Shire of Serpentine Jarrahdale

Register of Delegations and Authorisations

Shire of Serpentine Jarrahdale

Contents

CONTENTS **2**

OFFICERS WITH DELEGATED AUTHORITY UNDER THE *LOCAL GOVERNMENT ACT 1995*, *LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT 1960* OR SECTION 214 OF THE *PLANNING AND DEVELOPMENT ACT 2005* **8**

DELEGATIONS AND AUTHORISATIONS BY POSITION **9**

DEFINITIONS **14**

INTRODUCTION **14**

FOUNDATION FOR DELEGATION **15**

REVIEW OF DELEGATIONS **15**

STANDARD CONDITIONS OF DELEGATIONS **15**

RECORD OF ACTIONS AND DECISIONS **16**

PRIMARY AND ANNUAL RETURNS **16**

MATTERS WHICH CANNOT BE DELEGATED **16**

DELEGATION BY THE CHIEF EXECUTIVE OFFICER TO AN EMPLOYEE **17**

ACTING THROUGH ANOTHER PERSON **18**

USING DELEGATION TO MAKE DECISIONS **18**

CONFLICTS OF INTEREST **18**

AUTHORISED PERSONS & OFFICERS **19**

WHERE TO GO FOR ASSISTANCE? **19**

LOCAL GOVERNMENT ACT 1995 ..... **20**

1.1 COUNCIL TO CEO **20**

1.1.1 Appoint Authorised Persons 20
1.1.2 Powers of Entry 22
1.1.3 Impounding abandoned vehicle wrecks and goods involved in certain contraventions 24
1.1.4 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals 26
1.1.5 Close Thoroughfares to Vehicles 28
1.1.6 Reserves under control of Local Government 30
1.1.7 Appointment of Acting CEO 32
1.1.8 Obstruction of Footpaths and Thoroughfares 34

Shire of Serpentine Jarrahdale

1.1.9 Gates across Public Thoroughfares 36
1.1.10 Public Thoroughfare – Dangerous Excavations 38
1.1.11 Crossing – Construction, Repair and Removal 40
1.1.12 Private Works on, over or under public places 42
1.1.13 Give Notice to Prevent Damage to Local Government Property and other Land from Wind Erosion and Sand Drift 44
1.1.14 Expressions of Interest for Goods and Services 46
1.1.15 Tenders for Goods and Services 48
1.1.16 Disposing of Property 51
1.1.17 Payments from the Municipal or Trust Funds 53
1.1.18 Defer, Waive or Write off Debts and Fees 55
1.1.19 Power to Invest and Manage Investments 57
1.1.20 Rate Record Amendment 59
1.1.21 Agreement as to Payment of Rates and Service Charges 61
1.1.22 Determine Due Date for Rates or Service Charges 63
1.1.23 Recovery of Rates or Service Charges 65
1.1.24 Recovery of Rates Debts – Require Lessee to Pay Rent 67
1.1.25 Recovery of Rates Debts - Actions to Take Possession of the Land 69
1.1.26 Rate Record – Objections 71
1.1.27 DELETED 73
1.1.28 DELETED 74
1.1.29 DELETED 75
1.1.30 DELETED 76
1.1.31 Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry 77
1.1.32 Delegation of certain functions associated with administering local laws 79

1.2 CEO TO EMPLOYEES 82
1.2.1 Electoral Enrolment Eligibility Claims and Electoral Roll 82
1.2.2 Infringement Notices 84
1.2.3 Provide written acknowledgement of the receipt of Primary and Annual Returns 86
1.2.4 DELETED 87
1.2.5 CEO Delegations under Local Laws 88

***BUILDING ACT 2011* 89**

2.1 COUNCIL TO CEO / EMPLOYEES 89
2.1.1 Grant a Building or Demolition Permit 89
2.1.2 DELETED 91

Shire of Serpentine Jarrahdale

2.1.3 Occupancy Permits or Building Approval Certificates 92
2.1.4 Designate Employees as Authorised Persons 94
2.1.5 Building Orders 96
2.1.6 Inspection and Copies of Building Records 99
2.1.7 Referrals and Issuing Certificates 100
2.1.8 Private Pool Barrier – Alternative and Performance Solutions 101
2.1.9 Smoke Alarms – Alternative Solutions 103

BUSH FIRES ACT 1954 ..... **104**
3.1 Council to CEO, Shire President and Bush Fire Control Officer **104**
3.1.1 Make Request to FES Commissioner – Control of Fire 104
3.1.2 Prohibited and Restricted Burning Times - Vary 105
3.1.3 Prohibited and Restricted Burning Times – Control Activities 107
3.1.4 DELETED 109
3.1.5 Control of Operations Likely to Create Bush Fire Danger 110
3.1.6 Burning Garden Refuse / Open Air Fires 112
3.1.7 Firebreaks 114
3.1.8 Appoint Bush Fire Control Officer/s 116
3.1.9 Control and Extinguishment of Bush Fires 118
3.1.10 Apply for Declaration as an Approved Area 119
3.1.11 Recovery of Expenses Incurred through Contraventions of this Act 120
3.1.12 Prosecution of Offences and Infringement Notices 121
3.1.13 DELETED 123
3.1.14 Notify the FES Commissioner of losses caused by bush fires 124

CAT ACT 2011 ..... **125**
4.1 Council to CEO **125**
4.1.1 Cat Registrations 125
4.1.2 Cat Control Notices 127
4.1.3 Approval to Breed Cats 129
4.1.4 DELETED 131
4.1.5 Applications to Keep Additional Cats 132
4.2 CEO to Employees **134**
4.2.1 Infringement Notices – Extensions and Withdrawals 134

DOG ACT 1976 ..... **136**
5.1 Council to CEO **136**
5.1.1 Dog Registrations 136
5.1.2 Refuse or Cancel Registration 138
5.1.3 Authorise Registration Officers 140

Shire of Serpentine Jarrahdale

5.1.4 Recovery of Moneys due under this Act 142
5.1.5 Dispose of or Sell Dogs Liable to be Destroyed 144
5.1.6 Declare Dangerous Dog 146
5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke 148

FOOD ACT 2008 ..... **150**
6.1 Council to CEO / Officers **150**
6.1.1 Prohibition Orders 150
6.1.2 Food Business Registrations 152
6.1.3 Appoint Authorised Officers and Designated Officers 154

GRAFFITI VANDALISM ACT 2016 ..... **156**
7.1 Council to CEO **156**
7.1.1 Give Notice Requiring Obliteration of Graffiti 156
7.1.2 Notices – Deal with Objections and Give Effect to Notices 158
7.1.3 Obliterate Graffiti on Private Property 160
7.1.4 Powers of Entry 161

LIQUOR CONTROL ACT 1988 ..... **162**
8.1 Council to CEO **162**
8.1.1 DELETED 162

PUBLIC HEALTH ACT 2016 ..... **163**
9.1 Council to CEO **163**
9.1.1 Designation of Authorised Officers 163
9.1.2 DELETED 165

PLANNING AND DEVELOPMENT ACT 2005 ..... **166**
10.1 Council to CEO **166**
10.1.1 Directions regarding unauthorised/illegal development 166
10.1.2 DELETED 168

10.2 CEO TO EMPLOYEES **169**
10.2.1 DELETED 169
10.2.2 DELETED 170

TOWN PLANNING SCHEME NO. 2 ..... **171**
11.1 Council to CEO / Officers **171**
11.1.1 Administration of Town Planning Scheme No. 2 171
11.1.2 Administer Development Contribution Plans 174

PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 ..... **176**

Shire of Serpentine Jarrahdale

12.1 Council to CEO 176
12.1.1 Determination of Development Applications 176
12.1.2 Local Development Plans 179
12.1.3 Structure Plans and Activity Centre Plans 181
12.1.4 DELETED 184
12.1.5 DELETED 185
12.1.6 DELETED 186

STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES 187
13.1 *Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997* 187
13.2 *Planning and Development Act 2005* 189
13.3 *Main Roads Act 1930* 191
13.4 *Australian Citizenship Act 2007* 194

***LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960* 195**
14.1 Council to CEO 195
14.1.1 Street Alignments 195
14.1.2 DELETED 197

COUNCIL APPOINTED AUTHORISED PERSONS AND OFFICERS 198
Council to CEO / Officers 199
1.1 DELETED 199
1.2 *Control of Vehicles (Off-Road Areas) Act 1978* - Appointment of Authorised Persons to withdraw infringement notices 200
1.3 DELETED 201
1.4 *Health (Miscellaneous Provisions) Act 1911* – Powers of Local Government 202
1.5 *Health (Miscellaneous Provisions) Act 1911* – Powers of Local Government, Public Buildings, Events and Gatherings 204
1.6 *Gaming and Wagering Commission Act 1987* – Appointment of Authorised Officer 205
1.7 *Litter Act 1979* – Appointment of Authorised Officers to withdraw infringement notices 206
1.8 DELETED 207
1.9 DELETED 208
1.10 Planning and Development Act 2005 – Commencing a prosecution for contravening a provision of the planning scheme (s218) and commencing a prosecution for failure to comply with directions (s214) 209
1.11 *Local Government Act 1995* - Execution of Documents 210
1.12 *Local Government Act 1995* – Power to remove and impound 211
1.12 *Dog Act 1976* – Enforcement Proceedings 212
1.13 *Dog Regulations 2013* – Withdraw Infringement Notices 213

CEO TO OFFICERS 214

Shire of Serpentine Jarrahdale

CEO 2.1 *Local Government Act 1995* – Appoint Authorised Persons 214
CEO 2.2 DELETED 217
CEO 2.3 *Building Act 2011* – Designate Employees as Authorised Persons..... 218
CEO 2.4 *Bush Fires Act 1954* – Appoint Bush Fire Control Officer/s 220
CEO 2.5 *Dog Act 1976* - Authorise Registration Officers 222
CEO 2.6 *Food Act 2008* - Appoint Authorised Officers and Designated Officers..... 223
CEO 2.7 *Planning and Development (Local Planning Schemes) Regulations 2015* – Entry and Inspection Powers..... 225
CEO 2.8 *Freedom of Information Act 1992* 226
CEO 2.9 DELETED..... 227
CEO 2.10 DELETED..... 228
CEO 2.11 *Public Health Act 2016* - Designation of Authorised Officers..... 229
CEO 2.12 *Public Interest Disclosure Act 2003* - Public Interest Disclosure Officer 230
CEO 2.13 *Fines, Penalties & Infringement Notices Enforcement Act 1994* - Designation of Authorised Officers..... 231
CEO 2.14 DELETED..... 233
CEO 2.15 DELETED..... 234
CEO 2.16 DELETED..... 235
CEO 2.17 DELETED..... 236
CEO 2.18 DELETED..... 237
CEO 2.19 *Planning and Development Act 2005* – Issue and vary infringement notices 238

GOVERNANCE REFERENCES 239

Shire of Serpentine Jarrahdale

Officers with Delegated Authority under the *Local Government Act 1995*, *Local Government (Miscellaneous) Provisions Act 1960* or section 214 of the *Planning and Development Act 2005*

Chief Executive Officer
Deputy CEO / Director Community and Organisational Development
Director Corporate Services
Director Development Services
Director Infrastructure Services
Manager Finance
Manager Governance
Revenue Accountant
Senior Revenue Officer
Revenue Officer
Manager Statutory Planning & Compliance
Coordinator Statutory Planning
Manager Health and Building
Coordinator Building Services
Coordinator Statutory Enforcement
Statutory Enforcement Officer
Coordinator Environmental Health
Environmental Health Officer
Coordinator Community Safety
Ranger
Coordinator Emergency Services
Manager Operations
Manager Infrastructure and Assets
Manager Design
Manager Subdivisions and Environment
Manager Waste and Fleet

Shire of Serpentine Jarrahdale

Delegations and Authorisations by Position

Position	Council Delegation	CEO Delegation	Authorisation
Shire President	3.1.2	-	-
Deputy CEO / Director Community and Organisational Development	1.1.2 1.1.6 1.1.16 1.1.17 1.1.18 1.1.19	1.2.2	1.5 1.11 CEO 2.1 CEO 2.8 CEO 2.13
Director Corporate Services	1.1.2 ~~1.1.6~~ 1.1.16 1.1.17 1.1.18 1.1.19 1.1.20 1.1.21 1.1.23 1.1.24 1.1.26	1.2.1 1.2.2 1.2.3	1.11 CEO 2.8 CEO 2.12 CEO 2.13
Director Development Services	1.1.2 1.1.4 1.1.6 1.1.8 1.1.9 1.1.13 1.1.17 1.1.18 1.1.31 2.1.5 2.1.7 3.1.12 4.1.5 5.1.1 6.1.1 6.1.2 7.1.3 10.1.1 11.1.1 11.1.2 12.1.1 12.1.2 12.1.3	1.2.2 1.2.5 4.2.1	1.2 1.7 1.11 CEO 2.1 CEO 2.5 CEO 2.6 CEO 2.7 CEO 2.13 CEO 2.19
Director Infrastructure Services	1.1.2 1.1.5 1.1.6	1.2.2 1.2.5	1.11 CEO 2.1 CEO 2.13

Shire of Serpentine Jarrahdale

Position	Council Delegation	CEO Delegation	Authorisation
	1.1.8 1.1.9 1.1.10 1.1.11 1.1.12 1.1.13 1.1.16 1.1.17 1.1.18 1.1.31 7.1.3		
Manager Finance	1.1.16 1.1.17 1.1.18 1.1.19 1.1.20 1.1.21 1.1.23 1.1.24 1.1.26	1.2.1	-
Manager Governance	-	1.2.1 1.2.3	-
Revenue Accountant	1.1.20 1.1.23 1.1.24	-	-
Senior Revenue Officer	1.1.20 1.1.23 1.1.24	-	-
Revenue Officer	1.1.20	-	-
Manager Statutory Planning & Compliance	1.1.2 1.1.13 1.1.32 4.1.5 11.1.1 12.1.1 12.1.2 12.1.3	1.2.5	CEO 2.1 CEO 2.7 CEO 2.13 CEO 2.19
Manager Health and Building	1.1.2 1.1.8 1.1.13 1.1.32 2.1.1 2.1.3 2.1.5 2.1.6 2.1.7	1.2.5	1.4 1.5 CEO 2.1 CEO 2.3 CEO 2.6 CEO 2.11 CEO 2.13

Shire of Serpentine Jarrahdale

Position	Council Delegation	CEO Delegation	Authorisation
	2.1.8 2.1.9 6.1.1 6.1.2		
Coordinator Statutory Enforcement	1.1.2 1.1.13 1.1.32 2.1.5	1.2.5	 1.2 CEO 2.1 CEO 2.3 CEO 2.7 CEO 2.19
Statutory Enforcement Officer	1.1.2 1.1.32 2.1.5 7.1.1	-	 CEO 2.1 CEO 2.3 CEO 2.7 CEO 2.13 CEO 2.19
Coordinator Environmental Health	1.1.2 1.1.13 1.1.32 6.1.1 6.1.2	1.2.5	1.4 1.5 CEO 2.1 CEO 2.6 CEO 2.11
Environmental Health Officer	1.1.2 1.1.32	-	1.4 1.5 CEO 2.1 CEO 2.6 CEO 2.11
Coordinator Building Services	1.1.2 2.1.1 2.1.3 2.1.5 2.1.6 2.1.7 2.1.8 2.1.9	1.2.5	1.4 CEO 2.1 CEO 2.3 CEO 2.13
Building Surveyor	2.1.1 2.1.3 2.1.5 2.1.6 2.1.8	-	1.4 CEO 2.1 CEO 2.3 CEO 2.13
Swimming Pool Barrier Inspector	2.1.5 2.1.6 2.1.8	-	CEO 2.1 CEO 2.3
Coordinator Community Safety	1.1.2 1.1.3 1.1.4 1.1.8	1.2.5	1.12 CEO 2.1 CEO 2.4 CEO 2.5

Shire of Serpentine Jarrahdale

Position	Council Delegation	CEO Delegation	Authorisation
	1.1.9 1.1.13 1.1.32 3.1.12 4.1.1 4.1.2 4.1.3 4.1.5 5.1.1 5.1.2 5.1.5 5.1.6 7.1.1		CEO 2.7 CEO 2.13
Ranger	1.1.2 1.1.3 1.1.32 3.1.12 4.1.1 4.1.2 4.1.3 5.1.1 5.1.2 5.1.5 5.1.6 7.1.1	-	1.12 CEO 2.1 CEO 2.4 CEO 2.5 CEO 2.7 CEO 2.13
Community Safety Technical Support Officer	4.1.1 4.1.3	-	CEO 2.13
Coordinator Emergency Services	1.1.2 1.1.9 3.1.12	-	CEO 2.1 CEO 2.4 CEO 2.7 CEO 2.13
Emergency Services Technical Support Officer	-	-	CEO 2.4
Chief Bush Fire Control Officer	3.1.2	-	
Brigade Captain	-	-	CEO 2.4
Brigade Fire Control Officer	-	-	CEO 2.4
Manager Operations	1.1.2 1.1.3 1.1.5 1.1.8 1.1.9 1.1.10 1.1.11 1.1.12 7.1.3	1.2.5	1.12 CEO 2.1

Shire of Serpentine Jarrahdale

Position	Council Delegation	CEO Delegation	Authorisation
Manager Infrastructure and Assets	1.1.2 1.1.5 1.1.8 1.1.10 1.1.11 1.1.12	-	-
Manager Subdivisions and Environment	1.1.2 1.1.8 1.1.11 1.1.12	-	-
Manager Design	1.1.2 1.1.5	-	-
Coordinator Customer Service	4.1.1	-	CEO 2.5
Customer Service Officer	4.1.1	-	CEO 2.5
Manager Strategic Planning	11.1.1 12.1.1 12.1.2 12.1.3	-	-
Coordinator Strategic Planning	12.1.2 12.1.3	-	-
Coordinator Statutory Planning	1.1.2 11.1.1 12.1.1	-	CEO 2.7
Statutory Planning Officer	-	-	CEO 2.7
Manager Community Activation	-	-	1.5 CEO 2.1
Manager Human Resources and Organisational Development	-	-	CEO 2.12
Internal Auditor	-	-	CEO 2.12
Manager Waste and Fleet	1.1.16	-	-
Manager Information Communication Technology	-	-	CEO 2.8
Development Services Support Officer	2.1.6		CEO 2.13
Coordinator Natural Reserves		1.2.5	CEO 2.1

Shire of Serpentine Jarrahdale

Definitions

The terms used throughout this register are defined below:

"Delegate": the person (named by position title or office) or entity 'appointed' by the delegator, to act in place of the delegator for the purpose of exercising an express power or duty.

