



## **SHIRE OF MENZIES**

# **CEO REGISTER OF DELEGATIONS, SUB DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS**

Current as at 23 December 2021

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## 1. Local Government Act 1995 Delegations

### Introduction

#### FORMAT OF REGISTER

This Register includes:

- Delegations from the Chief Executive Officer to other employees or other persons; where delegated by the Council to the CEO, or as of right, by the CEO, and
- Sub delegations from the Chief Executive Officer to other employees
- Authorisations made by the CEO
- Appointments made by the Council or the CEO, or as of right by virtue of legislation

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

The Register includes instruments of delegation, sub delegation, authorisation and appointments, which do not need to be adopted/approved by Council.

As a matter of principle throughout the Council Register, and this Register, the Chief Executive Officer is the only employee authorised by the Shire of Menzies to commence (or authorise the commencement of) legal proceedings.

#### TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Menzies Local Planning Scheme No 2 referenced by ‘cl’, as in cl8.

Employee – refers to an employee of the Shire of Menzies. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘r’, as in r22.

Schedule – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘s’, as in s5.42.

Sub delegation – the terms ‘sub delegate’ and ‘sub delegation’ are used as a style preference, rather than ‘on delegate’ or ‘on delegation’.

#### DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire’s Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire’s decision-making frameworks. At the same time the exercise of all delegated and sub

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## 1. Local Government Act 1995 Delegations

delegated authority, as well as authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the 'head of power' for the exercise of delegation to a council member, employee, or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions, or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the CEO to review all delegations, and sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

### **AUTHORISATIONS**

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government employees to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

### **APPOINTMENTS**

This Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

### **LOCAL GOVERNMENT ACT 1995**

Most delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,

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## 1. Local Government Act 1995 Delegations

- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations and s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- matters covered by the CEO Standards, adopted by Council and which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day-to-day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

### OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws and local planning scheme created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Menzies) include:

- Animal Welfare Act 2002,
- Australian Citizenship Act 2007,
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act,
- Cat Act 2011 and regulations
- Caravan Parks and Camping Grounds Act 1995,
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations,
- Dog Act 1976 and regulations,
- Equal Employment Opportunity Act 1984,
- Environmental Protection Act 1986,
- Food Act 2008,
- Freedom of Information Act 1992,
- Graffiti Vandalism Act 2016,
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act,
- Health (Asbestos) Regulations 1992,
- Land Administration Act 1997, and regulations,
- Litter Act 1979 and regulations,
- Local Government (Miscellaneous Provisions) Act 1960,

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## 1. Local Government Act 1995 Delegations

- Parks and Reserves Act 1895,
- Planning and Development Act 2005 including regulations, policies, and the Town Planning Scheme,
- Public Interest Disclosure Act 2003,
- Public Health Act 2016,
- Rates and Charges (Rebates and Deferments) Act 1982,
- Road Traffic Act 1974,
- Strata Titles Act 1985.

### SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

### REVIEW OF DELEGATIONS

The Register of Delegations relevant to the CEO and other employees will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Menzies, and the CEO, will review all delegations, authorisations, and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

### RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty,
- when the person exercised the power or discharged the duty; and
- 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 (r19 Local Government (Administration) Regulations 1996)

Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping (except for the Building Act 2011).

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## 1. Local Government Act 1995 Delegations

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied.

These requirements will be applied as an administrative instruction from the CEO.

### **PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES**

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even when made under other Acts, to ensure all employees are treated equally in such disclosures.

A delegation has prepared in this Register to give effect to this approach, with the CEO delegated authority to nominate employees as "designated employees".

### **ACTING THROUGH ANOTHER PERSON**

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire - s5.45 (2):

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or
- a CEO from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right.

Thus, an employee may implement a decision or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept.

Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.



