



Shire of Harvey Register of Delegated Authority 2023- 2024

REVIEW

There are no reviews to display

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INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DELEGATIONS

Delegation	1.1.1 Temporary Closure of Thoroughfare to Vehicles
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	Authority to: <ol style="list-style-type: none"> 1. 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. Determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> a. give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land. b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Revoke an order to close a thoroughfare [s.3.50(6)]. 4. 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, 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 [s.3.51].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 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)] (relevant to the metropolitan area or a Townsite only).
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Manager Engineering Services Supervisor Engineering Services

Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.2 Disposing of Property
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.58(2) and (3) Disposing of Property
Function	Authority to: <ol style="list-style-type: none"> 1. Dispose of property to: <ol style="list-style-type: none"> a. to the highest bidder at public auction [s.3.58(2)(a)]. b. to 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 tenders [s.3.58(2)(b)]. 2. 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)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Disposal of land or building 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 were not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less. 3. When determining the method of disposal: <ol style="list-style-type: none"> a. Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. Reserve price has been set by independent valuation. ii. When 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: <ol style="list-style-type: none"> i. Negotiate the sale of the property up to a -10% variation on the valuation. ii. Consider any public submissions received and determined if to proceed with the disposal, ensuring reasons for the decision are recorded. 4. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken. <ol style="list-style-type: none"> a. Without reference to Council for resolution. b. In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.

Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.3 Creditors payment from Shire funds
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p>r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p>
Express power or duty delegated	<p><i>Local Government (Financial Management) Regulations 1996</i></p> <p>r.12(1)(a) Payments from the Municipal or Trust Fund, Restrictions on Making</p>
Function	Authority to Make Payments from the Municipal or Trust Funds [12.1a].
Delegates	Chief Executive Officer
Conditions	Authority to make payments is subject to annual budget limitations.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Corporate Services</p> <p>Director Infrastructure Services</p> <p>Manager Finance</p>
Subdelegate conditions	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO, Director Corporate Services (senior positions only). 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.4 Investment of Council funds
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 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].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. All investment activity must comply with the Financial Management Regulation 19C and Council Investments Policy. 2. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 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 administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every three financial years [Audit r.17].
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services Manager Finance
Subdelegate conditions	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two delegates. 2. Investment decisions are in line with the Investment Policy.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
Policy	Policy 2.2.1 - Investments.

Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.5 Defer, Waive or Write Off Debts
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12. Power to defer, grant discounts, waive or write off debts
Function	<ol style="list-style-type: none"> 1. Waive a debt that is owed to the Shire of Harvey [s.6.12(1)9b)]. 2. Grant a concession in relation to money which is owed to the Shire of Harvey [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of Harvey [s.6.12(1)(c)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. 2. A debt may only be waived where: <ol style="list-style-type: none"> a. It is only to charitable or not for profit community grants. 3. A concession may only be granted where: <ol style="list-style-type: none"> a. It is only to charitable or not for profit community groups. 4. A debt may only be written off where all necessary measures have been taken to locate/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 of Harvey. <ol style="list-style-type: none"> a. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$1,000. Write off of debts greater than these values must be referred for Council decision. 5. For the CEO to report to Council on the exercise of this delegation.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	1.1.6 Write off of interest charged on rates debtors
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees s.6.12(1)(c) Power to defer, grant discounts, waive or write off debts
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12(1)(c) Power to defer, grant discounts, waive or write off debts
Function	The Chief Executive Officer is delegated authority to write off interest charged amounts owing on rate debtors accounts limited to amounts up to \$10.00.
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services Manager Finance
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.7 Shire of Harvey Recreation Grounds - Camping
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Caravan Parks and Camping Grounds Regulations 1997</i> r.11 Camping other than at caravan park or camping ground. <i>Local Government Property Local Law 2017</i> Clause 3.2 Application for Permit Clause 3.3 Decision on application for permit Clause 3.4 Conditions which may be imposed on a permit Clause 3.6 Compliance with and variation of conditions' Clause 3.8 Renewal of permit Clause 3.9 Transfer of permit Clause 3.11 Cancellation of permit
Function	Authority to: <ol style="list-style-type: none"> 1. Receive the permit [r.11(1)]. 2. Determine the permit [r.11(2)(a)]. 3. Require an applicant to provide additional information reasonably related to an application before determining an application for a permit [cl.3.2(3)]. 4. Require an applicant to give local public notice of the application for a permit [cl.3.2(4)]. 5. Refuse to consider an application for a permit, which is not in accordance with sub-cl.3.2(2) of the Local Law [cl.3.2(5)] 6. Determine to approve, unconditionally or subject to conditions, OR refuse a permit [cl.3.3(1)]. 7. Determine to impose conditions on a permit [cl.3.4]. 8. Determine to vary the conditions on a permit [cl.3.6(2)]. 9. Determine to renew a permit [cl.3.8]. 10. Determine to approve or refuse a transfer of a permit, and require the applicant to provide such information as required to determine the application [cl.3.9]. 11. Determine to cancel a permit [cl.3.11].
Delegates	Chief Executive Officer
Conditions	In accordance with Council Policy 5.2.3 - Shire of Harvey Recreation Grounds - Camping.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate powers and duties to other employees.
Subdelegates	Director Sustainable Development Manager Environmental Health Services

Subdelegate conditions	Delegation on subdelegates limited to issuing permits for the purpose of clause 3.1 (permit required to camp outside a facility) of the Shire of Harvey <i>Local Government Property Local Law 2017</i> .
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> <i>Local Government Property Local Law 2017</i> <i>Caravan Parks and Camping Grounds Act 1995</i>
Policy	Policy 5.2.3 - Shire of Harvey Recreation Grounds - Camping.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.1.8 Traders and Stallholders Permits Including mobile Traders' Permits relating to Food Trading
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p><i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i></p> <p>cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit</p>

<p>Function</p>	<p>Permits General:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Authority, limited to the permit types listed below, to: <ol style="list-style-type: none"> a. Determine the form of a permit application [cl.7.1(1)(a)]. b. Require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]. c. Require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]. d. Refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]. e. Determine the form of the permit [cl.7.2(2)]. <p>Stallholder, Trading and Performing:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve [cl.7.2], renew [cl.7.7], transfer [cl.7.8], refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under [cl.7.4] or determined as appropriate, limited to: <ol style="list-style-type: none"> a. Stallholder [cl.6.2]. b. Trader [cl.6.3]. c. Perform in a public place [cl.6.10]. 2. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]. 3. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)]. <p>Outdoor Eating Facilities:</p> <p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve [cl.7.2], renew [cl.7.7], transfer [cl.7.8], reuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16]. 2. Determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]. 3. Give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].
<p>Delegates</p>	<p>Chief Executive Officer</p>