"Delegation": the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

"Delegator": the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

"Express Power or Duty": a power or duty written (expressly) in legislation.

"Express Power to Delegate": a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

"Head of Power": the legislation, which contains an express power to delegate and/or an express power or duty.

"Instrument of Delegation": the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

"Sub-delegate": the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

"Authorisations": the written form that conveys an authorisation to an Authorised person.

"Conditions": a description of when the delegation / authorisation can / cannot be used or the time frame for which the delegation / authorisation is valid.

"Special Requirements": Additional requirements imposed by legislation.

Introduction

This register contains instruments related to:

- delegation; and
- the appointment of authorised persons.

Delegations and the appointment of authorised persons are used to perform the functions prescribed in legislation.

The application of these powers permits the efficient, effective and timely delivery of services in accordance with legislation that is consistent with the Shire's Strategic Community Plan and commitment to a strong customer service focus.

Delegation is a formal means of empowering one entity to perform functions and duties that are otherwise reserved in legislation for another entity. Delegation is a tool used in government at all levels to enable the efficient and effective delivery of services while ensuring clarity regarding who is permitted to perform specific discretionary functions.

The appointment of authorised persons is a similar but distinct concept. Legislation occasionally enables a decision-making body or source of authority to appoint persons to perform specific tasks on their behalf. In this case, the authorising entity does not have the power themselves to

perform the task and can only authorise others to do so. Legislative provisions related to enforcement often employ the appointment of authorised persons.

Local government exercises many of its functions through a combination of delegated powers and authorisations. This includes functions under the *Local Government Act 1995* (the Act) but also legislation related to planning, dogs, cats, health, building, bush fire prevention and management and food safety.

Foundation for Delegation

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law:

1. The written law (Head of Power) must include an Express Power to Delegate, which specifically enables a person (the Delegator) to make a delegation.
2. In that same written law, there must be an Express Power or Duty conferred or imposed on the Delegator and it must be capable of being delegated. This means that the power or duty proposed for delegation must be written in the same law as the Express Power to Delegate; and that written law must not prohibit the power or Duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated.
4. Delegations must be in writing (the instrument of delegation).
5. Delegations must be advised to the Delegate in writing.

The requirements for delegation prescribed in the *Interpretation Act 1984*, apply to all delegations under Western Australian Law, including the Act and all other Acts under which Local Government has duties and powers.

Review of Delegations

Section 5.46 of the Act requires that a review of the delegations made under the Act occurs at least once every financial year. In line with good governance principles, it is important that delegations and authorisations are reviewed regularly to ensure currency. The Shire reviews this register and instruments contained annually.

Standard Conditions of Delegations

In accordance with Section 5.71 of the Act and the Shire of Serpentine Jarrahdale's Code of Conduct, if an employee has been delegated a power or duty relating to a matter in which the employee has an interest, that employee must not exercise the power or discharge the duty and must in the case of the CEO, disclose to the Shire President the nature of the interest, and in the case of any other employee, must disclose to the CEO the nature of the interest. The Act contains severe penalties for failure to comply.

Any delegation exercised shall comply with any laws and regulations in force, and the requirements of any Shire of Serpentine Jarrahdale local laws, Council policies and resolutions of Council.

Shire of Serpentine Jarrahdale

Record of Actions and Decisions

If a person is exercising a power or duty that has been delegated under the Act, the Act requires that records be kept whenever the delegated authority is utilised (s5.46 (3)). Regulation 19 of the *Local Government (Administration) Regulations 1996* prescribes the information required to be recorded:

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

The register details the recording and record keeping requirements associated with each delegation. Most exercised Council delegations must be recorded in the exercised delegation use register and are to be reported to Council in Friday Facts. It is important that the details of the person who exercised the delegation are recorded in the register. Only officers who are delegated authority can be make discretionary decisions under delegation.

Primary and Annual Returns

In accordance with sections 5.75 and 5.76 of the Act, the delegation of a power or duty to an employee under the Act or section 214 of the *Planning and Development Act 2005* triggers the requirement to make disclosures in primary and annual returns. An employee to whom a duty or power is delegated under the *Local Government Act 1995* is considered a *'designated employee'* under section 5.74(1) of the Act.

The Act contains severe penalties (a fine of $10,000 or two years imprisonment) for failure to comply with this requirement. It is the responsibility of each individual employee to ensure compliance.

Matters which cannot be Delegated

Under section 5.43 of the Act the following powers in the Act cannot be delegated by Council to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or special (75%) 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 determined by the local government;
- Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in section 9.5;
- The power under section 9.49A(4) 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 Governor; or
- Such other duties or powers that may be prescribed by the Act.

Shire of Serpentine Jarrahdale

Furthermore, the following regulations prescribe powers and duties which cannot be delegated to the CEO:

- Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under;
  - (a) Sections 7.12A2, 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
  - (b) Regulations 18C and 18D (relating to the selection and appointment of CEO's and reviews of their performance)
- Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

Delegation by the Chief Executive Officer to an Employee

Section 5.44.(1) of the Act allows for the Chief Executive Officer to delegate any of the powers to another employee other than the power of delegation. This must be done in writing as per section 5.44(2). The Act also allows for the Chief Executive Officer to place conditions on any delegations if desired under section 5.44(4).

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per section 5.46(1) and (2) of the Act. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised as per section 5.46(3) of the Act.

The record is to contain the following information:

- 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 under Regulation 19 of *Local Government (Administration) Regulations 1996*.

Business Units 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. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

A person to whom a power is delegated under the Act is considered to be a "designated employee" under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power as stated in section 5.44(1) of the Act.

Officers must refer to relevant legislation prior to making any decisions under delegated authority.

Shire of Serpentine Jarrahdale

Acting through another person

The Local Government Act 1995 recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. Section 5.45 (2) of the Act states:

> *Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing –*
>
> *a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or*
>
> *b) a Chief Executive Officer 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 pay an account 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.

Using delegation to make decisions

Before using a delegated authority a delegate must familiarise themselves with the legislative framework that informs the decisions they will make under the Delegation. Care should be taken to understand the legislative process, conditions and limitations relevant to the statutory power or duty. The delegate must also consider and apply policy, procedures or standards that are relevant to the decisions they are empowered to make and also ensure that they comprehensively understand the legal framework that informs their decision making.

Conflicts of Interest

A conflict of interest arises where a personal interest is in conflict with the public interest. In accordance with sections 5.70 and 5.71 of the *Local Government Act 1995*, delegates must disclose any conflict of interest relating to advice or reports, or interests relating to delegated functions. An interest may require them to be removed from the decision making process.

A Delegate may refer the decision making back to the Delegator, where they consider there is a risk or sensitivity, which makes it more appropriate for the Delegator to make that decision.

The Shire's Code of Conduct and Conflict of Interest BOP sets out the requirement for employees to immediately disclose interests that could be in conflict, or could be perceived to be in conflict with the performance of their public duties.

The *Local Government Act 1995* contains severe penalties (a fine of $10,000 or two years imprisonment) for failure to comply with this requirement. It is the responsibility of each individual employee to ensure compliance.

Shire of Serpentine Jarrahdale

Authorised Persons & Officers

Legislation can empower the appointment of authorised persons and officers to perform certain tasks. The appointment of an authorised person is typically, but not always, used in legislation to appoint classes of persons for the purposes of enforcing legislation. An authorisation is not a delegation and has its own set of requirements that are specified in the relevant head of power. These can include, but are not always, the requirement to be issued a certificate or identification card.

Authorised officers must be aware of their powers and responsibilities related to the exercising of their duties. These powers and responsibilities are summarised in the compliance link for each respective authorisation.

Where to go for assistance?

The exercised use of delegation and authorised power can be a complex matter. For assistance please contact the Governance team.

Shire of Serpentine Jarrahdale

Local Government Act 1995

1.1 Council to CEO

1.1.1 Appoint Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s 9.11 Persons found committing breach of Act to give name on demand
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to authorise a person to exercise the local government powers under subdivision 2 [s 3.24] 2. Authority to authorise an employee for the purposes of sections 9.11(1) and (2)
Council Conditions on this Delegation:	1. A register of Authorised Persons is to be maintained as a Local Government Record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons
Express Power to Sub-Delegate:	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995*

Shire of Serpentine Jarrahdale

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM containerSJ3216 SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. A record of each Authorisation is to be retained in the Authorised Persons Register (E19/13355), retained as a Local Government Record. Instruments or Certificates of Authorisation are to be provided to Authorised Persons, and copies of these documents are to be retained in records management system, HPRM.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.2 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to exercise powers of entry 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]. 2. Authority to give notice of entry [s.3.32]. *(note: provisions under s. 9.52 of the Local Government Act 1995, for issuing documents in difficult cases)* 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services** **Deputy CEO / Director Community and Organisational Development** **Coordinator Community Safety** **Coordinator Emergency Services** **Manager Operations** **Manager Statutory Planning & Compliance** **Coordinator Statutory Planning** **Coordinator Building Services** **Manager Health and Building** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Coordinator Environmental Health** **Environmental Health Officer** **Ranger** **Manager Infrastructure and Assets**

Shire of Serpentine Jarrahdale

	Manager Design **Manager Subdivisions and Environment**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* Council Policy 2.1.7 – Request to Remove Dangerous Trees *(note: Schedule 3.2 (7) of the Local Government Act 1995 as amended)*
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	26/09/2018 – E18/10619 – Memo to Acting CEO - amendment to position titles due to title changes
5	OCM088/05/19 – 20 May 2019
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.3 Impounding abandoned vehicle wrecks and goods involved in certain contraventions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.40A (4) Abandoned vehicle wreck may be taken s.3.42 Impounded non-perishable goods s.3.44 Notice to collect goods if not confiscated s.3.46 Goods may be withheld until costs paid
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Declaration that the vehicle is an abandoned wreck. 2. Giving notice of impoundment 3. Giving notice of place where goods can be collected 4. Costs for removing, impounding and keeping goods can be recovered before goods returned Note – powers under 3.39 to remove and impound are enacted through an authorisation.
Council Conditions on this Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.4 - Disposing of Confiscated or Uncollected Goods, or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Manager Operations** **Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* Part 3, Division 3, Subdivision 3 Council Policy -General Compliance and Enforcement BOP 4.1.0 - Compliance and Enforcement – Compliance Matrix's E12/326 Process 153 – Abandoned Motor Vehicles

Shire of Serpentine Jarrahdale

Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.4 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.47 Confiscated or uncollected goods, disposal of s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 2. 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)] 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. 4. The period after which goods may be sold or otherwise disposed of under subsection (2b) is — (a) for perishable goods — 3 days; (b) for animals — 7 days; (ca) for prescribed non-perishable goods — one month; (c) for other non-perishable goods — 2 months. 5. s3.47, s3.47A and s3.48 may be conducted through an acting through arrangement.
Council Conditions on this Delegation:	1. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. 2. Disposal of confiscated or uncollected goods, including abandoned vehicles, is to be disposed of via Tender. If the market value is less than $20,000, may, in accordance with r.30 of the *Local Government (Functions and General) Regulations 1996*, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. *(note: Redbook valuation)* 3. If the market value is less than $500, then the uncollected goods/abandoned vehicles are to be disposed of via a Private Treaty.

Shire of Serpentine Jarrahdale

Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Coordinator Community Safety**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995*
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)..

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.5 Close Thoroughfares to Vehicles

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: 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
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: a) give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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] 5. Before doing anything to which section 3.51 applies, the Chief Executive Officer is delegated authority to 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].
Council Conditions on this Delegation:	1. 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)]. 2. Maintain access to adjoining land [s.3.52(3)]
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s:	**Director Infrastructure Services**

Shire of Serpentine Jarrahdale

Appointed by CEO	**Manager Infrastructure and Assets** **Manager Design** **Manager Operations**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* Part 3, Division 3, Subdivision 3 *Road Traffic (Events on Roads) Regulations 1991* *Local Government (Uniform Local Provisions) Regulations 1996* Council Policy 5.1.2 – Road Closures for Events E17/6462 Process – Permanent Road Closure E17/7503 Procedure – Subdivision – Permanent Road Closure
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.6 Reserves under control of Local Government

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.54(1) Reserves under control of local government
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the *Parks and Reserves Act 1895*. [s.3.54(1)].
Council Conditions on this Delegation:	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Deputy CEO / Director Community and Organisational Development** **Director Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. Must comply with relevant Council Policies. 2. The Chief Executive Officer, and any employee to whom this authority is sub delegated may only negotiate vestings arising from proposed subdivisions and all other matters must be determined by council. 3. The Chief Executive Officer sub-delegates the power to sign development applications and building applications on behalf of the local government – ensure it is in line with the reserve purpose. 4. Land use and Reserve purpose. 5. Assessment process (Community)
Compliance Links:	*Local Government Act 1995* Part 3, Division 3, Subdivision 3 *Parks and Reserves Act 1895* s.5 Council Policy 5.1.1 – Alcohol Management Council Policy 4.5.1 - Fireworks Council Policy 2.3.1 – Control of Weeds

Shire of Serpentine Jarrahdale

	Council Policy 2.0.1 – Asset Management
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.7 Appointment of Acting CEO

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.5.36(1)(a) CEO of the local government
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is delegated authority to appoint a Director to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer of no longer than thirty (30) days. [s.5.36(1)(a)].
Council Conditions on this Delegation:	The Chief Executive Officer may appoint a Director to the position of Acting Chief Executive Officer for periods of absence by the Chief Executive Officer of no longer than thirty (30) days.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* Part 5, Division 4
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts). The Chief Executive Officer is to inform the Council of all Acting Chief Executive Officer arrangements.

Shire of Serpentine Jarrahdale

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.8 Obstruction of Footpaths and Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: 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)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine, by written notice served on a person who is obstructing by the carrying out of 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: a) prevent damage to the footpath; or b) prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 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)]. 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)]. 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]. 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].
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements details in the *Local Government (Uniform Local Provisions) Regulations 1996.* 2. Permission may only be granted where, the proponent has:

Shire of Serpentine Jarrahdale

	a) Where appropriate, obtained written permission from each owner of adjoining or adjacent property, which may be impacted by the proposed obstruction. b) 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 as per fees and charges adopted in Annual Budget. c) Provided evidence of sufficient Public Liability Insurance $20,000,000. d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services** **Coordinator Community Safety** **Manager Infrastructure & Assets** **Manager Subdivisions and Environment** **Manager Health and Building** **Manager Operations**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*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* *Road Traffic (Events on Roads) Regulations 1991* Council Policy 5.1.2 – Road Closures for Events
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	21/2/2018 - E18/1605 – Memo to CEO requesting amendment to Manager Community Development title
3	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
4	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
5	OCM088/05/19 – 20 May 2019
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.9 Gates across Public Thoroughfares

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 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)]. 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)].
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 2. Each approval must be recorded in the Shire of Serpentine Jarrahdale statutory Register of Gates in accordance with Regulation 9(8) of *the Local Government (Uniform Local Provisions) Regulation 1996* 3. No locks are to be fitted on the gates.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services** **Manager Operations** **Coordinator Community Safety**

Shire of Serpentine Jarrahdale

	Coordinator Emergency Services
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	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)] is not sub delegated to any other person(s)
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* *Local Government Act 1995* E20/3464 – Gate Licences Register E05/4691 – Gate Licence Register
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996.* Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with r.8 of the *Local Government (Uniform Local Provisions) Regulations 1996*
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.10 Public Thoroughfare – Dangerous Excavations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996* 2. Permission may only be granted where, the proponent has: a) 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. b) 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 as per fees and charges adopted in Annual Budget. c) Provided evidence of sufficient Public Liability Insurance $20,000,000. d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:*

Shire of Serpentine Jarrahdale

	s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Manager Infrastructure & Assets** **Manager Operations**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* *Local Government Act 1995*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.11 Crossing – Construction, Repair and Removal

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: 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) r.14 Role of Commissioner of Main Roads in some cases – Sch. 9.1 cl. 7(2) r.15 Contribution to cost of crossing
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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)].
Council Conditions on this Delegation:	Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulation 1996.*
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Manager Infrastructure & Assets** **Manager Subdivisions and Environment** **Manager Operations**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation*	1. The Council encourages land owners to install vehicle crossovers in a timely manner. 2. To encourage the installation of crossings by landowners, the Council will offer a subsidy towards the cost.