# Delegation Register


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## 1. Local Government Act 1995 Delegations

SIGNED AND DATED

I, Brian Jower CEO OF THE SHIRE OF MENZIES CERTIFY THAT I HAVE REVIEWED  
THE SUB DELEGATIONS AND DELEGATIONS MADE BY ME ON 23 DECEMBER 2021

 23/12/2021

SIGNED AND DATED

# Delegation Register

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## 1. Local Government Act 1995 Delegations

### Local Government Act 1995 Delegations

#### 1.1 CEO to Employees, and Others

##### 1.1.1 Performing Functions Outside the District

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>CEO Conditions on this Delegation:</b>	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.2 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"><li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li><li>2. Authority to give notice of entry [s.3.32].</li><li>3. Authority to seek and execute an entry under warrant [s.3.33].</li><li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li><li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li></ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"><li>a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</li></ol>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <u><a href="#">Local Government Act 1995:</a></u> s.9.10 Appointment of authorised persons – refer also s.3.32(2)]  Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry  s.3.34(2) Entry in an emergency – Refer to CEO Delegation
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.3 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>CEO Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority - Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.4 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"><li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li><li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li></ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"><li>a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li></ol>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.5 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).</li> </ol>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.6 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> </ol> </li> </ol>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li><li>iii. Provided evidence of sufficient Public Liability Insurance.</li><li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li></ul>
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Determination of Bond Value and Conditions - refer to CEO Delegation 1– Public Thoroughfare Obstruction – Determine Conditions  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.7 Gates Across Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.1.8 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>

# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.9 Crossing – Construction, Repair and Removal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.10 Private Works on, over or under Public Places

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

# Delegation Register

Shire of Menzies

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## 1. Local Government Act 1995 Delegations

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.11 Tenders for Goods and Services – Call Tenders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ol style="list-style-type: none"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> </ol>

Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

# Delegation Register

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## 1. Local Government Act 1995 Delegations

	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Council Policy 4.2 Purchasing and Tender Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.12 Tenders for Goods and Services - Exempt Procurement

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>												
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO												
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited ( <i>exemptions</i> )												
<b>Delegate:</b>	<b>Chief Financial Officer</b>												
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>												
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories: <table border="1" data-bbox="634 1136 1344 1877"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td> <td>\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the</td> <td>\$250,000*</td> </tr> </tbody> </table> </li> </ol>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000	Goods or services supplied by a person registered on the	\$250,000*
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000												
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000												
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000												
Goods or services supplied by a person registered on the	\$250,000*												

# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

	Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.</p>		

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Council Policy 4.2 Purchasing and Tender Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.13 Payments from the Municipal or Trust Funds

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1) (a)].
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a) Authority to make payments is subject to annual budget limitations.</li> <li>b) Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>c) Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO, or in the absence of the CEO, the Senior Administration Officer.</li> <li>d) Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>e) No creditor payments of any kind may be made from a Reserve Account. Reserve Accounts are permitted to have funds transferred to and from the Municipal Fund only.</li> <li>f) No payments whatsoever are permitted to be made in cash, except from Petty Cash.</li> <li>g) Creditor payments are to be certified by the person ordering and/or receiving the goods, or services, prior to actual payment being made.</li> <li>h) Cheques are to be signed and electronic funds transfers authorised by two persons, at least one of whom must be the Chief Executive Officer, except that if the Chief Executive Officer is unavailable, then it shall be the Deputy Chief Executive Officer and another person authorised by the Chief Executive Officer.</li> <li>i) All payments are to be reported to the following Council meeting as having been paid during the month.</li> </ul>

# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

	a) h. Contravention of this Delegation of Authority will be considered serious misconduct and may result in disciplinary action
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a> Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.14 Power to Invest and Manage Investments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy xxx.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> <li>e. Liquidity: <ul style="list-style-type: none"> <li>• at least 50% of total investment portfolio must be liquefiable within 30 days:</li> <li>• cash flow report to be monitored at least weekly to ensure cash funds are available to meet commitments.</li> <li>• generally, investments should not exceed 3 months to ensure liquidity, subject to investment rates available, and the likelihood of funds being required.</li> </ul> </li> <li>f. Authorised Investments: <ul style="list-style-type: none"> <li>• Institutions and minimum credit rating (Standard &amp; Poor's) approved/required are: <ul style="list-style-type: none"> <li>➤ All banks within the meaning of the Banking Act 1959. A-1 (Short) to A (Long) (A minimum of</li> </ul> </li> </ul> </li> </ol>

