
- F02 Investments
- F013 Loan Raising and Borrowing Credit
- F14 Purchase order authorisation
- F15 Recovery of Debts
- F16 Land Valuations

**ADMINISTRATION**

- A01 Use of Shire vehicle
- A11 Telephones- Employees Private use
- A13 Delegation of power
- A19 Copies of information

.....

Chief Executive Officer



**To: Manager of Works and Services**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

F14 Purchase order authorisation

**ADMINISTRATION**

A13 Delegation of power

A14 Executive functions

A18 Power of entry

**ENGINEERING**

E01 Temporary rural road closures

E02 Powers of entry onto land

E03 Road trains and extra mass permits

E07 Use of contractors

E08 Light vehicle replacement

E10 Street tree removal

E12 Gates and other devices across thoroughfares

E13 Dangerous excavation in or near public thoroughfares

E14 Crossovers

E15 Public thoroughfares – fixing levels, alignments, or drainage to adjoining land

E16 Pipelines under thoroughfares

E17 Drilling on roadsides

.....  
Chief Executive Officer

**To: Project Officer**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

F14 Purchase order authorisation

**ADMINISTRATION**

A14 Executive functions

A18 Power of entry

**ENGINEERING**

E01 Temporary rural road closures

E02 Powers of entry onto land

E07 Use of contractors

E10 Street tree removal

E19 Private works

.....  
Chief Executive Officer

**To: Senior Administration Officer**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

- F01 Payments from trust and municipal funds
- F02 Investments
- F12 Trust Fund
- F13 Loan Raising and Borrowing Credit
- F14 Purchase order authorisation

**ADMINISTRATION**

- A11 Telephones- Employees Private use
- A13 Delegation of power
- A19 Copies of information

.....

Chief Executive Officer

**To: Tourism and CRC Coordinator**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

F14 Purchase order authorisation

.....  
Chief Executive Officer

**To: Information & Technology Officer**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**Administration**

A19 Copies of Information

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**To: Norseman IGA Supervisor**

**Delegations**

In accordance with Local Government Act Section 5.42 and 5.44, I delegate the following duties/responsibilities to you.

You are to refer to the delegations register for details of this delegation including the scope and conditions of delegation and record of use of the delegation:

**FINANCE**

F14 Purchase order authorisation

.....

Chief Executive Officer