Conditions	<ol style="list-style-type: none"> 1. Food vehicles are to comply with the <i>Food Act 2008</i>. 2. A Mobile Traders Permit is valid for vehicles that travel along a road looking for customers, selling food from the vehicle as it is parked. Customers come to the vehicle while it is parked. Permit holder shall not trade within 400 metres of an established outlet selling similar goods including any 'Power to License' sites being operated with a valid permit. 3. Traders and Stallholders Permits may be issued in accordance with Council Policy 4.3.7 up to a maximum of 12 months from the date of approval. 4. Traders and Stallholders permit holders (including Mobile Traders) shall maintain public liability insurance to a value of a minimum of \$20,000,000 and any other necessary insurance at all times. 5. A permit may be revoked for the following reasons: <ol style="list-style-type: none"> a. Failure to comply with the aforementioned conditions (a, b, and d). b. The creation of any noise or disturbance to the annoyance of nearby occupants or obstructing the free passage of passers-by.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate powers and duties to other employees</p>
Subdelegates	<p>Director Sustainable Development Manager Environmental Health Services</p>
Subdelegate conditions	<p>Nil.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i></p> <p><i>Food Act 2008</i></p>
Policy	<p>Policy 4.3.7 - Trading in Public Places Policy for Food Vendors.</p>
Record keeping	<p>All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.</p>
Date adopted	<p>24 November 2020</p>
Adoption references	<p>20/252</p>

Delegation	1.1.9 Performing Functions Outside the District
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.20(1) Performing functions outside district
Function	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	Chief Executive Officer
Conditions	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where the conditions are not met, the matter must be referred for Council decision.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some power and duties to other employees
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.10 Compensation - Damage Incurred when Performing Executive Functions
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.22(1) Compensation s.3.23 Arbitration
Function	Authority to: <ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	Chief Executive Officer
Conditions	Delegation is limited to settlements which do not exceed the material value as determined annually by Council.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services
Subdelegate conditions	Exercise of discretion is subject to assessment of compensation by the Executive Leadership Team.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.11 Powers of Entry
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	Authority to: <ol style="list-style-type: none"> 1. 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. Give notice of entry [s.3.32]. 3. Seek and execute an entry under warrant [s.3.33]. 4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Give notice and effect entry by opening a fence [s.3.36].
Delegates	Chief Executive Officer
Conditions	Delegated authority under s.3.34(1) and (3) may only be used where there is imminent or substantial risk to public safety or property.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Infrastructure Services Director Sustainable Development Environmental Officer
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> s.9.10 Appointment of authorised persons - refer also [s.3.32(2)] Part 3, Division 3, Subdivision 3 - prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency
Policy	Nil.

Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.12 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	Chief Executive Officer
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.13 Confiscated or Uncollected Goods or alternatively, referred for Council Decision.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.13 Confiscated or Uncollected Goods
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	Authority to: <ol style="list-style-type: none"> 1. Refuse to allow goods impounded under s.3.39 or s.3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. 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]. 3. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by means considered to provide best value, provided the process is transparent and accountable.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services Ranger
Subdelegate conditions	<ol style="list-style-type: none"> 1. Delegation to Ranger is applicable only for Functions 1 and 2. 2. Rangers must follow procedure ANIM 005 for the destruction of Dogs and Cats.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> Part 3, Division 3, Subsection 3 s.3.58 Disposing of Property - applies to the sale of goods under s.3.47 as if they were property referred to in that section.

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.14 Disposal of Sick or Injured Animals
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	Authority to: <ol style="list-style-type: none"> 1. 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)]. 2. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed as per s.3.47A(2) of the Act.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Subdelegates must follow procedure ANIM 005 for the destruction of Dogs and Cats.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.15 Control Reserves and Certain Unvested Facilities
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	Authority to: <ol style="list-style-type: none"> 1. Agree the method and management of an unvested facility which is partially within two or more local government districts [s.3.53(3)]. 2. 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 <i>Parks and Reserves Act 1895</i> [s.3.54(1)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Director Sustainable Development
Subdelegate conditions	Sub-delegation to Director Sustainable Development only to Function 2.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.16 Obstruction of Footpaths and Thoroughfares
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	Authority to: <ol style="list-style-type: none"> 1. Determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath. b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. 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. 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. Require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land, which is obstructing public thoroughfare [ULP r.7A]. 5. 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].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Director Infrastructure Services Manager Design and Development Manager Engineering Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.17 Gates Across Public Thoroughfares
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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. Impose conditions on granting permission [ULP r.9(4)]. 4. 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. 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)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Each approval provided must be recorded in the Shire's statutory Register of Gate in accordance with Uniform Local Provisions Regulation 8.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.

Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.18 Public Thoroughfare - Dangerous Excavations
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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. Impose conditions on granting permission [ULP r.11(6)]. 4. Renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Manager Design and Development Manager Engineering Services
Subdelegate conditions	Nil.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.19 Crossing - Construction, Repair and Removal
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	Authority to: <ol style="list-style-type: none"> 1. 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. Determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. 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)].
Delegates	Chief Executive Officer
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Manager Design and Development Manager Engineering Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.

Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.20 Private Works on, over or under Public Places
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> r.17 Private works on, over, or under public places – Sch.9.1 cl. 8
Function	Authority to: <ol style="list-style-type: none"> 1. 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. Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17 (5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Manager Design and Development Manager Engineering Services
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.21 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) 1996</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Services Director Sustainable Development
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.22 Expressions of Interest for Goods and Services
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	Authority to: <ol style="list-style-type: none"> 1. Determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. 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].
Delegates	Chief Executive Officer
Conditions	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community and Lifestyle Director Corporate Services Director Infrastructure Services Director Sustainable Development
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and General) Regulations 1996</i> WALGA Subscription Service – Procurement Toolkit.
Policy	Policy 2.2.11 - Purchasing Policy.

Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.23 Rate Record Amendment
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.39(2)(b) Rate record
Function	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	Chief Executive Officer
Conditions	Delegates must comply with the requirements of s.6.40 of the Act.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Rates Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.24 Agreement as to Payment of Rates and Service Charges
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Decisions under this delegation must comply with Council Policy 1.1.4 COVID-19 Financial Hardship. 2. Agreements must be in writing and, subject to the Council Policy 1.1.4 COVID-19 Financial Hardship, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Rates Director Corporate Services Rates Officer Senior Rates Officer
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Policy 1.1.4 - COVID-19 Financial Hardship.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.25 Recovery of Rates or Service Charges
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	Authority to: <ol style="list-style-type: none"> 1. Recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. 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)].
Delegates	Chief Executive Officer
Conditions	Decisions under this delegation must comply with Council Policy 1.1.4 COVID-19 Financial Hardship.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Rates Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Policy 1.1.4 - COVID-19 Financial Hardship Policy
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.26 Recovery of Rates Debts - Require Lessee to Pay Rent
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.60 Local Government may require lessee to pay rent
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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)].
Delegates	Chief Executive Officer
Conditions	Decisions under this delegation must comply with Council Policy 1.1.4 COVID-19 Financial Hardship Policy.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Rates Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> Refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Policy	Policy 1.1.4 - COVID-19 Financial Hardship Policy
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.27 Recovery of Rates Debts - Actions to Take Possession of the Land
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.64(1) 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 revested in Crown if rates in arrears 3 years
Function	Authority to: <ol style="list-style-type: none"> 1. Take possession of land and hold the land 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: <ol style="list-style-type: none"> a. lease the land. b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]. ii. cause the land to be transferred to the Shire [s.6.71]. 2. Agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Decisions under this delegation must comply with Council Policy 1.1.4 COVID-19 Financial Hardship Policy. 2. 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 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. 3. Council shall be notified when Officers commence actions to take possession of land that will be sold via public auction. 4. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Rates Director Corporate Services
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p>Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p>Regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	Policy 1.1.4 - COVID-19 Financial Hardship.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.28 Rate Record - Objections
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.76 Grounds of objection
Function	Authority to: <ol style="list-style-type: none"> 1. Extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. 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)].
Delegates	Chief Executive Officer
Conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.29 Management of Rates and Service Charges
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.44 CEO may delegate powers and duties to other employees s.6.39(1) Rate record s.6.40 Effect of amendment of rate record s.6.41(1) Service of rate notice s.6.49 Agreement as to payment of rates and service charges s.6.50(2) Rates or service charges due and payable s.6.56(1) Rates or service charges recoverable in court s.6.60(2) Local government may require lessee to pay rent s.6.76(4) Grounds of objection
Function	<ol style="list-style-type: none"> 1. The discharge of the obligations specified in Section 6.39(1) of the <i>Local Government Act 1995</i>. 2. The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the <i>Local Government Act 1995</i> (as amended). 3. The time allowed for the payment of the rates before it becomes in arrears, Section 6.50 (2) of the <i>Local Government Act 1995</i>. 4. The powers conferred in Section 6.40 of the <i>Local Government Act 1995</i>. 5. The exercise of discretion in regards to granting any extension of time for service of objections to the Rate Book, Section 6.76(4) of the <i>Local Government Act 1995</i>. 6. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56 (1) of the <i>Local Government Act 1995</i>. 7. Entering into an agreement in accordance with Section 6.49 of the <i>Local Government Act 1995</i>. 8. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Delegates must comply with the requirements of s.6.40 of the Act. 2. Conditions must comply with Council Policy.
Express power to subdelegate	The Chief Executive Officer, in exercising authority under Section 5.44 of the <i>Local Government Act 1995</i> , has delegated the power/duty to the Director Corporate Services or the Manager Finance.
Subdelegates	Director Corporate Services Manager Finance
Subdelegate conditions	Nil.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.1 Appointment of Authorised Persons
Head of power	01. Local Government Act 1995
Delegator	Delegator - Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ol style="list-style-type: none"> a. <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i>. b. <i>Caravan Parks and Camping Grounds Act 1995</i>. c. <i>Cat Act 2011</i>. d. <i>Cemeteries Act 1986</i>. e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>. f. <i>Graffiti Vandalism Act 2016</i> – refer s.15. g. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>. 2. Appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i>.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 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 subdelegate	Nil.
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p><i>Caravan Park and Camping Grounds Act 1995</i></p> <p><i>Cat Act 2011</i></p> <p><i>Cemeteries Act 1986</i></p> <p><i>Control of Vehicles (Off-road access) Act 1978</i></p> <p><i>Graffiti Vandalism Act 2016</i></p> <p><i>Criminal Procedure Act 2004</i></p> <p><i>Building Regulations 2012</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.2 Tenders for Goods and Services
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.57 Tenders for providing good services</p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p>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</p>

<p>Function</p>	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Call tenders [F&G r.11(1)]. 2. Determine a sole supplier arrangement, 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 [F&G r.11(f)]. 3. Undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$249,999 (GST exclusive) or less and the expense is included in the adopted Annual Budget [F&G r.14(2a)]. 4. Invite tenders although not required to do so [F&G r.13]. 5. Determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14 (4)(a)]. 7. 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 of [F&G r.14(5)]. 8. Evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Accept, or reject tenders, only within the dollar 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)]. 10. Determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$249,999 (GST exclusive) detailed as a condition on this Delegation and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)]. 11. Seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Decline any tender [F&G r.20(2)]. 13. 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)]. 14. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%. 15. 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]. 16. Accept another tender where within six 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) and (7)].
<p>Delegates</p>	<p>Chief Executive Officer</p>

Conditions	<ol style="list-style-type: none"> 1. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> a. A detailed specification. b. The outcome of market testing of the specification. c. The reasons why market testing has not met the requirements of the specification. d. Rationale for why the supply is unique and cannot be sourced 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: <ol style="list-style-type: none"> a. Proposed goods or services are required to fulfill 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. 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 s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$249,999 or less and the expense is included in the adopted Annual Budget.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	Director Corporate Services
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>
Policy	Policy 2.2.11 - Purchasing Policy.
Record keeping	All records of decision of delegates are to be registered in RecFind against the particular Tender file.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.3 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. <p>Note - In conjunction with Delegated Authority 1.1.16; when determining to grant permission to obstruct a public footpath or thoroughfare.</p>
Delegates	Director Infrastructure Services
Conditions	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.16 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p> <p>Note - This delegated authority is effective only in alignment with Delegated Authority 1.1.16 Obstructions of Footpaths and Thoroughfares.</p>