Shire of Serpentine Jarrahdale

also apply to the sub-delegations.	3. The Shire's standard specification shall be the basis for calculation of a subsidy payment pursuant to this policy. 4. The vehicle crossing subsidy shall be reviewed on an annual basis and included in the Schedule of Fees and Charges. The subsidy will be based upon payment as a maximum of up to half of the cost of a standard 2.80 metres wide concrete crossing from the road surface to the front boundary of the property. 5. Council's contribution shall not exceed the maximum reimbursement detailed in the Schedule of Fees and Charges schedule. 6. The Director Infrastructure Services may approve the specification for the different circumstances within the shire and each crossing must be constructed in accordance with Shire's specifications, the remaining cost shall be payable by the property owner. 7. In the instance where an existing vehicle crossing has reached the end of its life cycle a subsidy may be payable if the crossing is replaced in accordance with the Shire's, specifications and standard. Any extra costs associated with the replacement of the crossing i.e. cost to remove deteriorated surface and formwork will be at the owners cost. A substandard crossover will not be considered. 8. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner.
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* *Local Government Act 1995* Cross over specification E16/8236 – Application for Crossover Specifications Council Policy 2.1.9 – Vehicle crossings subsidy
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.12 Private Works on, over or under public places

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	1. Actions under this Delegation must comply with procedural requirements detailed in the *Local government (Uniform Local Provisions) Regulations 1996* 2. Permission may only be granted where, the proponent has: a) 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. b) 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 as per fees and charges adopted in Annual Budget. c) Provided evidence of sufficient Public Liability Insurance $20,000,000. d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. 3. Permission cannot be provided for a permanent or unreasonable obstruction of the ordinary and reasonable use of the public thoroughfare or other public place. Schedule 9.1 (8) (3)
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Manager Operations**

Shire of Serpentine Jarrahdale

	Manager Infrastructure & Assets **Manager Subdivisions and Environment**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* – *Local Government Act 1995*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.13 Give Notice to Prevent Damage to Local Government Property and other Land from Wind Erosion and Sand Drift

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12 (1) (2)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)]. 2. Authority to give notice to owner/occupier of land to prevent or to minimise sand drifts that is likely to adversely affect other land.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services** **Manager Health and Building** **Manager Statutory Planning & Compliance** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Coordinator Community Safety** **Coordinator Environmental Health**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996* *Local Government Act 1995* *Dust and Building Waste Local Law 2017* Council Policy - General Compliance and Enforcement BOP 4.1.0 - Compliance and Enforcement - Compliance Matrix's

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	22/10/2018 – E18/11754 – Memo to CEO – amendment to position title due to title changes
5	OCM088/05/19 – 20 May 2019
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.14 Expressions of Interest for Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to provide state wide advertising seeking Expressions of Interest before inviting Tenders. [F&G r.21] 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Functions and General) Regulations 1996* *WALGA Subscription Service* – Procurement Toolkit *Local Government Act 1995* Council Policy – Purchasing – Procurement of Goods or Services up to $250,000 Council Policy– Procurement of Goods and Services through Public Tendering

Shire of Serpentine Jarrahdale

	BOP 3.1.0 – Employees Record Keeping Requirements BOP 3.3.5 – Provision of Goods and Services to External Clients BOP 3.3.4 – Probity and Procurement
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Details to be recorded in the Tender Register - E19/16577
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.15 Tenders for Goods and Services

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11 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 r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to call tenders [F&G r.11(1)]. 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 a sole supplier arrangement [F&G r.11(f)]. 3. Authority to invite tenders although not required to do so [F&G r.13]. 4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 6. 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&G r.14(5)]. 7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 8. Authority to accept, or reject tenders, only within the certain $ value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 9. Authority to determine that a variation proposed in minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation within the $value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)].

Shire of Serpentine Jarrahdale

	10. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 11. Authority to decline any tender [F&G r.18(5)]. 12. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 13. Authority to: a) vary a contract after it has been entered into, with a successful tenderer provided the variation/s do not change the scope of the original contract b) Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. 14. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].
Council Conditions on this Delegation:	1. Sole supplier arrangements may only be approved where a record is retained that evidences: a) A detailed specification; b) The outcomes of market testing of the specification; c) The reasons why market testing has not met the requirements of the specification; and d) Rationale for why the supply is unique and cannot be sources through other suppliers; 2. 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 and where the: a) Proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, b) Current supply contract expiry is imminent, c) Value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and d) The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the council. 3. In accordance with s5.43, tenders may only be accepted or panels of pre-qualified suppliers established, where the total consideration under the resulting contract is $500,000 or less and the expense is included in the adopted Annual Budget. 4. Variation/s under the *Local Government (Functions and General) Regulations 1996* (r. 21A(a)) must not increase the original contract value beyond 10% (should the variation/s

Shire of Serpentine Jarrahdale

	increase the original contract value beyond 10%, Council approval is required). 5. The cost of the variation/s must be available within the approved project budget (should additional funds be needed Council approval is required).
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Functions and General) Regulations 1996* WALGA Subscription Service – Procurement Toolkit *Local Government Act 1995* *State Records Act 2000* Council Policy– Purchasing – Procurement of Goods or Services up to $250,000 Council Policy– Procurement of Goods and Services through Public Tendering BOP 3.1.0 – Employees Record Keeping Requirements BOP 3.3.5 – Provision of Goods and Services to External Clients BOP 3.3.4 – Probity and Procurement
Record Keeping	Entry in the Tender Register in accordance with regulation 17 *Local Government (Functions and General) Regulations 1996.* Documentation to be recorded to the relevant Tender file in HPRM. Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.16 Disposing of Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.58(2) & (3) Disposing of Property
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property to: a) the highest bidder at public auction [s.3.58(2)(a)]. b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	1. Disposal of land, building or fleet assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. 2. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of $150,000 or less. 3. When determining the method of disposal: a) Where a public auction is determined as the method of disposal: • Reserve price has been set by independent valuation to be carried out not more than 6 months before the proposed disposition. • Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. b) Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. c) Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:

Shire of Serpentine Jarrahdale

	• Negotiate the sale of the property up to a -10% variance on the valuation; and • Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Manager Waste and Fleet** **Director Corporate Services** **Manager Finance** **Deputy CEO / Director Community and Organisational Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1995* BOP 3.2.2 - Small Vehicle Fleet BOP 3.2.3 - Small Vehicle Fleet - Acquisition and Disposal Guidelines BOP 3.2.4 - Small Vehicle Fleet - Conditions of Use
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Details to be recorded in the Tender Register - E19/16577
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.17 Payments from the Municipal or Trust Funds

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government (Financial Management) Regulations1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	1. Procedures are to be systematically documented and retained, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 2. Procedures are to be reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit, Risk and Governance Committee in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* 3. The authority to make payments is unlimited, subject to annual budget limitations.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Deputy CEO / Director Community and Organisational Development** **Director Corporate Services** **Director Development Services** **Director Infrastructure Services** **Manager Finance**
CEO Conditions on this Sub-Delegation:	1. Delegates must comply with the Procedures approved by the CEO in accordance with Regulation 5 of the *Local Government (Financial Management) Regulations 1996*.

Shire of Serpentine Jarrahdale

Conditions on the original delegation also apply to the sub-delegations.	2. Payments by Cheque and EFT transactions must be approved jointly by two people, one of whom must be a Delegate. 3. The authority to make payments is unlimited, subject to annual budget limitations.
Compliance Links:	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Local Government (Audit) Regulations 1996* Department of Local Government, Sport and Cultural Industries Operational Guidelines – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual Council Policy – Purchasing – Procurement of Goods or Services up to $250,000 Council Policy - Procurement of Goods or Services through Public Tendering BOP – Authorisation to Issue Purchase Requisitions BOP 3.1.0 – Employees record keeping requirements
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Schedule of Payments; creditor list of accounts and the Purchasing Card report.
Reporting Requirements:	In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996,* the Schedule of Payments is to be reported to Council.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	24/06/2019 – E19/6921 – Memo to Acting CEO – Addition of Coordinator Civil Maintenance position to sub-delegation
4	26/06/2019 – E19/7450 – Memo to Acting CEO – Amendment of Category A authorisation amount to align with Delegation 1.1.28 – Execution of Contracts
5	30/07/2019 – Removal of Verify Goods or Services Received Sub-delegates - Approved by Executive Management Group at 30 July 2019 EMG meeting.
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.18 Defer, Waive or Write off Debts and Fees

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.12 Power to defer, waive or write off debts
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Waive a debt which is owed to the Shire [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
Council Conditions on this Delegation:	1. All debt waivers, discounts, concessions and write-offs must be consistent with Council Policies. 2. A debt may only be written off where all necessary measures have been taken to locate or contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. 3. The maximum value of any debt waiver, discount, concession or write-off associated with the use of a community facility is $2,000 4. The maximum value of any debt waiver, discount, concession or write-off associated with any other purpose is $1,000.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Director Development Services** **Director Infrastructure Services** **Deputy CEO / Director Community and Organisational Development**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil

Shire of Serpentine Jarrahdale

Compliance Links:	*Local Government Act 1995* Council Policy 3.2.11 – Rates Collection and General Debtors Council Policy– Waiving and Refunding of Fees Council Policy 5.1.4 – Facility Hire Council Policy – Community Contributions BOP 5.1.0 - Leases and Licences - New, Renewal or Extension
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.19 Power to Invest and Manage Investments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]
Council Conditions on this Delegation:	1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 3.2.3 Investments. 2. A report detailing the investment portfolio's performance, exposure and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 3. 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 4. Procedures are to be reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit, Risk and Governance Committee in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Deputy CEO / Director Community and Organisational Development** **Director Corporate Services** **Manager Finance**

Shire of Serpentine Jarrahdale

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Investments decisions are limited to a maximum of $5 million per transaction on the term deposit market.
Compliance Links:	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Trustees Act 1962* *Banking Act 1959* Council Policy 3.2.3 – Investments Process 520 - Investment Establishment and Maintenance
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts). A report detailing the investment portfolio is to be presented to Council each month.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.20 Rate Record Amendment

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.39(2) Rate record s.6.40 Effect of amendment of rate record
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to determine any requirement to amend the rate record to ensure that information contained in the record is correct, including the preceding 5 years.
Council Conditions on this Delegation:	The effective date for valuations will apply in accordance with the Valuer General's valuation schedule.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Manager Finance** **Revenue Accountant** **Senior Revenue Officer** **Revenue Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Applications for Rate Exemptions must be determined by the Director Corporate Services
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

Shire of Serpentine Jarrahdale

	Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship
Record Keeping	Relevant notes kept on the property file within Synergysoft.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.21 Agreement as to Payment of Rates and Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	1. Agreements must be in writing. 2. Comply with Council Policy.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Manager Finance**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. 2. Comply with Council Policy.
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship BOP 3.2.6 - Payment Arrangement / Direct Debit
Record Keeping	The full details of the arrangements made under this delegation is to be recorded in the rate record in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.

Shire of Serpentine Jarrahdale

Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to Council Conditions and compliance links

Shire of Serpentine Jarrahdale

1.1.22 Determine Due Date for Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s6.50 Rates or service charges due and payable
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to determine the dates on which rate or service charges become due and payable to the Shire [s6.50].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in

Shire of Serpentine Jarrahdale

	accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	OCM088/05/19 – 20 May 2019
2	OCM138/06/20 – 15 June 2020
3	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.23 Recovery of Rates or Service Charges

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.56 Rates or service charges recoverable in court
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)].
Council Conditions on this Delegation:	Recovery action undertaken is to be in accordance with Council Policy.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Manager Finance** **Revenue Accountant** **Senior Revenue Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Recovery action undertaken is to be in accordance with Council Policy.
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).

Shire of Serpentine Jarrahdale

	Documentation to be recorded to HPRM file SJ280 - Rates and Valuations - Rate Payments - Debt Recovery / Overdue Rates. Relevant notes to also be kept on the property file within Synergysoft. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.24 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s6.60(2) Local Government may require lessee to pay rent s6.60(3) Local Government to give lessor a copy of the notice s6.60(4) Local Government may recover the amount of the rate or service charge as a debt
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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)]. 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)].
Council Conditions on this Delegation:	Recovery action undertaken is to be in accordance with Council Policy.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Manager Finance** **Revenue Accountant** **Senior Revenue Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship Council Policy 5.1.3 - Lease and Licence Management

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. The full details of the decision and actions taken under this delegation is to be recorded in the rate record. Documentation to be recorded to HPRM file SJ280 - Rates and Valuations - Rate Payments - Debt Recovery / Overdue Rates. Relevant notes to also be kept on the property file within Synergysoft.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.25 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: a) lease the land, or b) sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: i) cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii) cause the land to be transferred to the Shire [s.6.71]. 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)]. 3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three years attempted to recover the outstanding rates/charges through a court, under s.6.56.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil

Shire of Serpentine Jarrahdale

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Documentation to be recorded to HPRM file: HPRM file SJ280 - Rates and Valuations - Rate Payments - Debt Recovery / Overdue Rates. Relevant notes to also be kept on the property file within Synergysoft. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.26 Rate Record – Objections

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.76 Grounds of objection
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 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)].
Council Conditions on this Delegation:	A delegate who has participated in any matter contributing to a decision related to the rate record, which is subject of a Rates Record Objection, must NOT be part to any determination under this delegation.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Corporate Services** **Manager Finance**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Rates and Charges (Rebates & Deferments) Act 1992* *Valuation of Land Act 1978* *Fire & Emergency Services Act 1998* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Council Policy 3.2.9 – Rates Collection and General Debtors Council Policy 3.2.13 – Financial Hardship

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Documentation to be recorded to HPRM file:SJ239 Rates and Valuations - Fees and Charges – Complaints. Relevant notes to also be kept on the property file within Synergysoft. The full details of the decision and actions taken under this delegation is to be recorded in the rate record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/3/2018 – E18/2389 – Memo to CEO – addition of Manager Corporate Services as Sub-delegate
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	SCM241/07/20 – 27 July 2020 - Amendment to compliance links

Shire of Serpentine Jarrahdale

1.1.27 DELETED

Shire of Serpentine Jarrahdale

1.1.28 DELETED

Shire of Serpentine Jarrahdale

1.1.29 DELETED

Shire of Serpentine Jarrahdale

1.1.30 DELETED

Shire of Serpentine Jarrahdale

1.1.31 Notices requiring things to be done by owner or occupier of land and additional powers when notice is given, undertake works on land that is not local government property and powers of entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.25(1) Notices requiring certain things to be done by owner or occupier of land s.3.26(2), (3) Additional powers when notices given s.3.27(1) Particular things local governments can do on land that is not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that — (a) is prescribed in Schedule 3.1, Division 1; or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.
Council Conditions on this Delegation:	Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*

Shire of Serpentine Jarrahdale

	Council Policy 2.3.2 Request to Remove Dangerous Trees
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.1.32 Delegation of certain functions associated with administering local laws

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO *Public Health Act 2016* s.21 Enforcement agency may delegate *Dog Act 1976* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Bee Keeping Local Law 2001* • Clauses 5,6,7 and 8 *Extractive Industries Local Law 1999* • Parts 2, 3, 4, 5, 6 *Health Local Laws 1999* • Perform the functions of Council under the local law *Local Law Relating to the Keeping of Dogs 2004* • Perform the functions of the Local Government under the local law *Kennel and Cattery Establishments Local Law 2004* • Perform the functions of the Local Government under the local law *Livestock in Public Places and Wandering at Large Local Law 2004* • Perform the function of the Local Government under the local law *Pest Plants Local Law 1987* • Perform the function of the Local Government under the local law *Unsightly Land and Refuse, Rubbish or disused Materials on land Local Law 2004* • Perform the function of the Local Government under the local law
Delegate:	Chief Executive Officer
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Perform the functions required to administer and enforce the respective local laws.
Council Conditions on this Delegation:	Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees *Public Health Act 2016*

Shire of Serpentine Jarrahdale

	s.21 Enforcement agency may delegate *Dog Act 1976* s.10AA Delegation of local government powers and duties
Sub-Delegate/s: *Appointed by CEO*	*Bee Keeping Local Law 2001,* clauses 5,6,7 and 8 • **Manager Health and Building** • **Coordinator Environmental Health** • **Environmental Health Officer** *Extractive Industries Local Law 1999,* Parts 2, 3, 4, 5, 6 • **Manager Statutory Planning & Compliance** • **Coordinator Statutory Enforcement** • **Statutory Enforcement Officer** • **Manager Health and Building** • **Coordinator Environmental Health** • **Environmental Health Officer** *Health Local Laws 1999* • **Manager Health and Building** • **Coordinator Environmental Health** • **Environmental Health Officer** *Local Law Relating to the Keeping of Dogs 2004* • **Coordinator Community Safety** • **Ranger** *Kennel and Cattery Establishments Local Law 2004* • **Coordinator Community Safety** • **Ranger** • **Manager Statutory Planning & Compliance** *Livestock in Public Places and Wandering at Large Local Law 2004* • **Coordinator Community Safety** • **Ranger** *Pest Plants Local Law 1987* • **Ranger** *Unsightly Land and Refuse, Rubbish or disused Materials on land Local Law 2004* • **Coordinator Community Safety** • **Ranger** • **Manager Statutory Planning & Compliance** • **Coordinator Statutory Enforcement** • **Statutory Enforcement Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	Local laws available on the Shire's website
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216)

Shire of Serpentine Jarrahdale

Reporting Requirements:	Nil

Version Control:

1	OCM138/06/20 – 15 June 2020
2	
3	

Shire of Serpentine Jarrahdale

1.2 CEO to Employees

1.2.1 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election *Local Government (Elections) Regulations 1995*: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4)Register - s.4.32(6)
Delegate/s:	**Director Corporate Services** **Manager Finance** **Manager Governance**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.