# Delegation Register

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## 1. Local Government Act 1995 Delegations

	<p>50% of total investments must remain with a Bank)</p> <ul style="list-style-type: none"> <li>➤ Commonwealth Government A-1 to AA</li> <li>➤ State Government A-1 to AA</li> <li>➤ Other Financial Institutions A-1 (Short) to A (Long)</li> </ul> <ul style="list-style-type: none"> <li>• Maximum term of any investment is 1 year</li> <li>• Cash / Bank Deposits / Securities:             <ul style="list-style-type: none"> <li>➤ At Call/Short-Dated deposits with a bank within the meaning of the Banking Act 1959 of the Commonwealth or a bank established by or under a law of a State or Territory of the Commonwealth.</li> <li>➤ Bills of exchange that have been accepted or endorsed by a bank.</li> <li>➤ Certificates of deposit and term deposits issued by a bank whether negotiable, convertible or not.</li> </ul> </li> <li>• Restrictions:             <ul style="list-style-type: none"> <li>➤ Organisations with which deposits are placed must have a long-term credit rating of A (or equivalent or higher) as assessed by a recognised Ratings Agency.</li> </ul> </li> </ul> <p>g. All securities other than those guaranteed by the Commonwealth, or a State Government must have a short-term domestic credit rating of A1 (or equivalent or higher) as assessed by a recognised Ratings Agency.</p> <p>10. A decision to invest must be jointly confirmed by two Delegates.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Record Keeping:

In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.1.15 Rate Record Amendment

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>CEO Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.1.16 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>CEO Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with Council Policy 4.12 – Financial Hardship . b. Agreements must be in writing and, subject to the Council Policy 4.12 – Financial Hardship, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policy 4.12 – Financial Hardship
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.1.17 Recovery of Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"><li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li><li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li></ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"><li>a. Decisions under this delegation must comply with Council Policy 4.12 – Financial Hardship.</li></ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.1.18 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with Council Policy 4.12 Financial Hardship.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.  Council Policy 4.12 Financial Hardship
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

**Version Control:**

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.1.19 Rate Record – Objections

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Delegate:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"><li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li><li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li></ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"><li>a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.</li></ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.2 Local Law Delegations

#### 1.2.1 Local Laws

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Menzies.
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Menzies: <ul style="list-style-type: none"><li>• Activities in Thoroughfares and Public Places Local Law 2007</li><li>• Bush Fire Brigades Local Law 2015 (06/09/2019)</li><li>• Urban Environment and Nuisance Local Law 2007</li><li>• Activities in Throughfare and Public Places Amendment Local Law 2013</li><li>• Dogs Local Law 2007</li><li>• Menzies Cemetery Bylaws</li><li>• Kookynie Cemetery By-laws adoption</li><li>• Health By-laws</li><li>• Health By-laws Series A adoption</li><li>• Health By-Laws Series A revised adoption</li><li>• Comet Vale Cemetery - Local Laws</li></ul>
<b>CEO Conditions on this Delegation:</b>	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.3 CEO to Employees

#### 1.3.1 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

[Local Government \(Uniform Local Provisions\) Regulations 1996](#)

# Delegation Register

Shire of Menzies

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## 1. Local Government Act 1995 Delegations

	Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.3.2 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Delegate/s:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

#### Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

[Local Government \(Uniform Local Provisions\) Regulations 1996](#)

Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*

# Delegation Register

Shire of Menzies

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## 1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.3.3 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Delegate/s:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  This delegated authority is effective only in alignment with Delegated Authority Private Works on, over or under Public Places
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