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.4 Determine if an Emergency for Emergency Powers of Entry
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.34(2) Entry in emergency
Function	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	Director Infrastructure Services Director Sustainable Development
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.5 Determine and Manage Conditions on Permission for Dangerous Excavations in or near Public Thoroughfares
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. <p>Note - In Conjunction with Delegated Authority 1.1.18; when determining to grant permission for a dangerous excavation.</p>
Delegates	Director Infrastructure Services
Conditions	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.1.18 Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p> <p>Note - This delegated authority is effective only in alignment with Delegated Authority 1.1.18 Public Thoroughfares – Dangerous Excavations.</p>

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.6 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)]. <p>Note - In conjunction with Delegated Authority 1.1.20; Private Works on, over or under Public Places.</p>
Delegates	Director Infrastructure Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p> <p>Note - This delegated authority is effective only in alignment with Delegated Authority 1.1.20 Private Works on, over or under Public Places.</p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.

Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.7 Appoint Persons (other than employees) to Open Tenders
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Functions and Genera) Regulations 1996</i> r.16(3) Receiving and opening tenders, procedure for
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
Delegates	Manager Governance and Strategy
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Functions and Genera) Regulations 1996'</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.8 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995</i> 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 <i>Local Government (Elections) Regulations 1995</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Function	Authority to: <ol style="list-style-type: none"> 1. Require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. 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. 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. Make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32 (5)]. 5. 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 family's safety at risk [Elections r.13(2)]. 6. 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. 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. 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. 9. Determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. 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)].
Delegates	Director Corporate Services
Conditions	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).
Express power to subdelegate	Nil.

Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government (Elections) Regulations 1995</i></p> <p><i>Local Government Act 1995</i></p> <p>Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.</p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.9 Destruction of Electoral Papers
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Elections) Regulations 1996</i> r.82(4) Keeping election papers – s4.84(a)
Function	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Delegates	Director Corporate Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Elections) Regulations 1995</i> <i>Local Government Act 1995</i> Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.10 Information to be Available to the Public
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Administration) Regulations 1996</i> r.29(2) & (3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Function	Authority to: <ol style="list-style-type: none"> 1. Determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
Delegates	Director Corporate Services Manager Governance and Strategy Manager Information Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Administration) Regulations 1996</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.11 Financial Management Systems and Procedures
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996</i> r.5 CEO's Duties as to financial management
Function	Authority to: <ol style="list-style-type: none"> 1. Establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> a. Collection of money owed to the Shire. b. Safe custody and security of money collected or held by the Shire. c. Maintenance and security of all financial records, including payroll, stock control and costing records. d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities. e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards. f. Making of payments in accordance with Delegated Authority 1.1.3. g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	Director Corporate Services Manager Finance
Conditions	<ol style="list-style-type: none"> 1. 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. 2. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once within each 3 financial years. [Audit r.17]. 3. Delegation to Manager Finance is not applicable to Function 1e.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.12 Audit - CEO Review of Systems and Procedures
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Audit) Regulations 1996</i> r.17 CEO to review certain systems and procedures
Function	Authority to: 1. Conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to: a. Risk management. b. Internal controls. c. Legislative compliance [r.17(1)].
Delegates	Director Corporate Services Manager Governance and Strategy
Conditions	Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government (Audit) Regulations 1996</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.13 Infringement Notices
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time <i>Building Regulations 2012</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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].
Delegates	Coordinator Ranger Services Director Infrastructure Services Manager Building Services Manager Waste and Safety Services
Conditions	<ol style="list-style-type: none"> 1. 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. 2. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices: <ol style="list-style-type: none"> a. Manager Building Services <p>Note: Delegates must also be appointed as an "Approved Officer" – <i>appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.5.</i></p>
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Building Regulations 2012</i> <i>Local Government Act 1995</i>

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.1 Behaviour Complaints Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	<i>Local Government (Model Code of Conduct) Regulations 2021</i> cl.12 Dealing with a complaint cl.13 Dismissal of complaint
Function	Authority to: <ol style="list-style-type: none"> 1. Make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. 2. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 3. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4)(a)]. b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 4. Dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegates	Behaviour Complaints Committee
Conditions	<ol style="list-style-type: none"> 1. The Committee will make decisions in accordance with the principles and specified requirements established in Code of Conduct Complaints Policy. 2. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. 3. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. 4. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance <p>NOTE TO Conditions (c) and (d): The purpose of these Conditions is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> <i>Local Government (Model Code of Conduct) Regulations 2021</i>
Policy	Policy 1.1.10 – Code of Conduct for Council Members, Committee Members and Election Candidates Policy.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	27 July 2021
Adoption references	Adopted at OCM 27 July 2021 - 21/145 Committee Members: Cr. Bromham, Cr. Lovitt and Cr. Gillett Deputy Committee Members: Cr. Coleman, Cr. Burgoyne and Cr. Dickinson

Amendments			
Date	Type	Amendment	References
23 Nov 2021	Amended delegation	Committee Members: 1. Cr. Boylan 2. Cr. Lovitt 3. Cr. Gillett Deputy Committee Members: 1. Cr. Burgoyne 2. Cr. Krispyn 3. Cr. Campbell	OCM 23 November 2021 - 21/234

Delegation	1.3.2 Audit Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	<i>Local Government Act 1995</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	Authority to: <ol style="list-style-type: none"> 1. Meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Examine the report of the Auditor and determine matters that require action to be taken by the Shire. 3. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 4. Review and endorse the Shire's report on any actions taken in response to any Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	Audit Committee
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No. 9 - The appointment, function and responsibilities of Audit Committees. Audit Committee Terms of Reference.
Policy	Nil.
Record keeping	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19. All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021

Adoption references	21/233
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Delegation	1.4.1 Administration of Activities in Thoroughfares and Public Places and Trading Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Asset Management Director Infrastructure Services Director Sustainable Development Environmental Health Officer Manager Design and Development Manager Engineering Services Manager Environmental Health Services Manager Parks Services Manager Planning Services Ranger Senior Environmental Health Officer Supervisor Engineering Services Supervisor Parks Services
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</i> <i>Local Government Act 1995</i>