Shire of Serpentine Jarrahdale

	9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Authority to decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7) (E19/8893).
Express Power to Sub-Delegate:	Nil
Compliance Links:	*Local Government Act 1995* *Local Government (Elections) Regulations 1997* *Electoral Act 1907* Department of Local Government, Sport and Cultural Industries: Returning Officer Manual SynergySoft Electoral Roll User Guide
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216). Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7) (E19/8893).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.2.2 Infringement Notices

Delegator: *Power / Duty assigned in legislation to:*	**Chief Executive Officer**
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice *Note: the powers under s9.19 and s9.20 of the Local Government Act 1995 also apply to Infringement Notices issued for the purposes of the Building Regulations 2012 [Refer Reg 70 subsections (1A) and* (1)]
Delegate/s:	**Deputy CEO / Director Community and Organisational Development** **Director Corporate Services** **Director Development Services** **Director Infrastructure Services**
Function: *This is a précis only.* *Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this delegation.
Express Power to Sub-Delegate:	Nil
Compliance Links:	*Local Government Act 1995* *Building Regulations 2012* Council Policy - General Compliance and Enforcement BOP 4.5.0 - Firebreak Inspections E12/403 Process 156 - Rangers - Issue of Fines, Infringements, Modified Penalties, on the Spot Fines and Warnings

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.2.3 Provide written acknowledgement of the receipt of Primary and Annual Returns

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Local Government Act 1995*: s5.77 Acknowledging receipt of returns
Delegate/s:	**Director Corporate Services** **Manager Governance**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to provide written acknowledgement of the receipt of Primary and Annual Returns where the Chief Executive Officer is so authorised.
CEO Conditions on this Delegation:	Written acknowledgments of the Chief Executive Officer are to be authorised by the Shire President.
Express Power to Sub-Delegate:	Nil
Compliance Links:	*Local Government Act 1995* Department of Local Government, Sport and Cultural Industries Operational Guidelines
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	29/07/2019 – E19/8958 – Memo to Acting CEO – Addition of CEO delegation to employees – 1.2.3 Provide written acknowledgement of the receipt of Primary and Annual Returns
2	OCM138/06/20 – 15 June 2020
3	

Shire of Serpentine Jarrahdale

1.2.4 DELETED

Shire of Serpentine Jarrahdale

1.2.5 CEO Delegations under Local Laws

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	*Public Places and Local Government Property Local Law 2019* *Part 6* *Part 8*
Delegate/s:	**Director Development Services** **Director Infrastructure Services** **Manager Health and Building** **Manager Statutory Planning and Compliance** **Manager Operations** **Coordinator Statutory Enforcement** **Coordinator Community Safety** **Coordinator Environmental Health** **Coordinator Building Services** **Coordinator Natural Reserves**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Perform the functions required to administer and enforce the respective provisions in the listed local laws.
CEO Conditions on this Delegation:	Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	Nil
Compliance Links:	Local laws available on the Shire's website
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216)
Reporting Requirements:	Nil.

Version Control:

1	OCM138/06/20 – 15 June 2020
2	
3	

Shire of Serpentine Jarrahdale

Building Act 2011

2.1 Council to CEO / Employees

2.1.1 Grant a Building or Demolition Permit

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.18 Further Information s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22] or demolition permit [s.21]. 3. Authority to impose, vary or revoke conditions on a building or demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. a) Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] b) Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Shire of Serpentine Jarrahdale

Sub-Delegate/s: *Appointed by CEO*	**Manager Health and Building** **Coordinator Building Services** **Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	**Manager Health and Building** s.18 (1) Further Information to determine a building permit application s.20 Grant or refuse building permit s.21 Grant or refuse demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose, vary and revoke conditions on Permit r.23 Application to extend time during which permit has effect r.24 Extension of time during which permit has effect r.26 Approval of new responsible person (s.35(c)) **Coordinator Building Services** s.18 (1) Further Information to determine a building permit application s.20 Grant or refuse building permit s.21 Grant or refuse demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose, vary and revoke conditions on Permit r.23 Application to extend time during which permit has effect r.24 Extension of time during which permit has effect r.26 Approval of new responsible person (s.35(c)) **Building Surveyor** s.18(1) Further Information to determine a building permit application s.20 Grant of building permit s.21 Grant demolition permit s.27(1) and (3) Impose, vary and revoke conditions on Permit
Compliance Links:	*Building Act 2011* *Building Regulations 2012* *Building Services (Registration Act) 2011* Building Code of Australia *Home Building Contracts Act 1991* *Building and Construction Industry Training Levy Act 1990* *Heritage Act 2018* *Caravan Parks and Camping Grounds Act 1995* *Caravan Parks and Camping Grounds Regulations 1997*
Record Keeping	Each instance of this delegation being exercised is to be recorded in Synergy Soft.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.2 DELETED

Shire of Serpentine Jarrahdale

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration *Building Regulations 2012:* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	Delegation and authority does not apply to those applications that: 1. Proposed the creation of a vacant lot; 2. Proposed vacant air strata's in multi-tiered strata scheme developments; 3. In the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: a) type of development; and/or b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

Shire of Serpentine Jarrahdale

	4. The WAPC is to be provided with data on all applications determined under this instrument of delegation at the conclusion of each financial year in the format as prescribed by the WAPC. 5. Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Manager Health and Building** **Coordinator Building Services** **Building Surveyor**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Building Surveyor s.55 and s.58 (excluding refusal) only
Compliance Links:	*Building Act 2011* *Building Services (Complaint Resolution and Administration) Act 2011* *Building and Construction Industry Training Levy Act 1990* Western Australian Planning Commission (WAPC) Planning Bulletin 52\2009
Record Keeping	Each instance of this delegation being exercised is to be recorded in Synergy Soft.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.4 Designate Employees as Authorised Persons

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1), (3) & (6A) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Council Conditions on this Delegation:	Decisions under this delegated authority should be in accordance with r.5 of the *Building Regulations 2012.*
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Building Act 2011* *Building Regulations 2012* Authorised Person's Identity card
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.5 Building Orders

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.114 Service of building order s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to make Building Orders in relation to: a) Building work b) Demolition work c) An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a) take any action specified in the order ; or b) commence or complete any work specified in the order; or c) if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.
Council Conditions on this Delegation:	1. In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Serpentine Jarrahdale in accordance with s5.36 of the *Local*

Shire of Serpentine Jarrahdale

	Government Act 1995; and as defined in the *Building Act 2011* Part 1. 3. 2. Must comply with Council policies.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Health and Building** **Coordinator Building Services** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Building Surveyor** **Swimming Pool Barrier Inspector**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	**Director Development Services** s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance **Manager Health and Building** s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.114 Service of building order **Coordinator Building Services** s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.114 Service of building order **Coordinator Statutory Enforcement** s.114 Service of building order **Statutory Enforcement Officer** s.114 Service of building order **Building Surveyor** s.114 Service of building order **Swimming Pool Barrier Inspector** s.114 Service of building order
Compliance Links:	*Building Act 2011*

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.6 Inspection and Copies of Building Records

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.131(2) Inspection, copies of building records
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Manager Health and Building** **Coordinator Building Services** **Building Surveyor** **Swimming Pool Barrier Inspector** **Development Services Support Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	This delegation can only be exercised where the land owner has signed the application.
Compliance Links:	*Building Act 2011* Code of Conduct *Freedom of Information Act 1992* *State Records Act 2000*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.7 Referrals and Issuing Certificates

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011*: s.145A Local Government functions
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Council Conditions on this Delegation:	1. Certificates to be issued under s.19, s.56 or s.57. 2. If the applicant is the CEO, there is no delegation.
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Health and Building** **Coordinator Building Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Decisions under this delegated authority should be in accordance with r.5 of the *Building Regulations 2012*.
Compliance Links:	*Building Act 2011* *Building Regulations 2012*
Record Keeping	Each instance of this delegation being exercised is to be recorded in Synergy Soft
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: *Power / Duty assigned in legislation to:*	Permit Authority (Local Government)
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012*: r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve alternative solutions to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Manager Health and Building** **Coordinator Building Services** **Building Surveyor** **Swimming Pool Barrier Inspector**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	**Swimming Pool Barrier Inspector** r.50 Barrier to private swimming pool Any variation requested to be discussed with the CEO prior to approval.
Compliance Links:	*Building Act 2011* *Building Regulations 2012*

Shire of Serpentine Jarrahdale

	BOP – Private Swimming Pool Inspection and Enforcement – E19/11218 Private Swimming Pool Inspection and Enforcement Attachments – E19/12691 Swimming pool provisions – AS1926.1 Standards (as amended)
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Shire's Record Management System
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

2.1.9 Smoke Alarms – Alternative Solutions

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to approve alternative building solutions, which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011*: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: *Appointed by CEO*	**Manager Health and Building** **Coordinator Building Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Building Act 2011* *Building Regulations 2012*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Shire's Record Management System
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Bush Fires Act 1954

3.1 Council to CEO, Shire President and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.13 Duties and powers of bush fire liaison officers – subsection (4)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	The Register of Delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.2 Prohibited and Restricted Burning Times - Vary

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.17 Prohibited burning times may be declared by Minister – subsection (10) s.18 Restricted burning times may be declared by FES Commissioner – subsection (5C)
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.17 Prohibited burning times may be declared by Minister – subsections (7) and (8) s.18 Restricted burning times may be declared by FES Commissioner – subsection (5)
Delegate:	**Shire President and Chief Bush Fire Control Officer (jointly)**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited and restricted burning times, after consultation with an authorised CALM Act officer [s.17(7) and s.18(5)]. 2. Authority to give and publish notices that outline the particulars of the variation [s.17(8)]. Note, the process outlined in s17(8) also applies to restricted burning times [s18(5C)].
Council Conditions on this Delegation:	1. Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). 2. Decisions under s.18(5) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.18(5B) and s17(8).
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended) E10/4382 Procedures Manual - Offences against the Bushfires Act 1954 (as amended) *Conservation and Land Management Act 1984* *Department of Biodiversity, Conservation and Attractions Forest Management Plan 2014-23*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996.*
Reporting Requirements:	The Register of Delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Shire of Serpentine Jarrahdale

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.3 Prohibited and Restricted Burning Times – Control Activities

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.18 Restricted burning times may be declared by FES Commissioner – subsection (11) s.22 Burning on exempt land and land adjoining exempt land – subsections (6) and (7) s.27 Prohibition on use of tractors or engines except under certain conditions – subsections (2) and (3) s.28) Occupier of land to extinguish bush fire occurring on own land - – subsection (5) *Bush Fire Regulations 1954:* r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. – subsection (2) r.15C Local government may prohibit burning on certain days - subsections (1) and (2) r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Control Activities for Restricted Burning Times: 1. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 2. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 3. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. Control Activities for Prohibited and Restricted Burning Times: 4. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control

Shire of Serpentine Jarrahdale

	Officer [r.15]. *Note: this authority is also prescribed to the Chief Bush Fire Control Officer.* 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during the Prohibited or Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during the Prohibited or Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 7. Authority to issue directions, during a Prohibited or Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited or Restricted Burning Times, and to give permission for use of same during the Prohibited or Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited or Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy, including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954* BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended) E10/4382 Procedures Manual - Offences against the Bushfires Act 1954 (as amended)
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	The Register of Delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.4 DELETED

Shire of Serpentine Jarrahdale

3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material - subsections (2) and (3). *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air - subsection (3) r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. - – subsection (5) r.39D Explosives, use of – subsection (2) r.39E Fireworks, use of – subsection (3)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a) a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b) a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c) a person using explosives [r.39D(2)]. d) a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. *Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer*.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954* *Conservation and Land Management Act 1984* BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended) E10/4382 Procedures Manual - Offences against the *Bushfires Act 1954 (as amended)* Council Policy 4.5.1 - Fireworks

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	The Register of Delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times - subsections (2)(b)(ii) and (4) s.24G Minister or local government may further restrict burning of garden refuse – subsection (2) s.25 No fire to be lit in open air unless certain precautions taken - subsections (1)(a), (1)(b), (1a) and (1b) s.25A Power of Minister to exempt from provisions of section 25 - subsection (5) *Bush Fires Regulations 1954:* r.27 Permit, issue of – subsection (3)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. a) Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b) Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a) camping or cooking [s.25(1)(a)]. b) conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].

Shire of Serpentine Jarrahdale

	5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954* *Conservation and Land Management Act 1984* BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended) E10/4382 Procedures Manual - Offences against the Bushfires Act 1954 (as amended) E17/11334 – Permit to Set Fire to the Bush Register
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	The Register of Delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.7 Firebreaks

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks – subsections (1), (4), (5) and (6)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: a) clearing of fire-breaks as determined necessary and specified in the notice; and b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)]. b) Authority to carry out on the land, at the request and expense of the owner, any works for the removal or abatement of a fire danger [s.33(6)]
Council Conditions on this Delegation:	Certificate provided under s33 (5) to recover costs and expenses is to be signed by the Shire President so that it is *prima facie* evidence of the amount.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954* Shire's Annual Fire Break Notice E14/5182 Shire's Variation to Firebreak Order Enquiry Form E14/5596 – Shire's Application to Vary Firebreak Order Form BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended)

Shire of Serpentine Jarrahdale

	E10/4382 Procedures Manual - Offences against the Bushfires Act 1954 (as amended)
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.8 Appoint Bush Fire Control Officer/s

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer – subsections (1), (5A), (8), (10) and (14).
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer; and b) Determine the respective seniority of the other Bush Fire Control Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a) Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. 4. Authority to appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer [s.38(14)]
Council Conditions on this Delegation:	1. An appointment made under s.38(1) shall cause a local public notice to be published [s.38(2A)]. 2. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. [s.50(1)(b)].
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954*

Shire of Serpentine Jarrahdale

	Refer to CEO Authorisation 2.4 – List of Appointed Bush Fire Control Officers
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.9 Control and Extinguishment of Bush Fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire – subsection (1A)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to prohibit or postpose the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. *Note: this authority is also prescribed to a Bush Fire Control Officer* a) Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act Officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* *Bush Fires Regulations 1954* *Conservation and Land Management Act 1984* *Department of Biodiversity, Conservation and Attractions Forest Management Plan 2014-23* BOP 4.5.2 - Offences against the Bush Fires Act 1954 (as amended) E10/4382 Procedures Manual - Offences against the *Bushfires Act 1954* (as amended)
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.10 Apply for Declaration as an Approved Area

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.52 Approved area may be declared – subsection (1)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.52(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.11 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred – subsection (3)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to recover expenses incurred as a result of an offence against the *Bush Fires Act 1954*, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.12 Prosecution of Offences and Infringement Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.59 Prosecution of offences – subsection (3)
Express Power or Duty Delegated:	*Bush Fires Act 1954:* s.59 Prosecution of offences – subsection (3)
Delegate:	**Chief Executive Officer** **Director Development Services** **Coordinator Emergency Services** **Coordinator Community Safety** **Ranger**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider allegations of offences alleged to have been committed against this Act [s.59(3)] 2. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59 (3)]. Note: a person who has been delegated power under section 59 (3) to institute and carry on proceedings (function 2 above) may exercise the functions under s59A(2) which is to serve an infringement notice for an offence against the Bush Fires Act (refer s59A(1)).
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Act 1954* s.65 Proof of certain matters s.66 Proof of ownership or occupancy *Bush Fires Regulations 1954* First Schedule Form 2 – Withdrawal of Bush Fire Infringement Notice (Note: only a prescribed officer can withdraw infringement notices, refer s59A(5). A prescribed officer is the CEO or Shire President, refer Reg. 4) Council Policy - General Compliance and Enforcement BOP 4.5.2 - Offences against the *Bush Fires Act 1954* (as amended) E17/1484 Compliance Matrix for Emergency Services E10/4382 Procedures Manual - Offences against the Bushfires Act 1954 (as amended)
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).