Shire of Menzies

## 1. Local Government Act 1995 Delegations

### 1.3.4 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	<b>Chief Financial Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>i. Collection of money owed to the Shire</li> <li>ii. Safe custody and security of money collected or held by the Shire,</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records,</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities,</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards,</li> <li>vi. Making of payments in accordance with Delegated Authority 1.1.21,</li> <li>vii. Preparation of budgets, budget reviews, accounts, and reports as required by legislation or operational requirements.</li> </ol> </li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

[Local Government Act 1995](#)

# Delegation Register

Shire of Menzies

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## 1. Local Government Act 1995 Delegations

	<a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

### Version Control:

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# Delegation Register

Shire of Menzies

## 2. Dog Act 1974 Delegations

## 2 Dog Act 1974 Delegations

### 2.1 Dog Act Delegations CEO to Employees, and Others

#### 2.1.1 Declare Dangerous Dog

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Delegate:</b>	<b>Contract Ranger</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>CEO Conditions on this Delegation:</b>	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

Shire of Menzies

## 2. Dog Act 1974 Delegations

### 2.1.2 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<b>Contract Ranger</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> <li>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol> </li> <li>4. Authority to consider application [s.33H(5)]</li> </ol>
<b>CEO Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

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## 3. Graffiti Vandalism Act 2016 Delegations

### 3 Graffiti Vandalism Act 2016 Delegations

#### 3.1 CEO to Employees, and Others

##### 3.1.1 Give Notice Requiring Obliteration of Graffiti

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	<b>Chief Executive Officer</b>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<b>Manager Works</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"><li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li><li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li></ol>
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Delegation Register

Shire of Menzies

## 4 Authorisations and Appointments by the CEO

### 4.1.1 Authorisations by the CEO

The following Authorisations or appointments of Authorised Persons are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation.

The CEO may appoint, in writing, persons to be Authorised Persons for the purposes of:

- the Local Government Act 1995
- the Caravan Parks and Camping Grounds Act 1995,
- the Cat Act 2011,
- the Cemeteries Act 1986,
- the Control of Vehicles (Off-road Areas) Act 1978,
- the Dog Act 1976.

For Authorised Persons, appointed by the CEO pursuant to s9.10 Local Government Act 1995:

- the CEO must give to each person appointed under subsection (2) an identity card that — on the front of the card, sets out —
  - the name and official insignia of the local government; and
  - the name of the person; and
  - a recent photograph of the person; and
- on the back of the card, specifies each law to which the person's appointment relates.

An authorised person must:

- always carry their identity card when performing functions under a specified law; and
- produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s3.24, Subdivision 2	CEO Manager Works Contract Ranger	Subdivision 2 — Certain provisions about land	See conditions above
Local Government Act 1995 s3.25	CEO Manager Works Contract Ranger	Authorised to issue notices under sections 3.25 and 3.27 and to perform any of the other functions set out in subdivision 2 of Division 3 Part 3 of the Local Government Act 1995.	See conditions above

## Delegation Register

Shire of Menzies

Local Government Act 1995 s3.39	CEO Manager Works Contract Ranger	Appointed and authorised as an authorised person for the purposes of section 3.39 of the Local Government Act 1995 (power to remove and impound goods)	See conditions above
Local Government Act 1995 s3.40A	CEO Manager Works Contract Ranger	Appointed and authorised as an authorised person for the purposes of section 3.40A of the Local Government Act 1995 (power to remove and impound abandoned vehicle wreck).	See conditions above
Local Government Act 1995 s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24	CEO Manager Works Contract Ranger	CEO, Manager Works and Services, Ranger are appointed an authorised person for the purposes of s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the Local Government Act 1995.	See conditions above
Local Government Act 1995 s9.10	CEO Manager Works Contract Ranger	Appointed and authorised to perform the functions of an Authorised Person for the purposes of all the Shire of Menzies Local Laws.	See conditions above
Local Government Act 1995 s9.49(A)(4)	CEO	Authorised to sign and execute documents on behalf of the local government.	See conditions above
Local Government Act 1995 s9.49(A)(5)	CEO	Authorised to execute a document as a deed on behalf of the Shire where there is a requirement for the document to be executed as a deed.	See conditions above