Shire of Serpentine Jarrahdale

Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

3.1.13 DELETED

Shire of Serpentine Jarrahdale

3.1.14 Notify the FES Commissioner of losses caused by bush fires

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	*Bush Fires Regulations 1954:* r.43 Bush fires and losses caused, notification of – subsection (2)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to send to the FES Commissioner in the month of June in each year particulars of losses caused by bush fires in its district during the preceding 12 months (r.43(2)). Each notice received by the local government may be forwarded to the FES Commissioner in order to comply with subregulation (2) (r.43(3)).
Council Conditions on this Delegation:	A copy of the report sent to the FES Commissioner is to be sent to BFAC.
Express Power to Sub-Delegate:	*NIL – Sub-delegation is prohibited by s.48(3)*
Compliance Links:	*Bush Fires Regulations 1954*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Cat Act 2011

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags s.12 Registration of cats *Cat Regulations 2012* Schedule 3, cl. 1(4) Fees Payable
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)]
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger** **Community Safety Technical Support Officer** **Coordinator Customer Service** **Customer Service Officer**

Shire of Serpentine Jarrahdale

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	**Coordinator Community Safety** s.9(1), s.9(6), s.10, s11(2), s.12 **Ranger** s.9(1), s.9(6), s.10, s11(2), s.12 **Community Safety Technical Support Officer** s.9(1), s.9(6), s.10, s11(2), s.12 **Coordinator Customer Service** s.9(1), s11(2), s.12 **Customer Service Officer** s.9(1), s11(2), s.12
Compliance Links:	*Cat Act 2011* *Cat Regulations 2012* *Serpentine Jarrahdale Town Planning Scheme Number 2 (Keeping of cats)* Council Policy - General Compliance and Enforcement BOP 4.5.1 – Cats BOP 4.1.0 - Compliance and Enforcement Policy – Compliance Matrix's
Record Keeping	Registrations are to be recorded in the Shire's registration database.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	21/3/2018 – E18/2816 – Memo to CEO – amendment to Position titles as per organisation chart
3	OCM088/05/19 – 20 May 2019
4	18/10/2019 – IN19/18463 - Amendment to position title - Community Safety Technical Support Officer
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

4.1.2 Cat Control Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.26 Cat control notice may be given to cat owner s.27 Cats may be seized
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire [s.26]. 2. Authority to seize any cat if there are reasonable grounds [s.27].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Cat Act 2011* *Cat Regulations 2012* *Serpentine Jarrahdale Town Planning Scheme Number 2 (Keeping of cats)* Council Policy - General Compliance and Enforcement BOP 4.5.1 – Cats BOP 4.1.0 - Compliance and Enforcement Policy – Compliance Matrix's
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.

Shire of Serpentine Jarrahdale

	Any actions taken or notices issued are to be recorded on the relevant HPRM file and Synergysoft record.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

4.1.3 Approval to Breed Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*.
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger** **Community Safety Technical Support Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Cat Act 2011* *Cat Regulations 2012* *Serpentine Jarrahdale Town Planning Scheme Number 2 (Keeping of cats)* Council Policy - General Compliance and Enforcement BOP 4.5.1 – Cats

Shire of Serpentine Jarrahdale

	BOP 4.1.0 - Compliance and Enforcement Policy – Compliance Matrix's
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216). Any actions taken or notices issued are to be recorded on the relevant HPRM file and Synergysoft record.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	18/10/2019 – IN19/18463 - Amendment to position title - Community Safety Technical Support Officer
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

4.1.4 DELETED

Shire of Serpentine Jarrahdale

4.1.5 Applications to Keep Additional Cats

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	*Cat (Uniform Local Provisions) Regulations 2013*: r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Review rights in accordance with r.11 of the *Cat (uniform Local Provisions) Regulations 2013*
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Statutory Planning & Compliance** **Coordinator Community Safety**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Cat Act 2011* *Cat Regulations 2012* *Serpentine Jarrahdale Town Planning Scheme Number 2 (Keeping of cats)* Council Policy - General Compliance and Enforcement BOP 4.5.1 – Cats

Shire of Serpentine Jarrahdale

	BOP 4.1.0 - Compliance And Enforcement Policy – Compliance Matrix's
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216). Any actions taken or notices issued are to be recorded on the relevant HPRM file and Synergysoft record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)..

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

4.2 CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer
Express Power to Delegate: *Power that enables a delegation to be made*	*Cat Act 2011:* s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	*Cat Act 2011*: s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	**Director Development Services**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority to, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil
Compliance Links:	*Cat Act 2011* *Cat Regulations 2012* *Serpentine Jarrahdale Town Planning Scheme Number 2 (Keeping of Cats)* Council Policy - General Compliance and Enforcement BOP 4.5.1– Cats BOP 4.1.0 - Compliance And Enforcement Policy – Compliance Matrix's
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Any actions taken or notices issued are to be recorded on the relevant HPRM file and Synergysoft record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Shire of Serpentine Jarrahdale

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Dog Act 1976

5.1 Council to CEO

5.1.1 Dog Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.14 Register of dogs s.16(3) Registration procedure In accordance with 10AA(3) the delegation expressly authorises the CEO to further delegate the powers or duties listed above
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is delegated authority to keep an accurate and up-to-date record of all registered dogs and correct any errors that may be found in the register [s.14]. The administration of the register can be exercised as an acting through arrangement. The following functions are performed under delegation • s.16(3) Refuse to register dog A dog may be registered by a person appointed as a 'registration officer' under the instrument of authorisation CEO 2.5. The following functions are performed under authorisation • s.16(2a) Register a dog • s.16(3A) Cancel a registration of a person banned from owning or keeping a dog under s.46 • s.16(3c) Cancel a registration is a dog has died • s.16(6) Provide the registration certificate
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Coordinator Community Safety** **Ranger**

Shire of Serpentine Jarrahdale

CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Director Development Services, and Coordinator Community Safety all powers and duties under s.26 of the *Dog Act 1976* and Part 3 – cl.4, 5 and 6 of the Shire's Local Law Relating to the Keeping of Dogs to determine applications to keep more than two dogs.
Compliance Links:	*Local Law Relating to the Keeping of Dogs*
Record Keeping	Registrations are to be recorded in the Shire's registration database.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	E18/1605 – Addition of CEO condition on Sub-delegation for s.26 of *Dog Act 1976* and Part 3 – cl.4, 5 and 6 of the Shire's Local Law Relating to the Keeping of Dogs
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

5.1.2 Refuse or Cancel Registration

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.17A(2) If no application for Registration made s.17(4) and (6) Refusal or cancellation of registration In accordance with 10AA(3) the delegation expressly authorises the CEO to further delegate the powers or duties listed above
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. 2. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	**Coordinator Community Safety** s.17A(2) If no application for Registration made s.17(4) and (6) Refusal or cancellation of registration **Ranger** s.17A(2) If no application for Registration made
Compliance Links:	*Dog Act 1976* Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6) *Local Law Relating to the Keeping of Dogs*

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Any actions taken or notices issued are to be recorded on the relevant HPRM file and Synergysoft record.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

5.1.3 Authorise Registration Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.3 Registration Officer
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to authorise registration officers to exercise the powers and duties and duties conferred on an registration officer by this Act.
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Dog Act 1976* *Dog Regulations 2013*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

5.1.4 Recovery of Moneys due under this Act

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(5) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Dog Act 1976* *Local Law Relating to the Keeping of Dogs*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.29(11) Power to seize dogs
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is delegated authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	1. The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. 2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Dog Act 1976* *Local Law Relating to the Keeping of Dogs* Council Policy - General Compliance and Enforcement BOP 4.1.0 - Compliance And Enforcement Policy – Compliance Matrix's

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

5.1.6 Declare Dangerous Dog

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	The Chief Executive Officer is delegated authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Dog Act 1976* *Local Law Relating to the Keeping of Dogs* Council Policy - General Compliance and Enforcement Council Policy 4.5.2 - The keeping of three to six dogs BOP 4.1.0 - Compliance And Enforcement Policy – Compliance Matrix's

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Shire's registration database.
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

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

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	*Dog Act 1976*: s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy s.33H(2) Local government may require the owner of the dog to attend a course in behaviour and training
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or 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)] 4. 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)].
Council Conditions on this Delegation:	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation*	Nil

Shire of Serpentine Jarrahdale

also apply to the sub-delegations.	
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Dog Act 1976* *Local Law Relating to the Keeping of Dogs* Council Policy - General Compliance and Enforcement Council Policy 4.5.2 - The keeping of three to six dogs BOP 4.1.0 - Compliance And Enforcement Policy – Compliance Matrix's
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Food Act 2008

6.1 Council to CEO / Officers

6.1.1 Prohibition Orders

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	**Chief Executive Officer** **Director Development Services** **Manager Health and Building** **Coordinator Environmental Health**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil – *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Food Act 2008* Guide to Regulatory Guideline Number 1: Introduction of Regulatory Auditing in Western Australia Council Policy - General Compliance and Enforcement Council Policy 4.4.2 – Mobile Food Vendors Council Policy 4.1.6 - Bed and breakfast accommodation

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

6.1.2 Food Business Registrations

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.110 Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	**Chief Executive Officer** **Director Development Services** **Manager Health and Building** **Coordinator Environmental Health**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: a) Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA b) Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 c) WA Priority Classification System d) Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Food Act 2008* Council Policy - General Compliance and Enforcement Council Policy 4.4.2 – Mobile Food Vendors Council Policy 4.1.6 - Bed and breakfast accommodation

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

6.1.3 Appoint Authorised Officers and Designated Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	*Food Act 2008*: s.122 Appointment of authorised officers s.126 (13) Appointment of designated officers
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)] 2. Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008* [s.122(1)]. 3. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)]. 4. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: a) Appointment of Authorised Officers as Meat Inspectors b) Appointment of Authorised Officers c) Appointment of Authorised Officers – Designated Officers only d) Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. 2. A register of authorised officers appointed is to be maintained. [s.122(3)] 3. Authorised Officers are to be issued with a certificate of authority. [s.123(1)]

Shire of Serpentine Jarrahdale

Express Power to Sub-Delegate:	NIL – *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links:	*Food Act 2008* *CEO 2.6 List of Appointment of Authorised Officers and designated Officers and conditions as listed.*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Graffiti Vandalism Act 2016

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti described in s.18(1) 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)]. 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Coordinator Community Safety** **Ranger**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Excludes on delegation of [s19(4)] – take action to recover costs incurred as a debt
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Graffiti Vandalism Act 2016*

Shire of Serpentine Jarrahdale

Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. Details of how the Shire gave effect to the notice, including photographs or graffiti removed, to be recorded and registered in HPRM and linked to the property file.
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

1	SCM163/12/17 – 19 December 2017
2	22/10/2018 – E18/11754 – Memo to CEO – amendment to position titles due to title changes
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: a) determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and b) to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal *Graffiti Vandalism Act 2016*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

7.1.3 Obliterate Graffiti on Private Property

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.25(1) Local government graffiti powers on land not local government property
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	Subject to exercising Powers of Entry – Division 4 of the *Graffiti Vandalism Act 2016.*
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	**Director Infrastructure Services** **Director Development Services** **Manager Operations**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Graffiti Vandalism Act 2016*
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

7.1.4 Powers of Entry

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	*Graffiti Vandalism Act 2016:* s.28 Notice of entry s.29 Entry under warrant
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Graffiti Vandalism Act 2016*
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Each instance of the exercised use of this delegation is to be reported in the Councillor Information Bulletin (Friday Facts)

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Liquor Control Act 1988

8.1 Council to CEO

8.1.1 DELETED

Shire of Serpentine Jarrahdale

Public Health Act 2016

9.1 Council to CEO

9.1.1 Designation of Authorised Officers

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Public Health Act 2016* *s21 Enforcement agency may delegate* *Health (Asbestos) Regulations 1992* r.15D(7) Infringement notices
Express Power or Duty Delegated:	*Public Health Act 2016* *s24(1) and (3) Designation of authorised officers* *Health (Asbestos) Regulations 1992* r.15D(5) Infringement notices *Shire Serpentine Jarrahdale Town Planning Scheme No. 2*
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to designate a person or class of persons as authorised officers for the purposed of: a) The Public Health Act 2016 or other specified Act b) Specified provisions of the Public Health Act 2016 or other specified Act c) Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: a) an environmental health officer or environmental health officers as a class; or b) a person who is not an environmental health officer or a class of persons who are not environmental health officers; or c) a mixture of the two. [s.24(3)]. 2. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purpose of the Criminal Act 2004 Part 2 [r.15D(5)]
Council Conditions on this Delegation:	1. Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - *Public Health Act 2016* – Guidelines on the Designation of Authorised Officer. 2. A register (list) of authorised officers is to be maintained in accordance with s27.

Shire of Serpentine Jarrahdale

	3. Subject to 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)]
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	A certificate of authority as an authorised officer must be issued [s.30]
Compliance Links:	*Public Health Act 2016* *Health (Asbestos) Regulations 1992* *Authorisation certificate* *Criminal Investigation Act 2006, Parts 6 and 13 – refer s245 of the Public Health Act 2016* *The Criminal Code, Chapter XXVI – refer s252 of the Public Health Act 2016.*
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.
Reporting Requirements:	The Register of Exercised Delegations is to be reported in the Councillor Information Bulletin.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

9.1.2 DELETED

Shire of Serpentine Jarrahdale

Planning and Development Act 2005

10.1 Council to CEO

10.1.1 Directions regarding unauthorised/illegal development

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* *s.5.42(1)(b) Delegation of some powers and duties to CEO*
Express Power or Duty Delegated:	*Planning and Development Act 2005* *s.214 (2), (3) or (5). Illegal development, responsible authority's powers as to* *Shire Serpentine Jarrahdale Town Planning Scheme No. 2* cl.8.2.1
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control are requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development; a) To remove, pull down, take up, or alter the development; and b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995* *s.5.44 CEO may delegate some powers and duties to other employees*

Shire of Serpentine Jarrahdale

Sub-Delegate/s: *Appointed by CEO*	**Director Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. A certificate of authority as an authorised officer must be issued [s.30] 2. All prosecutions are to be authorised by the Chief Executive Officer.
Compliance Links:	*Planning and Development Act 2005* *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2* Council Policy – General Compliance and Enforcement
Record Keeping:	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

10.1.2 DELETED

Shire of Serpentine Jarrahdale

10.2 CEO to Employees

10.2.1 DELETED

Shire of Serpentine Jarrahdale

10.2.2 DELETED

Shire of Serpentine Jarrahdale

Town Planning Scheme No. 2

11.1 Council to CEO / Officers

11.1.1 Administration of Town Planning Scheme No. 2

Delegator: *Power / Duty assigned in legislation to:*	Council
Express Power to Delegate: *Power that enables a delegation to be made*	s.82 *Planning and Development (Local Planning Schemes) Regulations 2015*
Express Power or Duty Delegated:	*Shire of Serpentine Jarrahdale Town Planning Scheme No. 2* Part 3 Zones • Clause 3.2 Zoning table • Clause 3.4 Additional uses Part 4 Non-conforming use • Clause 4.3 Non-conforming use • Clause 4.4 Discontinuance of non-conforming uses • Clause 4.6 Register of non-conforming uses Part 5 Development Requirements • Clauses 5.1 through 5.25 Part 6 Planning consent • Clause 6.1 Part 7 General provisions • Clauses 7.1 through 7.14 Part 8 Administration • Clause 8.2 Notices Part 9 Special Control Areas • 9.2 Poultry Farm Special Control Area APPENDIX A • Supplemental provisions to the deemed provisions 1 Development of Fences
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the*	**Town Planning Scheme No. 2** 1. Make any determination and exercise any discretionary powers contained in TPS2 and its Appendices and the deemed provisions.

Shire of Serpentine Jarrahdale

legislation and conditions relevant to this delegation.	2. Any matter described in the Residential Design Codes including variations and determinations under design principles and clause 5.3 and 5.4 (Residential Planning Codes) of TPS2. 3. Prescribe, vary, specify and determine requirements, standards or limitations which may be prescribed, varied, specified or determined under the Scheme with respect to the use or development of land or buildings.
Council Conditions on this Delegation:	1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015.* 2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and clause 66 of Schedule 2, Part 9, of the *Planning and Development (Local Planning Schemes) Regulations 2015,* delegation can only be exercised where concerns raised through consultation are not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design. 3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions a report to Council shall be prepared only where the objection relates to a variation to the Scheme or R-Codes. 4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.
Express Power to Sub-Delegate:	*r.82 Planning and Development (Local Planning Schemes) Regulations 2015.*
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Statutory Planning & Compliance** **Manager Strategic Planning** **Coordinator Statutory Planning**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Planning and Development Act 2005* *Planning and Development (Local Planning Schemes) Regulations 2015* Zoning Table – E17/12383 *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2* Local Planning Policies
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.

Shire of Serpentine Jarrahdale

	The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

11.1.2 Administer Development Contribution Plans

Delegator: *Power / Duty assigned in legislation to:*	Council
Express Power to Delegate: *Power that enables a delegation to be made*	*r.82 Planning and Development (Local Planning Schemes) Regulations 2015:*
Express Power or Duty Delegated:	*Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.* Clauses: • 9.3.11.2 – Annual review of estimated costs • 9.3.11.3 – Independent certification of costs • 9.3.11.4a – Amendment of estimated costs • 9.3.11.5 – Notification of amendment of estimated costs • 9.3.11.6 – Appointment of independent person to review objection of estimated costs • 9.3.12.3 - Appointment of independent person to review objection of valuation • 9.3.14.1a - Payment of cost contribution • 9.3.14.1b - Payment of cost contribution • 9.3.14.1c – Payment of cost contribution • 9.3.14.1e – Payment of cost contribution • 9.3.14.2 - Payment of cost contribution (lump sum only) • 9.3.14.3 - Payment of cost contribution • 9.3.15 – Charge on land (Issuing caveats)
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Administration of development contribution plans including: • 9.3.11.2 – Where a cost apportionment schedule contains estimated costs, review these at least annually • 9.3.11.3 – Appoint an appropriately qualified person to independently certify estimated costs • 9.3.11.4a – Adjust the cost contribution based on revisions to cost estimates • 9.3.11.5 – Provide a copy of estimated costs following review and calculation of adjustments • 9.3.11.6 – Appoint an appropriately qualified person to review the cost contribution estimates following an objection by the owner • 9.3.12.3 - Appoint an appropriately qualified person to review the value of land • 9.3.14.1a – Agree to accept payment of cost contribution by cash or cheque • 9.3.14.1b – Agree to accept payment of cost contribution by transfer of land

Shire of Serpentine Jarrahdale

	• 9.3.14.1c – Agree to accept payment of cost contribution by the provision of physical infrastructure • 9.3.14.1e – Agree to accept payment of cost contribution by any combination of methods • 9.3.14.2 – Agree to accept payment of adopted development contribution plan in a lump sum • 9.3.14.3 – Provide certification to the owner of discharge of responsibility once development contribution plan is paid • 9.3.15 – The Local Government may lodge of a caveat on land if the development contribution plan is not made.
Council Conditions on this Delegation:	1. Excludes agreement to pay cost contributions by some other method acceptable to the local government per Clause 9.3.14.1d; 2. Excludes agreement to pay cost contributions by any combination of methods, where one such method is 9.3.14.1d; 3. Excludes agreement on the payment of cost contributions by instalments or in such other manner, per Clause 9.3.14.2.
Express Power to Sub-Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015:* Schedule 2 - s83 Delegations by local government
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Planning and Development Act 2005* *Planning and Development (Local Planning Schemes) Regulations 2015* *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216).
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	OCM138/06/20 – 15 June 2020
2	
3	

Shire of Serpentine Jarrahdale

Planning and Development (Local Planning Schemes) Regulations 2015

12.1 Council to CEO

12.1.1 Determination of Development Applications

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	r.82 Planning and Development (Local Planning Schemes) Regulations 2015:
Express Power or Duty Delegated:	*Planning and Development (Local Planning Schemes) Regulations 2015* *Parts 3, 4, 6, 7, 8, 9 of Schedule 2 (Deemed Provisions)*
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to: *Planning and Development (Local Planning Schemes) Regulations 2015* cl. 8, Part 3 of Schedule 2 Establish and maintain a heritage list. cl.12, Part 3 of Schedule 2 Make determinations to vary provisions to facilitate the conservation of a place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under clause 8 of the Deemed Provisions. cl.27, Part 4 of Schedule 2 Determining applications in accordance with Structure Plans pursuant to cl. 27 of the deemed provisions. cl.56, Part 6 of Schedule 2 Determine development applications, which modifies or varies a Local Development Plan pursuant to cl. 56 of the deemed provisions. cl.61, Part 7 of Schedule 2 Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to cl. 61 (1) (f) and cl. 61 (2) (d) of the deemed provisions. cl.63, Part 8 of Schedule 2

Shire of Serpentine Jarrahdale

	Make determinations on the sufficiency of information provided with applications for planning consent pursuant to cl. 63 of the deemed provisions. cl.64, Part 8 of Schedule 2 Advertise and provide notice of applications for planning approval or consent pursuant to cl. 64 of the deemed provisions. cl.65, Part 8 of Schedule 2 Determine any retrospective applications pursuant to cl. 65 – subsequent approval of development – of the deemed provisions. cl.68, Part 9 of Schedule 2 Determine applications pursuant to cl. 68 of the deemed provisions for planning approval or refusal including: a) any conditions to be imposed or reasons for refusal; b) the period of validity; and c) the scope of the planning approval. cl.71, Part 9 of Schedule 2 Allow for the extension of the term within which any development approved must be substantially commenced in accordance with cl. 71 of the deemed provisions. cl.75, Part 9 of Schedule 2 Determine an application for development within the timeframes in accordance with cl.75(1)(a) and (b) or agree to a longer time in writing in accordance with cl.75(1)(c) of the deemed provisions. Determine an application for development in accordance with cl.75(3) of the deemed provisions. cl.77, Part 9 of Schedule 2 Determine any amendment applications pursuant to cl. 77 (amending or cancelling development approval) of the deemed provisions.
Council Conditions on this Delegation:	1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 - Deemed Provisions. 2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and cl.66 of Schedule 2, Part 9, delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design. 3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared only where the objection relates to a variation to the Scheme or R-Codes.

Shire of Serpentine Jarrahdale

	4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.
Express Power to Sub-Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015* *cl.83 of Schedule 2, Part 10*
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Statutory Planning & Compliance** **Manager Strategic Planning** **Coordinator Statutory Planning**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Planning and Development Act 2005* *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	27/06/2019 – E19/7527 – Memo to Acting CEO – Removal of Coordinator Statutory Enforcement from sub-delegation
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

12.1.2 Local Development Plans

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	r.82 *Planning and Development (Local Planning Schemes) Regulations 2015*:
Express Power or Duty Delegated:	*Planning and Development (Local Planning Schemes) Regulations 2015* cl.48, 49, 50, 51, 52, 53, 57, 58, 59 Part 6 of Schedule 2
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the local development plan can be accepted for assessment under cl.49 (1) of Schedule 2. 2. Authority to determine under cl.50 (3) of Schedule 2, whether the local development plan is to be advertised. 3. Authority to initiate the advertising of the local development plan, if deemed required, is to be carried out in accordance with cl.50 (1) of Schedule 2. 4. Authority to determine under cl. 52 (1), whether to approve a Local Development Plan. 5. Authority to determine under cl. 57 (3) to extend the period of approval of a Local Development Plan if there is no changes to the terms of the plan or the conditions attached to the approval. 6. Authority to determine under cl. 58 to revoke a Local Development Plan. 7. Authority to amend a Local Development Plan as envisaged under cl. 59 (3).
Council Conditions on this Delegation:	1. Delegation only to be exercised following appropriate consideration of the matters listed under clause 48 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the local development plan is consistent with the Shire's Town Planning Scheme No. 2. 2. Authority to not advertise a local development plan can only be exercised where it can be demonstrated that it would not adversely affect the owners or occupiers within the area covered by the plan or an adjoining area. 3. Authority to determine a Local Development Plan can only be exercised if it is aligned with the relevant Local Planning Policy.

Shire of Serpentine Jarrahdale

Express Power to Sub-Delegate:	*r.83 Planning and Development (Local Planning Schemes) Regulations 2015*
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Statutory Planning & Compliance** **Manager Strategic Planning** **Coordinator Strategic Planning**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Planning and Development Act 2005* *Planning and Development (Local Planning Scheme) Regulations 2015* *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*. The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	5/08/2019 – E19/9086 – Memo to Acting CEO – Addition of Coordinator Strategic Planning to Sub-delegation
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

12.1.3 Structure Plans and Activity Centre Plans

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*r.82 Planning and Development (Local Planning Schemes) Regulations 2015*
Express Power or Duty Delegated:	*Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2.* cl.16 Publication of endorsed structure plan cl.17 Action by local government on receipt of application cl.18 Advertising structure plan cl.19 Consideration of submissions cl.20 Local Government report to Commission cl.29 Amendment of structure plan cl.33 Action of Local Government on receipt of application cl.34 Advertising activity centre plan cl.35 Consideration of submissions cl.36 Local government report to Commission cl.45 Amendment of Activity Centre Plan
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to consider the material provided by the applicant and determine whether sufficient information is provided, or if further information from the applicant is required before the structure plan can be accepted for assessment under cl.17(1). 2. Authority to advertise the structure plan in accordance with clause 18 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 3. Authority to consider all the submissions, make a determination regarding the information required and whether to advertise any modifications proposed to the Structure Plan to address issued raised in submissions as contemplated in cl. 19 (1). 4. Authority to consider the material provided by the applicant and determine whether sufficient information is provided, or if further information from the applicant is required before the activity centre plan can be accepted for assessment under cl.33(1). 5. Authority to advertise the structure plan in accordance with clause 34 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 6. Authority to consider all the submissions, make a determination regarding the information required and whether to advertise any modifications proposed to the Structure Plan to address issued raised in submissions as contemplated in cl. 35 (1).

Shire of Serpentine Jarrahdale

Council Conditions on this Delegation:	1. This authority is to be exercised following appropriate consideration of the matters listed under cl.16 of Schedule 2 and the structure plan is consistent with the Shire's Town Planning Scheme No. 2. 2. This authority is to be exercised following appropriate consideration of the matters listed under cl.32 of Schedule 2 and the activity centre plan is consistent with the Shire's Town Planning Scheme No. 2. 3. Amendments to a Structure Plan or Activity Centre Plan may be considered minor in nature by meeting the following criteria**:** a) Does not materially alter the purpose and intent of the structure plan; b) Does not change the intended lot / dwelling yield by more than 10 per cent; c) Does not adversely impact upon the amenity of adjoining landowners and occupiers; d) Does not restrict the use and development of adjoining land; e) Does not significantly impact on infrastructure provision; f) Does not impact upon the environment; g) Is consistent with Council adopted policies; and h) Is deemed to be consistent with orderly and proper planning.
Express Power to Sub-Delegate:	r.83 *Planning and Development (Local Planning Schemes) Regulations 2015*
Sub-Delegate/s: *Appointed by CEO*	**Director Development Services** **Manager Strategic Planning** **Manager Statutory Planning & Compliance** **Coordinator Strategic Planning**
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	1. Prepare the report on the proposed Structure Plan and provide it to the Commission as contemplated in cl. 20. 2. Provide comments to the Dept. Planning Heritage & Lands regarding structure plans in terms of cl.29. 3. Prepare the report on the proposed Structure Plan and provide it to the Commission as contemplated in cl. 36. 4. Provide comments to the Department of Planning Heritage & Lands regarding structure plans in terms of cl.45.
Compliance Links:	*Planning and Development Act 2005* *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216). The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	Exercised use of delegations is to be reported in the Councillor Information Bulletin (Friday Facts).

Shire of Serpentine Jarrahdale

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	5/08/2019 – E19/9086 – Memo to Acting CEO – Addition of Coordinator Strategic Planning to Sub-delegation
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

12.1.4 DELETED

Shire of Serpentine Jarrahdale

12.1.5 DELETED

Shire of Serpentine Jarrahdale

12.1.6 DELETED

Shire of Serpentine Jarrahdale

Statutory Authorisations and Delegations to Local Government from State Government Entities

Please note that the information provided below is for summary purposes only. Please ensure you read the full text with the relevant Government Gazette and/or other records as indicated.

13.1 *Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997*

See Government Gazette

- Issue 47, 19 March 2004 page 919:

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer of the Department of Water and Environmental Regulation
Express Power to Delegate: *Power that enables a delegation to be made*	*s 20 – Delegation by CEO*
Express Power or Duty Delegated:	s 65(1) - Environmental protection notices, issue and effect of Part V – Environmental regulation
Delegate:	**Chief Executive Officer under the *Local Government Act 1995***
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	S65(1) - give to the owner or the occupier, or both the owner and the occupier, of the premises an environmental protection notice in respect of the premises. Part V - all the powers and duties of the Chief Executive Officer in respect of that environmental protection notice.
Conditions on this Delegation:	All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Shire of Serpentine Jarrahdale

- Issue 71, 16 May 2014 page 1548:

Delegator: *Power / Duty assigned in legislation to:*	Chief Executive Officer of the Department of Water and Environmental Regulation
Express Power to Delegate: *Power that enables a delegation to be made*	*s 20 – Delegation by CEO*
Express Power or Duty Delegated:	All powers and duties of the Chief Executive Officer in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*
Delegate:	**Chief Executive Officer under the *Local Government Act 1995*** **Any employee of a local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Regulation 13 - require an occupier of a construction site to prepare a noise management plan and, by written notice to the occupier, designate a measure in the plan to be ancillary.
Conditions on this Delegation:	All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.
Further Information	For a list of the Shire's Authorised Persons under s87, refer to E21/3613

- Appointment of Authorised Officers

Authoriser: *Power / Duty assigned in legislation to:*	Chief Executive Officer of the Department of Water and Environmental Regulation
Express Power to Appoint:	*s 87 - Authorised persons, appointment of* *s 88 - Inspectors, appointment and purposes of*
Function to be performed:	Appointment of persons to be Authorised Persons for the purposes of this act (s87) Appointment of a person to be an inspector for the purposes of this act (s88)

Shire of Serpentine Jarrahdale

Appointment of:	For the list of Shire Officers appointed under s87 and 88 of the Act, refer to E21/3613
Further Information	Department of Water and Environmental Regulation Authorised Officer Program

13.2 *Planning and Development Act 2005*

See Department of Planning, Lands and Heritage – Resolutions and instruments of delegation

- AUTH 2016/2 – Authorisation Instrument from the Minister for Lands (Department of Lands File 1738/2002v8; 858/2001v9):

Authoriser: *Power / Duty assigned in legislation to:*	Minister for Lands
Express Power to Authorise: *Power that enables an authorisation to be made*	*s 267A – Crown and State land, who may sign documents as to*
Express Power or Duty Authorised:	Powers described in Column 1 of the Schedule
Position Authorised:	**Chief Executive Officer of the relevant Local Government**
Function: *This is a précis only. The position authorised must act with full understanding of the legislation and conditions relevant to this delegation.*	Power to sign as owner in respect of Crown land that is a reserve managed by the local government In respect of development applications being made under or referred to in sections 99(2), 103(2), 115, 122A, 162, 163 and 171A/
Conditions on this Authorisation:	Column 3 of the Schedule

Shire of Serpentine Jarrahdale

- DEL2017/02 – Powers of Local Governments and DoT (MRS) – Government Gazettes:
  - Issue 104, 30 May 2017, page 2738
  - Issue 105, 2 June 2017, page 2761
  - Issue 193, 18 December 2018, page 4825

Delegator: *Power / Duty assigned in legislation to:*	West Australian Planning Commission
Express Power to Delegate: *Power that enables a delegation to be made*	*s 16 – Delegation by Commission*
Express Power or Duty Delegated:	Functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B
Delegate:	Local governments, and to members and officers of those local governments
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Section A: Clause 1 – Development on zoned land Clause 2 – Development on regional road reservations
Conditions on this Delegation:	Clauses 1 to 4 of Section B

- DEL2020/01 – Powers of Local Governments (Strata Titles Act) – Government Gazette:
  - Issue 34, 29 January 2021, page 449.

Delegator: *Power / Duty assigned in legislation to:*	West Australian Planning Commission
Express Power to Delegate: *Power that enables a delegation to be made*	*s 16 – Delegation by Commission*

Shire of Serpentine Jarrahdale

Express Power or Duty Delegated:	Powers and functions under s 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1 Powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1.
Delegate:	Local governments, and to members and officers of those local governments
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Clause 1 of Schedule 1 – determine applications under s 15 except those listed in subsections (a) – (e). Claire 2 of Schedule 1 – determine applications under ss 21 and 22
Conditions on this Delegation:	Clause 3 of Schedule 1 – Reporting Requirements to the WAPC

13.3 *Main Roads Act 1930*

- See instrument of authorisation dated 9 March 2012 (IN12/16798):

Authoriser: *Power / Duty assigned in legislation to:*	Commissioner of Main Roads
Express Power to Authorise: *Power that enables an authorisation to be made*	*s 297 (2) of the Road Traffic Code 2000 – The Commissioner of Main Roads may allow an authorised body to erect traffic-control signals and road signs*
Express Power or Duty Authorised:	Erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any: i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*; ii) race meeting or speed test for which the Minister referred to in section 83 of the Road Traffic Act 1974 has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or *iii)* public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984;* or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity

Shire of Serpentine Jarrahdale

	approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction
Position Authorised:	**The Local Government itself, its employees, consultants, agents and contractors**
Conditions on this Authorisation:	(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.qov.au or by contacting Main Roads by phone; (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.
Compliance Links	Traffic Management for Events Code of Practice

- See instrument of authorisation dated 31 October 2004 (IN04/12354):

Authoriser: *Power / Duty assigned in legislation to:*	Commissioner of Main Roads
Express Power to Authorise: *Power that enables an authorisation to be made*	*s 297 (2) of the Road Traffic Code 2000 – The Commissioner of Main Roads may allow an authorised body to erect traffic-control signals and road signs*
Express Power or Duty Authorised:	Erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction.
Position Authorised:	**The Local Government itself, its employees, consultants, agents and contractors**

Shire of Serpentine Jarrahdale

Conditions on this Authorisation:	(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or repealed from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ('the Code') referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.
Compliance Links	Traffic Management for Works on Roads Code of Practice

Shire of Serpentine Jarrahdale

13.4 *Australian Citizenship Act 2007*

- See Citizenship (LIN 20/084: Class of Persons Who May Receive a Pledge of Commitment) Instrument 2020

Authoriser: *Power / Duty assigned in legislation to:*	Minister
Express Power to Authorise: *Power that enables an authorisation to be made*	*s 27(5) - The Minister may, by legislative instrument, authorise a class of persons for the purposes of paragraph (3)(c).*
Express Power or Duty Authorised:	Authorised to receive a Pledge of Commitment as a Citizen of the Commonwealth of Australia.
Positions Authorised:	**Shire President** **Deputy Shire President** **Chief Executive Officer**

Shire of Serpentine Jarrahdale

Local Government (Miscellaneous Provisions) Act 1960

14.1 Council to CEO

14.1.1 Street Alignments

Delegator: *Power / Duty assigned in legislation to:*	Local Government
Express Power to Delegate: *Power that enables a delegation to be made*	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO Per section 2 of the *Local Government (Miscellaneous Provisions) Act 1960*, the Local Government Act 1995 applies and provides an express power to delegate.
Express Power or Duty Delegated:	*s364 Local Government (Miscellaneous Provisions) Act 1960* perform certain functions following a new street alignment
Delegate:	**Chief Executive Officer**
Function: *This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority of the powers, duties and functions of the local government pursuant to Part XII of the *Local Government (Miscellaneous Provisions) Act 1960*.
Council Conditions on this Delegation:	Must comply with relevant policies.
Express Power to Sub-Delegate:	Nil
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the original delegation also apply to the sub-delegations.*	Nil
Compliance Links:	*Local Government (Miscellaneous Provisions) Act 1960* *Local Government Act 1995* *Land Administration Act 1997* *Transfer of Land Act 1893*
Record Keeping	Each instance of this delegation being exercised is to be recorded in the Register of Exercised Delegations (HPRM container SJ3216), in accordance with r.19 of the *Local Government (Administration) Regulations 1996*.