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Shire of Menzies

Local Government Act 1995 s9.49	CEO	Authorised under s9.49 of the Local Government Act to sign building permit applications on behalf of the Shire for building permits required for work on Shire owned or managed property.	See conditions above
Local Government Miscellaneous Provisions Act 1960 Part xx	CEO Manager Works Contract Ranger	Appointed and authorised as an authorised person for the purposes of the Local Government Miscellaneous Provisions Act 1960.	See conditions above
Building Act 2011 s96	CEO Contract Building Surveyor	Designated an Authorised Person for the purposes of the Building Act 2011 in relation to buildings and incidental structures.	Must be issued with an identity card.  Must always carry ID card when exercising powers or performing functions as an authorised person.
Building Act 2011 and Planning Act 2005	CEO Contract Building Surveyor	Appointed and Authorised Officer for the purpose of sections 100 to 104 of the Building Act 2011, Part 10 cl.79 of the Planning and Development (local Planning schemes)	Must be issued with Authorisation card.  Must always carry ID card when exercising powers or performing functions as an authorised person
Caravan Parks and Camping Grounds Act 1995 s17(1) s23(11)	CEO Manager Works Contract Ranger	Appointed and authorised as authorised person for the purpose of the Caravan Parks and Camping Grounds Act 1995.	See conditions above
Cat Act 2011 s48(1)	CEO  Chief Financial Officer Customer Services Officer	CEO is a Registration Officer and Authorised Person for all purposes of the Cat Act 2011  Chief Financial Officer, Customer Services Officer as Registration Officers to perform	See conditions above

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## Delegation Register

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	Contract Ranger	the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the Cat Act 2011.  Ranger as Authorised Person for the purposes of s48, 49, 62, 63 of the Cat Act 2011.	
Control of Vehicles (Off-road Areas) Act 1978 s38(3)	CEO Manager Works Contract Ranger	Appointed and authorised as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978	See conditions above
Control of Vehicles (Off Road Areas) Act 1978 – s38(3)	CEO Manager Works Contract Ranger	Appointed as Authorised Officers to perform all functions of the local government under the Act.	See conditions above
Criminal Code Act Compilation Act 1913 – S70A(1)(a))	CEO	CEO is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings	
Dog Act 1976 s3(1) s14, s16(2),16(3A), s16(3), s16(3c), s16(6)	CEO, Chief Financial Officer Customer Services Officer Contract Ranger	CEO, Chief Financial Officer Customer Services Officer, Contract Ranger appointed and authorised as a registration officer for the purposes of the Dog Act 1976 s3(1) s14, s16(2), 16(3A), s16(3), s16(3c), s16(6)	See conditions above.
Dog Act 1976 s12A, S14, s29(1), s33G, s38, s43A, s47	CEO  Manager Works  Contract Ranger	CEO, Manager Works and Contract Ranger are appointed and authorised as an authorised person for the purposes of	See conditions above

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		s12A, S14, s29(1), s33G, s38, s43A, s47	
Dog Act 1976 s33E, 33F, 33G, 33H, 39, 43A	CEO Manager Works Contract Ranger	CEO, Manager Works and Services, Ranger as a specifically Authorised Persons for the purposes of s33E, 33F, 33G, 33H, 39, 43A	See conditions above
Dog Act 1976	CEO Manager Works Contract Ranger	CEO, Manager Works and Services and Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in prior authorisations.	See conditions above
Dog Regulations 2013 cl 35(5)	CEO Manager Works Contract Ranger	Appointed and authorised as an authorised person to withdraw infringement notices.	See conditions above. <u>NOTE – cannot withdraw notice issued by same person.</u>
Environmental Protection Act 1986 s38	CEO	Pursuant to s38 of the Environmental Protection Act 1986 the CEO is authorised to refer Proposals to the Environmental Protection Authority.	
Fines, Penalties and Infringement Notices Enforcement Act 1994 s13(2)	CEO	CEO is appointed and authorised as a Prosecuting Officer for the purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1954  CEO is authorised the power to provide written notice to the Registrar designating those officers that are prosecution officers	Authorised to lodge and withdraw matters which have been registered with Fines Enforcement Registry. FER are notified of appointments by the Shire (see s13)