Shire of Serpentine Jarrahdale

	The full details of any decisions and actions taken under this delegation is to be recorded in the property record and HPRM file.
Reporting Requirements:	The Register of Exercised Delegations is to be reported in the Councillor Information Bulletin.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

14.1.2 DELETED

Shire of Serpentine Jarrahdale

Council Appointed Authorised Persons and Officers

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 other cases by the Council itself depending on the requirements of the relevant statute.

Legislation may include an express (written) power for Local Government to appoint an 'authorised person'. An Authorised Person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an Authorised Person, which may be specified or limited in the Certificate of Authorisation.

Legislation does not provide for an Authorised Person to delegate their powers and duties to another person.

Shire of Serpentine Jarrahdale

Council to CEO / Officers

1.1 DELETED

Shire of Serpentine Jarrahdale

1.2 *Control of Vehicles (Off-Road Areas) Act 1978* - Appointment of Authorised Persons to withdraw infringement notices

Express Power to Appoint:	*Control of Vehicles (Off-Road Areas) Act 1978* s37(5) person authorised by the local government to withdraw an infringement notice
Function to be performed:	Withdraw an infringement notice within 28 days after the service of the notice
Appointment of:	s.37(5) – Withdrawal of Infringement Notices **Director Development Services**
Special Requirements:	1. Withdrawal of infringements are to be notified to the CEO by memo.
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	26/09/2018 – E18/10619 – Memo to Acting CEO - amendment to position titles due to title changes
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.3 DELETED

Shire of Serpentine Jarrahdale

1.4 *Health (Miscellaneous Provisions) Act 1911* – Powers of Local Government

Power to appoint:	*Health (Miscellaneous Provisions) Act 1911* s.26 Powers of Local Government
Function to be performed:	Appointment of such persons for the purpose of discharging it's power and functions under: Part IV – Division 4 (Sanitary Convenience) Part IV – Division 7 (Pollution of Water) Part V – Division 1 (House unfit for occupation) Part VI – Public Buildings Part VII – Division 1 (Nuisances) Health (Air Handling & Water Systems) Regulations 1994 Health (Aquatic Facilities) Regulations 2007 Health (Cloth Materials) Regulations 1985 Construction Camps Regulations 1988 Health (Construction Work) Regulations 1973 Health (Garden Soil) Regulations 1998 Health (Offensive Trade Fees) Regulations 1976 Health (Pesticides) Regulations 2011 Health (Prescribed Insect Pests) Regulations 1991 Health (Public Buildings) Regulations 1992 Health (Skin Penetration) Procedure Regulations 1998 Health (Temporary Sanitary Conveniences) Regulations 1997 Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 Health Act (Laundries and Bathrooms) Regulations Health Act (Sewerage Drainage and Underground Water Supply) Regulations 1974. Health Act (Underground Water Supply) Regulation 1959 Fly Eradication Regulations Piggeries Regulations 1979 Shire of Serpentine Jarrahdale Health Local Laws 1999 (as amended)
Appointment of:	**Manager Health and Building** **Coordinator Environmental Health** **Environmental Health Officer** **Coordinator Building Services** Limited to *Health (Public Buildings) Regulations 1992* **Building Surveyor** Limited to *Health (Public Buildings) Regulations 1992*
Special Requirements:	1. Commence legal proceedings under the *Health (Miscellaneous Provisions) Act 1911* and associated regulations and local laws. 2. Serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the *Health (Miscellaneous Provisions) Act 1911.* Delegations with respect to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

Shire of Serpentine Jarrahdale

	3. Order premises within the Shire of Serpentine - Jarrahdale to be connected to sewer mains when such mains are completed and ready for use. (s.72 *Health Act 1911*). 4. Sign and issue licences and registrations issued under the *Health (Miscellaneous Provisions) Act 1911* Conditions. 5. Only the Manager Health and Building may commence legal proceedings. 6. Shire's Environmental Health Officers may only serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the *Health (Miscellaneous Provisions) Act 1911* & Sign and issue licences and registrations issued under the *Health (Miscellaneous Provisions) Act 1911.* 7. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council.
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.5 *Health (Miscellaneous Provisions) Act 1911* – Powers of Local Government, Public Buildings, Events and Gatherings

Power to appoint:	*Health (Miscellaneous Provisions) Act 1911* s.26 Powers of Local Government
Function to be performed:	Appointment of such persons for the purpose of discharging it's power and functions under: *Health (Miscellaneous Provisions) Act 1911*, Section 176 and 177
Appointment of:	**Chief Executive Officer** **Deputy CEO / Director Community and Organisational Development** **Director of Development Services** **Manager Health and Building** **Manager Community Activation** **Coordinator Environmental Health** **Environmental Health Officer**
Special Requirements:	Issue approvals for public buildings, events or gatherings in the form prescribed in section 176 and 177 of the *Health (Miscellaneous Provisions) Act 1911.*
Conditions	Only the CEO, the Deputy CEO, the Director of Development Services and the Manager Health and Building may issue approvals for larger events and gatherings requiring risk management plans under the *Health (Public Building) Regulations 1992*.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.6 Gaming and Wagering Commission Act 1987 – Appointment of Authorised Officer

Power to appoint:	*Gaming and Wagering Commission Act 1987* s21(2) Authorised officers, appointment and duties of and reports by s55(3) Approving premises for gaming
Function to be performed:	1. If the Commission requests, the Chief Executive Officer is to be the Authorised Officer. 2. The Chief Executive Officer is authorised to provide, if requested, the relevant Reports.
Appointment of:	**Chief Executive Officer**
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.7 *Litter Act 1979* – Appointment of Authorised Officers to withdraw infringement notices

Express Power to Appoint:	*s.30(4)(a) Litter Act 1979*
Function to be performed:	To approve the withdrawal of infringement notices issued under the *Litter Act 1979* in accordance with s.30(4)(a) of the *Litter Act 1979*.
Appointment of:	**Chief Executive Officer** **Director Development Services**
Special Requirements:	This Authority cannot be sub-delegated.
Conditions	Nil
Reporting Requirements	Withdrawals of notices are to be retained on the appropriate file or record.

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

1.8 DELETED

Shire of Serpentine Jarrahdale

1.9 DELETED

Shire of Serpentine Jarrahdale

1.10 Planning and Development Act 2005 – Commencing a prosecution for contravening a provision of the planning scheme (s218) and commencing a prosecution for failure to comply with directions (s214)

Power to appoint:	s20 (1)(b)(ii) of the *Criminal Procedure Act 2004*
Function to be performed:	Pursuant to s20 of the *Criminal Procedure Act 2004, t*he following officers are authorised persons for the purposes of commencing a prosecution for a breach of the Local Planning Scheme (s218) and commencing a prosecution for a failure to comply with directions (s214).
Appointment of:	**Chief Executive Officer**
Guidance Note:	• The *Planning and Development Act 2005* is silent on who may bring a prosecution under ss 214 and 218, but states that a person who contravenes these sections commits an offence. • s20(1)(a) of the *Criminal Procedure Act 2004* provides that an authorised person in relation to an offence is a person under another written law authorised to commence a prosecution • s1.2 of the *Serpentine-Jarrahdale Town Planning Scheme No. 2* states that the Shire of Serpentine-Jarrahdale is the responsible authority for implementing the Scheme • s20(1)(b)(ii) of the *Criminal Procedure Act 2004* provides that an authorised person in relation to an offence is a person who is authorised to commence a persecution, in writing, by a public authority. Pursuant to s 20(1)(b)(ii) of the *Criminal Procedure Act 2004,* adoption by Council of this Authorisation is authority for the CEO to commence prosecution against a person who: • contravenes a provision of the planning scheme (s218); and • fails to comply with directions (s214).
Conditions	Nil

Version Control:

1	OCM138/06/20 – 15 June 2020
2	
3	

Shire of Serpentine Jarrahdale

1.11 *Local Government Act 1995* - Execution of Documents

Power to appoint:	s9.49A(4)
Function to be performed:	s.9.49A Execute documents and/or deeds on behalf of the Shire of Serpentine Jarrahdale.
Appointment of:	**Chief Executive Officer** **Deputy CEO / Director Community and Organisational Development** **Director Corporate Services** **Director Development Services** **Director Infrastructure Services**
Guidance Note:	1. In accordance with s9.49A(1), a document may be executed by affixing the common seal or signing by a person or persons authorised by the local government. 2. Council is not permitted to delegate the function of authorising a person to sign documents on behalf of the local government but may under s9.49A(4) authorise specific employees to execute documents on its behalf.
Conditions	1. The execution of the document must not be inconsistent with a Council Policy or resolution. 2. Authorisation of the use of the common seal must be in accordance with the relevant Council Policy. 3. The positions of Deputy CEO / Director Community and Organisational Development; Director Corporate Services; Director Development Services; Director Infrastructure Services are restricted to executing documents that are to a value of $250,000 or less.

Version Control:

1	OCM138/06/20 – 15 June 2020
2	OCM226/07/20 – 20 July 2020
3	

Shire of Serpentine Jarrahdale

1.12 *Local Government Act 1995* – Power to remove and impound

Power to appoint:	s3.39
Function to be performed:	Authorise employees to remove and impound any goods that are involved in a contravention that can lead to impounding.
Appointment of:	**Manager Operations** **Coordinator Community Safety** **Ranger**
Guidance Note:	The related powers: • s.3.40A (4) Abandoned vehicle wreck may be taken • s.3.42 Impounded non-perishable goods • s.3.44 Notice to collect goods if not confiscated • s.3.46 Goods may be withheld until costs paid are enacted through delegation 1.1.3
Conditions	Nil

Version Control:

1	OCM138/06/20 – 15 June 2020
2	
3	

Shire of Serpentine Jarrahdale

1.12 *Dog Act 1976* – Enforcement Proceedings

Power to appoint:	s44(2)
Function to be performed:	Undertake proceedings under the *Dog Act 1976*
Appointment of:	**Chief Executive Officer**
Guidance Note:	Nil
Conditions	Nil

Version Control:

1	
2	
3	

Shire of Serpentine Jarrahdale

1.13 *Dog Regulations 2013* – Withdraw Infringement Notices

Power to appoint:	r35(5)
Function to be performed:	Withdraw an infringement notice under the *Dog Act 1976*
Appointment of:	**Chief Executive Officer**
Guidance Note:	Nil
Conditions	Nil

Version Control:

1	
2	
3	

Shire of Serpentine Jarrahdale

CEO to Officers

CEO 2.1 *Local Government Act 1995* – Appoint Authorised Persons

Express Power to Appoint:	*Local Government Act 1995* s.9.10 Appointment of authorised persons
Relevant Delegation:	N/A
Function to be performed:	Appointment of persons to be Authorised Persons for the purposes of the laws specified in this authorisation.
Appointment of:	For the purposes of *the Local Government Act 1995*: s.9.16 – Giving of notice **Manager Health and Building** **Coordinator Environmental Health** **Environmental Health Officer** **Coordinator Building Services** **Building Surveyor** **Swimming Pool Barrier Inspector** **Coordinator Community Safety** **Ranger** **Coordinator Emergency Services** **Manager Statutory Planning & Compliance** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** s.9.16 – Giving of notice (for the purposes of regulation 70 of the *Building Regulations 2012):* **Manager Health and Building** **Coordinator Building Services** For the purposes of carrying out the powers and duties of an Authorised Person under the *Caravan Parks and Camping Grounds Regulations 1997*: **Director Development Services** **Manager Health and Building** **Coordinator Environmental Health** **Environmental Health Officer** **Coordinator Building Services** **Building Surveyor** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Coordinator Community Safety** **Ranger** For the purposes of the *Caravan Parks and Camping Grounds Act 1995*: s.18 - Powers of Entry, s.20 - Entry of occupied caravan or camp and s.23(2) - Issue an infringement notice **Manager Health and Building** **Coordinator Environmental Health** **Environmental Health Officer** **Coordinator Building Services** **Building Surveyor**

Shire of Serpentine Jarrahdale

Coordinator Statutory Enforcement
Statutory Enforcement Officer
Coordinator Community Safety
Ranger

s.22(1) – Legal Proceedings
Chief Executive Officer

s.23(5) – Extend the period the modified penalty is to be paid; and
s.23(7) – withdraw an infringement notice
Chief Executive Officer
Director Development Services

For the purposes of carrying out the powers and duties of an Authorised Person under the *Cat Act 2011*:
Coordinator Community Safety
Ranger

For the purposes of the *Control of Vehicles (Off-Road Areas) Act 1978*:
s.8 – Exceptions to s.6(1) and (2), 9A, 9B and 9C, s.37(1) – Issue Infringement notices and s.38(7) - Authorised persons – request name and address
Coordinator Community Safety
Ranger

s.40 - Prosecutions, who may commence
Chief Executive Officer

For the purposes of carrying out the powers and duties of an Authorised Person under the *Dog Act 1976*:
Coordinator Community Safety
Ranger

For the purposes of carrying out the powers and duties of an Authorised Person under the *Cemeteries Act 1986*:
Director Infrastructure Services

For the purposes of carrying out the powers and duties of an Authorised Person under the *Local Government (Miscellaneous Provisions) Act 1960*:
Part XX - For the purposes of performing the functions and duties associated with the impounding of cattle.
Coordinator Community Safety
Ranger

For the purposes of carrying out the powers and duties of an Authorised Person for Local Laws made under the *Local Government Act 1995*:
Serpentine and Jarrahdale Cemeteries Local Law 2005
Director Infrastructure Services
Dust and Building Waste Local Law 2017
Manager Health and Building
Coordinator Environmental Health
Environmental Health Officer
Coordinator Building Services
Building Surveyor
Coordinator Community Safety

Shire of Serpentine Jarrahdale

	Ranger **Manager Statutory Planning & Compliance** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** *Fences Local Law* **Director Development Services** **Manager Statutory Planning & Compliance** **Manager Health and Building** **Coordinator Statutory Enforcement** **Coordinator Building Services** **Statutory Enforcement Officer** **Building Surveyor** *Parking and Parking Facilities Local Law 2014* **Coordinator Community Safety** **Ranger** **Manager Statutory Planning & Compliance** *Public Places and Local Government Property Local Law 2019* **Deputy CEO / Director Community and Organisational Development** **Director Infrastructure Services** **Manager Health and Building** **Manager Statutory Planning & Compliance** **Coordinator Environmental Health** **Environmental Health Officer** **Coordinator Building Services** **Building Surveyor** **Coordinator Community Safety** **Ranger** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Manager Community Activation** **Coordinator Emergency Services** **Manager Operations** **Coordinator Natural Reserves**
Special Requirements	All Authorised Persons are to be issued with an identity card and are to produce their identity card whenever required to do so.
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	21/3/2018 – E18/2816 – Memo to CEO – amendment to Position titles as per organisation chart
3	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
4	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
5	26/09/2018 – E18/10619 – Memo to Acting CEO - amendment to position titles due to title changes
6	OCM088/05/19 – 20 May 2019
7	OCM138/06/20 – 15 June 2020
8	10/12/2020 – E20/14361 – Memo to CEO – amendments to CEO Authorisations 2.1, 2.4, 2.5