## Delegation Register

Shire of Menzies

		for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.	
Food Act 2008 s38, s54, s62, s 65, s66, s67, s110, s112, s122, s125, s126,	CEO  Contract Environmental Health Officer	CEO, Contract Environmental Health Officer are appointed and authorised as Authorised Persons for the purpose of the Food Act 2008.	Shall be furnished with a certificate of authority in the prescribed manner and shall produce that certificate if asked to do so when entering food premises or requiring a person to produce anything or answer any question.
Graffiti Vandalism Act 2016	CEO	CEO is appointed an Authorised Person to deal with Objections and Suspension of effects of Notices and for all other relevant purposes under the Act.	See conditions above.
Graffiti Vandalism Act 2016	Chief Financial Officer, Manager Works, Contract Ranger	CEO appoints the Chief Financial Officer, Manager Works, Contract Ranger as Authorised Persons for the other purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of Chief Executive Officer, except as otherwise provided	See conditions above.
Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices	CEO	CEO be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.	Each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].

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Pt 2 Criminal Procedure Act 2004	Contract Environmental Health Officer	Contract Environmental Health Officer be appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.	
Liquor Control Act 1988 s39 (Health), s40 (Planning), s61(1)(d), (2), s69(7), (8)	CEO	CEO is authorised to issue Certificates for grant, change or removal of liquor licences. CEO is authorised to provide comment and make recommendations on Applications for Extended Trading Permits. CEO is authorised to intervene in Applications.	The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.  The Chief Executive Officer may recommend approval or refusal for subsequent applications.
Public Health Act 2016  Health (Miscellaneous Provisions) Act 1911	CEO Contract Environmental Health Officer	CEO, Contract Environmental Health Officer are appointed as an authorised officer under s24 of the Public Health Act 2016.	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.
Public Health Act 2016	CEO Contract Environmental Health Officer	CEO as an Authorised Person to undertake duties and functions in relation to: s125 Instituting proceedings and s126(13) The Chief Executive Officer is to be the Designated Officer.	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.

## Delegation Register

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### 5 Appointments (made, and as of right)

The following appointments are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation. The list includes some, as of right appointments.

<b>Act/Section</b>	<b>Position</b>	<b>Purpose</b>	<b>Comment</b>
Bush Fires Act 1954 s38(1)	Works Manager	Appointed and authorised as Chief Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government.
Equal Employment Opportunity Act 1984 s145	CEO	CEO is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.	
Freedom of Information Act 1992 s41	CEO	CEO is designated Internal Review Officer	
Freedom of Information Act 1992 s11, 12, 100	CEO	CEO is appointed as Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the Freedom of Information Act 1992	
Freedom of Information Act 1992 s100	CEO	Principal Decision Maker is the Chief Executive Officer.	
Graffiti Vandalism Act 2016 s18, 25, 26, 27, 28, 30	CEO Manager Works	CEO and Manager Works are authorised to do all things under the Act, that the local government may do.	Must be an employee

## Delegation Register

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Public Interest Disclosure Act 2003 – s23(1)(a)	CEO	Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. CEO of the Shire of is designated accordingly.	
Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32	CEO  Chief Financial Officer	CEO is the Pensioner Rates Review Officer, as defined by the Act.  Chief Financial Officer is the Pensioner Rates Determination Officer as defined by the Act.	
Tobacco Products Control Act 2006 s77	CEO	Appointed and authorised as a Restricted Investigator for the purposes of the Tobacco Products Control Act 2006.	