Shire of Serpentine Jarrahdale

CEO 2.2 DELETED

Shire of Serpentine Jarrahdale

CEO 2.3 *Building Act 2011* – Designate Employees as Authorised Persons

Express Power to Appoint:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local government
Relevant Delegation:	2.1.4 Designate Employees as Authorised Persons
Function to be performed:	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Appointment of:	For the purposes of s.93(2)(d) – Changing building standards, requirements, as to existing buildings **Manager Health and Building** **Coordinator Building Services** **Building Surveyor** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Swimming Pool Barrier Inspector** For the purposes of s.100 – Entry Powers **Manager Health and Building** **Coordinator Building Services** **Building Surveyor** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Swimming Pool Barrier Inspector** For the purposes of s.102 – Obtaining information and documents **Manager Health and Building** **Coordinator Building Services** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** For the purposes of s.103 – Use of force and assistance **Manager Health and Building** **Coordinator Building Services** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** For the purposes of s.106 – Entry warrant to enter place **Manager Health and Building** **Coordinator Building Services** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** For the purposes of s.109 Execution of warrant **Manager Health and Building** **Coordinator Building Services** **Coordinator Statutory Enforcement** For the purposes of r.53(1) of the *Building Regulations 2012*: **Manager Health and Building**

Shire of Serpentine Jarrahdale

	Coordinator Statutory Enforcement **Statutory Enforcement Officer** **Building Surveyor** **Coordinator Building** **Swimming Pool Barrier Inspector**
Special Requirements:	1. In accordance with s.97, each authorised person shall have an identity card as described in s.97(2). 2. All Authorised Persons are required to produce their identity card in accordance with s.98. 3. In accordance with s.99 adhere to the limitation on powers of authorised persons.
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	21/3/2018 – E18/2816 – Memo to CEO – amendment to Position titles as per organisation chart
3	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
4	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
5	26/09/2018 – E18/10619 – Memo to Acting CEO - amendment to position titles due to title changes
6	OCM088/05/19 – 20 May 2019
7	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.4 *Bush Fires Act 1954* – Appoint Bush Fire Control Officer/s

Express Power to Appoint:	*Bush Fires Act 1954:* s. 38 (1) Local Government may appoint Bush Fire Control Officer/s
Relevant Delegation:	3.1.8 Appoint Bush Fire Control Officer/s
Function to be performed:	1. Appoint persons to be Bush Fire Control Officers for the purposes of the *Bush Fires Act 1954*; and a) Of those Officers, appoint the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officers; and b) Determine the respective seniority of the other Bush Fire Control Officers so appointed [s.38(1)]. Note: In accordance s38A(2), the Shire must not appoint a Chief Bush Fire Control Officer under s 38(1) when the designation of the Chief Bush Fire Control Officer has been undertaken by the FES Commissioner in accordance with s38A(1). 2. Appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a) Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Appointment of:	**Bush Fire Control Officers:** **Coordinator Emergency Services** **Coordinator Community Safety** **Emergency Services Technical Support Officer** **Brigade Captain** **Brigade Fire Control Officer** **Ranger** Of the abovementioned **Bush Fire Control Officers**, appoint 1 **Chief Bush Fire Control Officer** (if required, see note above) and **Deputy Bush Fire Control Officers**
Special Requirements:	1. An appointment made under s.38(1) shall cause a local public notice to be published [s.38(2A)]. 2. Records of names, addresses and usual occupations are to be maintained for all appointed Bush Fire Control Officers. [s.50(1)(b)]. 3. Each appointed Bush Fire Control Officer must be assigned a category (Operational, Permit Issuing or Enforcement) and may only carry out those functions assigned to their category as follows:

Shire of Serpentine Jarrahdale

	Category	Assigned Bush Fire Control Officer Functions under the Bush Fires Act	Applies to positions
	Operational Bush Fire Control Officer	• Part IV, Division 1	• **Coordinator Emergency Services** • **Coordinator Community Safety** • **Emergency Services Technical Support Officer** • **Brigade Captain** • **Brigade Fire Control Officer A**
	Enforcement Bush Fire Control Officer	• Part III, Division 5 • s 39	• **Coordinator Emergency Services** • **Coordinator Community Safety** • **Ranger** • **Emergency Services Technical Support Officer**
	Permit Issuing Bush Fire Control Officer	• Part III, Division 6 • Part IV, Division 1	• **Brigade Fire Control Officer B**
Conditions	Nil		

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020
4	10/12/2020 – E20/14361 – Memo to CEO – amendments to CEO Authorisations 2.1, 2.4, 2.5

Shire of Serpentine Jarrahdale

CEO 2.5 *Dog Act 1976* - Authorise Registration Officers

Express Power to Appoint:	*Dog Act 1976:* **Registration officer** s.3 registration officer
Relevant Delegation:	5.1.3 Authorise Registration Officers
Function to be performed:	**Registration officer** Perform functions in the *Dog Act 1976* related to registration of dogs. The following functions are performed under authorisation • s.16(2a) Register a dog • s.16(3A) Cancel a registration of a person banned from owning or keeping a dog under s.46 • s.16(3c) Cancel a registration is a dog has died • s.16(6) Provide the registration certificate
Appointment of:	As a registration officer under section 3: **Director Development Services** **Coordinator Community Safety** **Ranger** **Coordinator Customer Service** **Customer Service Officer**
Special Requirements:	Registration Officers to be given an ID Card in accordance with s11(3) of the Act and Form 1 of the *Dog Regulations 2013*
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	21/3/2018 – E18/2816 – Memo to CEO – amendment to Position titles as per organisation chart
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020
5	10/12/2020 – E20/14361 – Memo to CEO – amendments to CEO Authorisations 2.1, 2.4, 2.5

Shire of Serpentine Jarrahdale

CEO 2.6 *Food Act 2008* - Appoint Authorised Officers and Designated Officers

Express Power to Appoint:	*Food Act 2008:* s.122 Appointment of authorised officers
Relevant Delegation:	6.1.3 Designate Employees as Authorised Persons
Function to be performed:	1. Authority to enter, inspect and seize. [s.38] 2. Power of seizure [s.40] 3. Application for warrant to enter premises [s.41] 4. Seized items [s.49] 5. Destruction of filthy, decomposed or putrid matter [s.51] 6. Grounds for serving improvement notice [62] 7. Extend the period for action to be taken in accordance with the notice. [s.63(2)] 8. Compliance with improvement notice [s.64] 9. Taking of samples [s.74, 75, 76, 77, 78, 79] 10. Issue Infringement Notices [s. 126(2)] 11. Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)]. 12. Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].
Appointment of:	**Manager Health and Building** s.38, s.40, s.41, s.49, s.51, s.62, s.63(2), s.64, s.74, s.75, s.76, s.77, s.78, s.79, s.126(6) **Coordinator Environmental Health** s.38, s.40, s.41, s.49, s.51, s.62, s.63(2), s.64, s.74, s.75, s.76, s.77, s.78, s.79, s.126(2) **Environmental Health Officer** s.38, s.40, s.49, s.51, s.62, s.64, s.74, s.75, s.76, s.77, s.78, s.79, s.126(2) **Director Development Services** s.126(7)
Special Requirements:	1. In accordance with s.118(3)(b), this authorisation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: a) Appointment of Authorised Officers as Meat Inspectors b) Appointment of Authorised Officers c) Appointment of Authorised Officers – Designated Officers only 2. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer 3. To be read in conjunction with 6.1.3 – Appoint Authorised Officers and Designated Officers
Conditions	Nil

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.7 *Planning and Development (Local Planning Schemes) Regulations 2015* – Entry and Inspection Powers

Express Power to Appoint:	Part 10 – Division 1 - r.79(1) *Planning and Development (Local Planning Schemes) Regulations 2015*
Function to be performed:	Part 10 – Division 1 - r. 79(2) - An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required — (a) enter any building or land in the Scheme area; and (b) inspect the building or land and anything in or on the building or land.
Appointment of:	**Director Development Services** **Manager Statutory Planning & Compliance** **Coordinator Statutory Planning** **Statutory Planning Officer** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** **Coordinator Community Safety** **Ranger** **Coordinator Emergency Services**
Special Requirements:	Nil
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	26/09/2018 – E18/10619 – Memo to Acting CEO - amendment to position titles due to title changes
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.8 *Freedom of Information Act 1992*

Express Power to Appoint:	s.100 *Freedom of Information Act 1992*
Function to be performed:	The authority to determine decisions made under this Act [s.100(1)(b)]
Appointment of:	**Manager Information Communication Technology** All decisions made under this Act (s.100(1)(b)) excluding internal reviews conducted per s39 of the Act **Deputy CEO / Director Community and Organisational Development** **Director Corporate Services** Internal reviews conducted per s39 of the Act
Special Requirements:	Assessment of applications to be conducted in accordance with s.30 Notice under s. 13(1)(b) of decision, form etc. of
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	OCM088/05/19 – 20 May 2019
3	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.9 DELETED

Shire of Serpentine Jarrahdale

CEO 2.10 DELETED

Shire of Serpentine Jarrahdale

CEO 2.11 *Public Health Act 2016* - Designation of Authorised Officers

Express Power to Appoint:	*s.24 Public Health Act 2016*
Relevant Delegation:	9.1.1 Designation of Authorised Officers
Function to be performed:	Designated as an authorised officer for the purposes of — 1. Parts 8, 9, 14 and 16 of the Public Health Act 2016; and 2. the *Health Act 1911* sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and 3. the *Tobacco Products Control Act 2006*
Appointment of:	**Manager Health and Building** • Parts 8, 9, 14 and 16 of the *Public Health Act 2016; a*nd • powers of an authorised officer under the *Tobacco Products Control Act 2006* **Coordinator Environmental Health** **Environmental Health Officer** • Parts 8, 9, 14 and 16 of the *Public Health Act 2016;and* • Sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 227(1), 228(1), 234(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375 of the *Health Act 1911;and* • powers of an authorised officer under the *Tobacco Products Control Act 2006*
Special Requirements:	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: a) Appointment of Authorised Officers as Meat Inspectors b) Appointment of Authorised Officers c) Appointment of Authorised Officers – Designated Officers only d) Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. 2. A certificate of authority as an authorised officer must be issued [s.30]
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	20/03/2019 – E20/3473 – Memo to CEO
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.12 *Public Interest Disclosure Act 2003* - Public Interest Disclosure Officer

Express Power to Appoint:	s23(1)(a) *Public Interest Disclosure Act 2003*
Function to be performed:	The 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. The Chief Executive Officer of the Shire of Serpentine Jarrahdale is designated accordingly.
Appointment of:	**Director Corporate Services** **Manager Human Resources and Organisational Development** **Internal Auditor**
Special Requirements:	Nil
Conditions	Nil

Version Control:

1	SCM163/12/17 – 19 December 2017
2	11/03/2019 – E19/2925 – Memo to CEO – amendment to Authorisation 2.12 – addition of positions appointed as authorised officers
3	OCM088/05/19 – 20 May 2019
4	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.13 *Fines, Penalties & Infringement Notices Enforcement Act 1994* - Designation of Authorised Officers

Express Power to Appoint:	*s13(3) Fines, Penalties & Infringement Notices Enforcement Act 1994*
Function to be performed:	s.16(1) Register an infringement notice with the Registry s.22(1) Withdraw proceedings after final demand been sent in respect of an infringement notice s.11A Giving documents to Registry by means of ECMS
Appointment of:	**Deputy CEO / Director Community and Organisational Development** s.16, s.22 **Director Infrastructure Services** s. 16, s. 22 **Director Corporate Services** s. 16, s. 22 **Director Development Services** s. 16, s. 22 **Coordinator Emergency Services** s. 16, s. 22, r. 11A **Coordinator Community Safety** s. 16, s. 22, r. 11A **Ranger** s. 16, r. 11A **Community Safety Technical Support Officer** s. 16, r. 11A **Manager Statutory Planning & Compliance** s. 16, r. 11A **Coordinator Statutory Enforcement** s. 16, r. 11A **Manager Health and Building** s. 16, r. 11A **Coordinator Building Services** s. 16, r. 11A **Building Surveyor** s. 16, r. 11A **Development Services Support Officer** r. 11A
Special Requirements:	1. Authorised Prosecutions Officers must ensure they have written permission from the Chief Executive Officer before withdrawing proceedings in accordance with s. 22 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. 2. Approved users are to ensure compliance with r. 11A (2), (3) & (4) of the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994.*
Conditions	Nil

Version Control:

Shire of Serpentine Jarrahdale

1	SCM163/12/17 – 19 December 2017
2	14/06/2018 – E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations
3	28/06/2018 – E18/6531 – Memo to CEO – amendment to Position title and Sub-delegations
4	OCM088/05/19 – 20 May 2019
5	18/10/2019 – IN19/18463 - Amendment to position title - Community Safety Technical Support Officer
6	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

CEO 2.14 DELETED

Shire of Serpentine Jarrahdale

CEO 2.15 DELETED

Shire of Serpentine Jarrahdale

CEO 2.16 DELETED

Shire of Serpentine Jarrahdale

CEO 2.17 DELETED

Shire of Serpentine Jarrahdale

CEO 2.18 DELETED

Shire of Serpentine Jarrahdale

CEO 2.19 *Planning and Development Act 2005* – Issue and vary infringement notices

Express Power to Appoint:	Section 234(1) *Planning and Development Act 2005*
Function to be performed:	Section 228 *Planning and Development Act 2005* • Giving of infringement notice Section 230, and 231 *Planning and Development Act 2005* • Extending time to pay modified penalty • Withdrawal of infringement notice
Appointment of:	Section 228 *Planning and Development Act 2005* **Manager Statutory Planning and Compliance** **Coordinator Statutory Enforcement** **Statutory Enforcement Officer** Section 230, 231 *Planning and Development Act 2005* **Director Development Services**
Special Requirements:	Nil
Conditions	Nil

Version Control:

1	OCM138/06/20 – 15 June 2020

Shire of Serpentine Jarrahdale

Governance References

Version	Decision Reference	Synopsis
1 – 19/12/2017	SCM163/12/17	Annual review and New Delegations Format
2 – 7/2/2018	E18/319 – Memo to CEO requesting amendment	The addition of Manager Building, Senior Building Surveyor and Building Surveyor to 1.1 Appoint Authorised Persons
3 - 21/2/2018	E18/1605 – Memo to CEO requesting amendments	1.1.9 – Manager Community Development title CEO 2.9 – addition of Deputy CEO / Director Community Services CEO 2.10 – amendment of Principle Decision Maker and Freedom of Information Coordinator 5.1.1 – addition of Director Development Services and CEO conditions on sub-delegation for s.26 of *Dog Act 1976*
4 - 21/3/2018	E18/2816 – Memo to CEO – requesting amendments	4.1.1 – Cat Registrations CEO 2.1 – Appoint Authorised Persons CEO 2.3 – Designate Employees as authorised Persons CEO 2.5 – Appoint Authorised Persons
5 - 14/06/2018	E18/5919 – Memo to CEO – amendment to Position titles and Sub-delegations	Senior Building Surveyor changed to Coordinator Building Services Senior Environmental Health Officer changed to Coordinator Environmental Health
6 – 28/06/2018	E18/6531	Manager Health changed to Manager Health and Building Manager Building removed
7 – 20/05/2019	OCM088/05/19 – 20 May 2019	Annual Review
8 – 24/06/2019	E19/6921	1.1.17 - Addition of Coordinator Civil Maintenance position to sub-delegation
9 - 26/06/2019	E19/7450	Memo to Acting CEO – Amendment of Category A authorisation amount to align with Delegation 1.1.28 – Execution of Contracts
10 - 27/06/2019	E19/7527	Memo to Acting CEO – Removal of Coordinator Statutory Enforcement from sub-delegation
11 - 29/07/2019	E19/8958	Memo to Acting CEO – Addition of CEO delegation to employees – 1.2.3 Provide written acknowledgement of the receipt of Primary and Annual Returns
12 – 30/07/2019	Approved by Executive Management Group at 30 July 2019 EMG meeting.	Removal of Verify Goods or Services Received Sub-delegates
13 - 5/08/2019	E19/9086	Memo to Acting CEO – Addition of Coordinator Strategic Planning to Sub-delegations
14 – 23/08/2019	IN19/18462 and IN19/18463 - Restructure - Emergency Services, Rangers and Community Safety	Update Position Titles for Rangers and Emergency Services
15 - 25/09/2019	E19/12226 - Memo to CEO	Addition of CEO delegation to employees – 1.2.4 - Election of Shire President and Deputy Shire President
16 – 21/10/2019	IN19/18463 - Amendment to position titles	Community Safety Technical Support Officer and Emergency Services Technical Support Officer
17 – 20/03/2020	E20/3473 – Memo to CEO	Revision to Authorisation CEO 2.11 Public Health Act 2016 – Designation of Authorised Officers
18 – 15/06/2020	OCM138/06/20 – 15 June 2020	Significant revision following a comprehensive review of delegations as part of the annual review of delegations
19 – 22/06/2020	IN20/15484 and IN20/15486 - Restructure and Position Title Changes - Community and Organisational Development	Update Position Titles for Community and Organisational Development

Shire of Serpentine Jarrahdale

20 – 20/07/2020	OCM226/07/20 – 20 July 2020	Amendments to Authorisation 1.11 relating to amendments of Council Policies related to r. 11A(1) of the *Local Government (Functions and General) Regulations 1996*, which saw a recent increase to the tender threshold; to $250,000.
21 – 27/07/2020	SCM241/07/20	Amendment to Council Conditions on Delegation 1.1.21 and amendments to Compliance Links on Delegations 1.1.20 to 1.1.26.
22 – 10/12/2020	E20/14361	Memo to CEO – amendments to CEO Authorisations 2.1, 2.4, 2.5