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.2 Administration of Activities in Bush Fire Brigades Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Bush Fire Brigades Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Bush Fire Brigades Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Bush Fire Control Officer Chief Bush Fire Control Officer Coordinator Ranger Services Deputy Chief Bush Fire Control Officer Director Infrastructure Services Manager Waste and Safety Services Ranger
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the Local Government Act 1995.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Bush Fire Brigades Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.3 Administration of Cemeteries Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey Activities in <i>Cemeteries Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Cemeteries Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Engineering Services Manager Parks Services Ranger Supervisor Engineering Services Supervisor Maintenance
Subdelegate conditions	<ol style="list-style-type: none"> 1. Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Cemeteries Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.4 Administration of Commonage Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Commonage Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Commonage Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Environmental Health Officer Manager Environmental Health Services Manager Waste and Safety Services Ranger Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 if the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Commonage Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.5 Administration of Dogs Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Dogs Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Dogs Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Environmental Health Officer Manager Environmental Health Services Manager Waste and Safety Services Ranger Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> 1. Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. 2. Infringements may only be issues by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegate are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Dogs Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.6 Administration of Extractive Industries Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Extractive Industries Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Extractive Industries Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Director Infrastructure Services Director Sustainable Development Manager Design and Development Manager Planning Services
Subdelegate conditions	<ol style="list-style-type: none"> 1. Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Extractive Industries Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.7 Administration of Fencing Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Fencing Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Fencing Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Building Surveyor Coordinator Ranger Services Director Infrastructure Services Director Sustainable Development Manager Building Services Manager Waste and Safety Services Ranger
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Fencing Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.8 Administration of Health Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to the CEO
Express power or duty delegated	All the powers conferred on the local governments in the Shire of Harvey <i>Health Local Law 1997</i> .
Function	All the powers conferred on the local governments in the Shire of Harvey <i>Health Local Law 1997</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Director Infrastructure Services Director Sustainable Development Environmental Health Officer Manager Design and Development Manager Engineering Services Manager Environmental Health Services Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the follow specific additional conditions of this delegations. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.47 and are required to provide Primary and Annual returns. <i>Health Local Law 1997</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

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Delegation	1.4.9 Administration of Local Government Property Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Local Government Property Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Local Government Property Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licenses and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Asset Management Coordinator Ranger Services Director Infrastructure Services Director Sustainable Development Environmental Health Officer Health Support Officer Manager Building Services Manager Design and Development Manager Engineering Services Manager Environmental Health Services Manager Parks Services Manager Planning Services Ranger Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> 1. Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. 2. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Property Local Law 2017</i> <i>Local Government Act 1995</i>

Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.10 Administration of Miscellaneous Provisions Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Miscellaneous Provisions Local Law 2008</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Miscellaneous Provisions Local Law 2008</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> S.5.42 Delegation and some powers and duties to the CEO.
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services Ranger
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated under s.5.74 and are required to provide Primary and Annual Returns. <i>Miscellaneous Provisions Local Law 2008</i> <i>Local Government Act 1995</i> .
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.11 Administration of Parking and Parking Facilities Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Parking and Parking Facilities Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Parking and Parking Facilities Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services Ranger
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Parking and Parking Facilities Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file C/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.12 Administration of Pest Plants Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Pest Plants Local Law 2017</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Pest Plants Local Law 2017</i> to determine applications, issue and apply conditions to approvals, consents, permits, licenses and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Director Infrastructure Services Director Sustainable Development Environmental Health Officer Manager Engineering Services Manager Environmental Health Services Manager Parks Services Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions of this delegation. Infringements may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Pest Plans Local Law 2017</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	20 December 2022

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Delegation	1.4.13 Administration of Waste Local Law
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitation on delegations to CEO
Express power or duty delegated	All the powers conferred on the local government in the Shire of Harvey <i>Waste Local Law 2019</i> .
Function	All the powers conferred on the local government in the Shire of Harvey <i>Waste Local Law 2019</i> to determine applications, issue and apply conditions to approvals, consents, permits, licenses and registration, undertake enforcement functions and exercise discretion under this local law.
Delegates	Chief Executive Officer
Conditions	The CEO will provide delegation and authorisation to relevant officers in writing and in accordance with Section 5.44 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers and duties to the CEO
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services Waste and Sustainability Support Officer
Subdelegate conditions	<ol style="list-style-type: none"> 1. Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions on Delegation and the following specific additional conditions of this delegation. 2. Infringement may only be issued by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Waste Local Law 2009</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under filed CC/U/003.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	2.1.1 Building and Demolition Permits
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27 Conditions imposed by permit authority <i>Building Regulations 2012</i> r.24 Extension of time during which permit has effect r.26 Approval of new responsible person
Function	Authority to: <ol style="list-style-type: none"> 1. Grant a Building Permit [s.20]. 2. Grant a Demolition Permit [s.21]. 3. Refuse to grant a Building Permit or Demolition Permit [s.22]. 4. Impose conditions on a Building Permit or Demolition Permit [s.27]. 5. Extend or refuse to extend the time during which a Permit has effect [r.24]. 6. Approve a new responsible person for the work which a Permit applies [r.26].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The granting of a Building Permit shall be subject to the issue of a Certificate of Design Compliance and a Demolition Permit shall be subject to compliance with the applicable building standard. 2. For retaining walls, this Delegation only allows a Building Permit to be issued if the retaining wall does not exceed 1.8m in height.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) CEO may delegate to any other local government employee
Subdelegates	Building Support Officer Building Surveyor Director Sustainable Development Manager Building Services Senior Building Surveyor Sustainable Development Support Officer Trainee Building Surveyor
Subdelegate conditions	In undertaking the functions of this Delegation for an uncertified application, the sub-delegate must hold the appropriate registration in accordance with the Building Services (Registration) Regulations 2011.

Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.2 Occupancy Permits and Building Approval Certificates
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.58 Grant of occupancy permit, building approval certificate s.62 Conditions imposed by permit authority <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate
Function	Authority to: <ol style="list-style-type: none"> 1. Grant or modify an Occupancy Permit or grant a Building Approval Certificate [s.58]. 2. Refuse to grant or modify an Occupancy Permit or refuse to grant a Building Approval Certificate [s.58(3)]. 3. Impose conditions on an Occupancy Permit or Building Approval Certificate [s.62]. 4. Extend or refuse to extend the time during which an Occupancy Permit or Building Approval Certificate has effect [r.40].
Delegates	Chief Executive Officer
Conditions	The granting of an Occupancy Permit shall be subject to the issue of a Certificate of Construction Compliance and a Building Approval Certificate shall be subject to the issue of a Certificate of Building Compliance.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) CEO may delegate to any other local government employee
Subdelegates	Director Sustainable Development Manager Building Services Senior Building Surveyor
Subdelegate conditions	Nil.
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.

Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.3 Extension of Duration of Occupancy Permits and Building Approval Certificates
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Building Act 2011</i></p> <p>s.127 Delegation: special permit authorities and local governments</p>
Express power or duty delegated	<p><i>Building Regulations 2012</i></p> <p>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate</p>
Function	Authority to extend or refuse to extend, the time during which an Occupancy Permit or Building Approval Certificate has effect [r.40].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Building Act 2011</i></p> <p>s.127(6A) CEO may delegate to any other local government employee</p>
Subdelegates	<p>Director Sustainable Development Manager Building Services Senior Building Surveyor</p>
Subdelegate conditions	Nil.
Statutory framework	<p><i>Local Government Act 1995</i></p> <p><i>Building Act 2011</i></p> <p><i>Building Regulations 2012</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

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Delegation	2.1.4 Designate Employees as Authorised Persons
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127 (1)(3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.96 (3) Authorised persons s.99(3) Limitation on powers of authorised person
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint 'authorised persons' under s.9.10 of the <i>Local Government Act 1995</i> for the purposes of issuing and withdrawing Infringement Notices in accordance with r.70(2) of the Building Regulations 2012 and s.6(b) of the <i>Criminal Procedures Act 2004</i>. [Building Reg. 70(2) prescribes s.9.10(1) of the <i>Local Government Act 1995</i> as the enabling power for appointment of 'authorised persons']. 2. Appoint 'authorised persons' for the purposes of the <i>Building Act 2011</i> in relation to buildings and incidental structures located, or proposed to be located, within the local government area [s.96].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 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 subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Manager Building Services Senior Building Surveyor Swimming Pool Inspector Trainee Building Surveyor
Subdelegate conditions	Delegation to Swimming Pool Inspector and Trainee Building Surveyor is only applicable for the inspection of barriers around private swimming pools.
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Criminal Procedures Act 2004</i> <i>Local Government Act 1995</i>
Policy	Nil.

Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.5 Appointment of Approved Officers and Authorised Officers
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127(1)(3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Regulations 2012</i> r.70 Approved Officers and Authorised Officers
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). NOTE: Only employees delegated under s 5.44(1) of the <i>Local Government Act 1995</i> with power under s 9.19 or 9.20 may be appointed as "approved officers". 2. Appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). NOTE: Only employees appointed under s 9.10 of the <i>Local Government Act 1995</i> and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011</i> s.127 (6)(a) Delegation: special permit authorities and local governments
Subdelegate conditions	Nil.
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Criminal Procedure Act 2004</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.6 Building Orders
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Building Act 2011</i></p> <p>s.127 Delegation: special permit authorities and local governments</p>
Express power or duty delegated	<p><i>Building Act 2011</i></p> <p>s.110 Building orders s.111 Notice of proposed building order other than building order (emergency) s.117 Revocation of building order</p>
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Make a building order [s.110]. 2. Give notice of proposed building order [s.111]. 3. Revoke a building order [s.117].
Delegates	Chief Executive Officer
Conditions	The content of a building order must be consistent with s.112 Content of building order.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Building Act 2011</i></p> <p>s.127(6A) CEO may delegate to any other local government employee</p>
Subdelegates	Director Sustainable Development Manager Building Services
Subdelegate conditions	Nil.
Statutory framework	<p><i>Building Act 2011</i></p> <p><i>Local Government Act 1995</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

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Delegation	2.1.7 Inspection and Copies of Building Records
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.131(2) Inspection, copies of building records
Function	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Support Officer Building Surveyor Director Sustainable Development Manager Building Services Senior Building Surveyor Sustainable Development Support Officer Trainee Building Surveyor
Subdelegate conditions	Nil.
Statutory framework	<i>Building Act 2011</i> s.146 Confidentiality
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.8 Referrals and Issuing Certificates
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.145A Local Government functions
Function	Authority to: <ol style="list-style-type: none"> 1. Refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. 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)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Manager Building Services Senior Building Surveyor
Subdelegate conditions	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Building Services (Registration) Regulations 2011</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.9 Private Pool Barrier - Alternative and Performance Solutions
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
Function	Authority to: <ol style="list-style-type: none"> 1. 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 compliant with AS 1926.1 [r.51(2)]. 2. 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. Approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Manager Building Services Senior Building Surveyor
Subdelegate conditions	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Building Services (Registration) Regulations 2011</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.

Date adopted	23 November 2021
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Delegation	2.1.10 Smoke Alarms - Alternative Solutions
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	Authority to: <ol style="list-style-type: none"> 1. Approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Building Act 2011</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Manager Building Services Senior Building Surveyor
Subdelegate conditions	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the <i>Building Regulations 2012</i> and must hold the appropriate registration in accordance with the <i>Building Services (Registration) Regulations 2011</i> .
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Building Services (Registration) Regulations 2011</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	3.1.1 Make Request to FES Commissioner - Control of fire
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.13(4) Duties and powers of bush fire liaison officers
Function	Authority to request on behalf of the Shire of Harvey that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.2 Prohibited burning times - Vary
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.17(8)(a)(i)(ii)(iii) and 17(8)(c) - Prohibited burning times may be declared by Minister
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Delegates	Shire President
Conditions	Decisions under s,17(7) must be undertake 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).
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.3 Prohibited burning times - Control activities
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc 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
Function	Authority to: <ol style="list-style-type: none"> 1. Determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. 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 Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Issue directions, during a Prohibited 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)]. 5. Prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Recover the cost of measures taken by the Shire of Harvey or Bush Fire Control Officer, to extinguish a fire burning during Prohibited 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 the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B). 2. That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.4 Restricted burning times - Vary and control activities
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc r.15C Local Government may prohibit burning on certain days 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

Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)] <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. 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)]. 3. DAuthority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. 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)]. 5. 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 Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Issue directions, during a 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. Recover the cost of measures taken by the Shire of Harvey or Bush Fire Control Officer, to extinguish a fire burning during 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 the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. 9. Prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<p><i>Bush Fires Act 1954</i></p> <p><i>Bush Fire Regulations 1954</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	3.1.5 Control of operations likely to create bush fire danger
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc r.39D Explosives, use of r.39E Fireworks, use of
Function	Authority to: 1. 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. 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.
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	3.1.6 Burning garden refuse / Open air fires
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954</i> r.27(3) Permit, issue of
Function	Authority to: <ol style="list-style-type: none"> 1. 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. Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> 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 plant growing upon any land within the District [r.34]. 3. Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. Camping or cooking [s.25(1)(a)]. b. Conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Prohibit the lighting of fires in the open are 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)]. 5. 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)].
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.

Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.7 Firebreaks
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	Authority to: <ol style="list-style-type: none"> 1. 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 of Harvey: <ol style="list-style-type: none"> a. Clearing of firebreaks as determined necessary and specified in the notice. 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. c. As a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. 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)]. 3. 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)].
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.38 Local Government may appoint bush fire control officer
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>: <ol style="list-style-type: none"> a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer. b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. 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 of Harvey [s.38(5A)]. 3. 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)]. 4. Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. That decisions are made following consultation with qualified officers. 2. Must follow the procedure listed in the Shire of Harvey's <i>Bush Fire Brigades Local Law 2017</i>.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fire Brigades Local Law 2017</i> <i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.9 Control and extinguishment of bush fires
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	Authority to: 1. Prohibit or postpone 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)]: 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 office 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)].
Delegates	Chief Executive Officer
Conditions	1. That decisions are made following consultation with qualified officers. 2. The issuing officer of the permit can revoke the permit at any time.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.10 Recovery of expenses incurred through contraventions of this Act
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Harvey or those on behalf of the Shire of Harvey to do [s.58].
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.11 Prosecution of offences
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Function	Authority to: 1. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Serve an infringement notice for an offence against this Act [s.59A(2)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.12 Withdrawal of infringement notices
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59A(5) Alternative procedure – infringement notices
Function	Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Delegates	Chief Executive Officer
Conditions	That decisions are made following consultation with qualified officers.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	Nil.
Statutory framework	<i>Bush Fires Act 1954</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.1 Cat Registrations
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	Authority to: <ol style="list-style-type: none"> 1. Grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. 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. Cancel a cat registration [s.10] 06 <i>Cat Act 2011</i> Delegations Council to CEO – Cat Registrations -Version 1 at 11/03/2020 Page 2 of 3. 4. 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. Reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. 2. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Accounts Payable Accounts Receivable Coordinator Ranger Services Customer Service Officer Director Infrastructure Services Finance Officer Manager Waste and Safety Services Ranger Senior Finance Officer

Subdelegate conditions	Authority to reduce or waive a registration or approval to breed fee only applies to Customer Service Officer if the reduced amount or waiver is included in the Fees and Charges.
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.2 Cat control notices
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Harvey's District [s.26].
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Coordinator Ranger Services Manager Waste and Safety Services Ranger
Subdelegate conditions	Nil.
Statutory framework	<i>Cat Act 2011</i>
Policy	Impounding of Cats.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.3 Approval to breed cats
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	Authority to: <ol style="list-style-type: none"> 1. Grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. 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. Cancel an approval to breed cats [s.38]. 4. Give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. 2. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. 3. Decisions will comply with Shire of Harvey Health Local Laws 2014 Part 5, Division 2, 64 Cats.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	An exemption will not be granted unless it is demonstrated that the number of cats to be exempt will not be a nuisance or injurious or dangerous to health.
Statutory framework	<i>Cat Act 2011</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	4.1.4 Recovery of Costs - Destruction of cats
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011</i> s.49(3) Authorised person may cause cat to be destroyed
Function	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Cat Act 2011</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.5 Applications to keep additional cats
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	Authority to: <ol style="list-style-type: none"> 1. Require any document or additional information required to determine an application [r.8(3)]. 2. 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. 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].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. 2. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Manager Environmental Health Services Manager Waste and Safety Services
Subdelegate conditions	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Statutory framework	<i>Cat Act 2011</i> <i>Cat (Uniform and Local Provisions) Regulations 2013</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	4.1.6 Reduce or waiver Registration fee
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Regulations 2012</i> Schedule 3 Fees clause 1(4)
Function	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	Chief Executive Officer
Conditions	This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegate conditions	Nil.
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.2.1 Infringement Notices - Extensions and Withdrawals
Head of power	04. Cat Act 2011
Delegator	Chief Executive Officer
Express power to delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Express power or duty delegated	<i>Cat Act 2011</i> s.64 Extension of time s.65 Withdrawal of notice
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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].
Delegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Cat Regulations 2012</i> r.28 Withdrawal of infringement notice (s.65(1))
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	23.11.2021

Delegation	5.1.1 Refuse or cancel registration
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.15(2)(4)(a) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4)(6) Refusal or cancellation of registration
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, <i>the Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>. b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease. c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept. d. the dog is required to be microchipped but is not microchipped. e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 4. Direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>. b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease. c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept. d. the dog is required to be microchipped but is not microchipped. e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 5. Discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Harvey's District [s15(4A)]. 6. 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)]. <ol style="list-style-type: none"> a. Following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].
Delegates	Chief Executive Officer

Conditions	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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties. Note - sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Accounts Payable Accounts Receivable Coordinator Ranger Services Customer Service Officer Director Infrastructure Services Finance Officer Manager Waste and Safety Services Ranger Senior Finance Officer
Subdelegate conditions	Subdelegates are to follow Dog and Cat Registrations procedure.
Statutory framework	<i>Dog Act 1976</i> <i>Animal Welfare Act 2002</i>
Policy	Dog and Cat Registrations.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Amendments			
Date	Type	Amendment	References
20 Jun 2022	Amended delegation	Delegation given to: Accounts Payable Finance Officer Senior Finance Officer Accounts Receivable	Approved by Annie Riordan 20/06/2022

Delegation	5.1.2 Appoint Authorised persons
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1) and s.29(1)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties. Note - sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.3 Recovery of monies due under this Act
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Function	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)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.4 Dispose of or sell dogs liable to be destroyed
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.29(5) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s 2.9(11)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties. Note - sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Coordinator Ranger Services Manager Waste and Safety Services
Subdelegate conditions	Subdelegates are to follow Rehoming of Dogs - Animal Euthanasia procedure.
Statutory framework	<i>Dog Act 1976</i>
Policy	Rehoming of Dogs - Animal Euthanasia Procedure.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.5 Declare a dangerous dog
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services Ranger
Subdelegate conditions	Subdelegates are to follow Restricted Breed Information - Dog Attack procedure.
Statutory framework	<i>Dog Act 1976</i>
Policy	Restricted Breed Information - Dog Attack procedure.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.6 Dangerous dog declared or seized – Deal with objections and determine when to revoke
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33F(6) Owners to be notified of making declaration s.33G(4) Seizure and destruction s.33H(1), (2), (5) Local government may revoke declaration or proposal to destroy
Function	Authority to: <ol style="list-style-type: none"> 1. Consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]. <ol style="list-style-type: none"> a. 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)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 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. The sub-delegation is not the same position as authorised under Delegation Declaration of a dangerous dog
Express power to subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.

Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.7 Deal with objection to notice to revoke dangerous dog declaration or destruction notice
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Function	Authority to: 1. Consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. A notice declaring a dog to be dangerous. b. A notice proposing to cause a dog to be destroyed.
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer must not sub-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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.8 Determine recoverable expenses for dangerous dog declaration
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.33M(1)(a) Local Government expenses to be recoverable
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub- delegation.
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.9 Kennel Establishments
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.27 Licensing of approved kennel establishments
Function	Authority to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Application processing and decisions under this delegation are to comply with the Shire of Harvey Dogs Local Law
Express power to subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	5.1.10 More than the Prescribed Number of Dogs
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976</i> s.26 Limitation as to numbers
Function	Authority to allow more than the prescribed number of dogs at a premises [s.26(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Application processing and decisions under this delegation are to comply with the Shire of Harvey Dogs Local Law. 3. Applications are required to be assessed in accordance with Council Policy 2.3.15 More than the Prescribed Number of Dogs.
Express power to subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties, sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation.
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	<i>Dog Act 1976</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Council Policy 2.3.15 - More than the Prescribed Number of Dogs.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	6.1.1 Determine Compensation
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Act 2008</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	Authority to: <ol style="list-style-type: none"> 1. Determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70 (2) and (3)].
Delegates	Environmental Health Officer Manager Environmental Health Services Senior Environmental Health Officer
Conditions	<ol style="list-style-type: none"> 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. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express power to subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Act 2008</i> <i>Food Regulations 2009</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.2 Prohibition Orders
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Act 2008</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	Authority to: <ol style="list-style-type: none"> 1. Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. 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)].
Delegates	Manager Environmental Health Services
Conditions	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 subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Act 2008</i> <i>Food Regulations 2009</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.3 Food Business Registrations
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Act 2008</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	Authority to: 1. 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. Vary the conditions or cancel the registration of a food business [s.112].
Delegates	Environmental Health Officer Manager Environmental Health Services Senior Environmental Health Officer
Conditions	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. <i>Food Act 2008</i> 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 subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Act 2008</i> <i>Food Regulations 2009</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.4 Appoint Authorised Officers and Designated Officers
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Act 2008</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. 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)].
Delegates	Environmental Health Officer Manager Environmental Health Services Senior Environmental Health Officer
Conditions	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. Appointment of Authorised Officers. b. Appointment of Authorised Officers – Designated Officers only. c. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
Express power to subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Act 2008</i> <i>Public Health Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.

Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.5 Food Businesses List – Public Access
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Regulations 2009</i> r.51 Enforcement agency may make list of food
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	Environmental Health Officer Manager Environmental Health Services Senior Environmental Health Officer
Conditions	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 subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Act 2008</i> <i>Food Regulations 2009</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.6 Debt Recovery and Prosecutions
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008</i> 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	<i>Food Act 2008</i> s.54 Cost of destruction or disposal of forfeited item
Function	Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)].
Delegates	Chief Executive Officer Director Sustainable Development Manager Environmental Health Services
Conditions	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 subdelegate	<i>Food Regulations 2009</i> do not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Food Regulations 2009</i> <i>Food Act 2008</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.18(2) Notice requiring removal of graffiti s.19(3) and (4) Additional powers when notice is given
Function	Authority to: <ol style="list-style-type: none"> 1. Give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. 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)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services
Subdelegate conditions	Nil.
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	7.1.2 Notices - Deal with Objections and Give Effect to Notices
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	Authority to: <ol style="list-style-type: none"> 1. Deal with an objection to a notice [s.22(3)]. 2. Where an objection has been lodged, to: <ol style="list-style-type: none"> 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)]. b. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 2. Application processing and decisions under this delegation are to comply with the Shire of Harvey Dogs Local Law. 3. Applications are required to be assessed in accordance with Council Policy 2.3.15 More than the Prescribed Number of Dogs.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services Senior Projects Officer
Subdelegate conditions	Nil.
Statutory framework	<i>Graffiti Vandalism Act 2016</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021

Adoption references	21/233
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Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.25(1) Local government graffiti powers on land not local government property
Function	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)].
Delegates	Chief Executive Officer
Conditions	Subject to exercising Powers of Entry.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services Senior Projects Officer
Subdelegate conditions	Nil.
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	7.1.4 Powers of Entry
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.28 Notice of entry s.29 Entry under warrant
Function	Authority to: <ul style="list-style-type: none"> 1. 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. Obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	Chief Executive Officer
Conditions	Subject to exercising Powers of Entry.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services Senior Projects Officer
Subdelegate conditions	Nil.
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Health (Asbestos) Regulations 1992</i> r.15D(7) Infringement Notices
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992</i> r.15D(5) Infringement Notices
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Delegates	Chief Executive Officer
Conditions	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 subdelegate	<i>Health (Asbestos) Regulations 1992</i> does not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i> <i>Health (Asbestos) Regulations 1992</i> <i>Criminal Procedure Act 2004</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	8.1.2 Enforcement Agency Reports to the Chief Health Officer
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Function	Authority to: <ol style="list-style-type: none"> 1. Prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)]. 2. Prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Manager Environmental Health Services
Conditions	Nil.
Express power to subdelegate	<i>Public Health Act 2016</i> does not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	8.1.3 Designate Authorised Officers
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Function	Authority to: <ul style="list-style-type: none"> 1. Designate a person or class of persons as authorised officers for the purposes of: <ul style="list-style-type: none"> a. The <i>Public Health Act 2016</i> or other specified Act. b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act. c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. 2. Including: <ul style="list-style-type: none"> a. An environmental health officer or environmental health officers as a class. b. A person who is not an environmental health officer or a class of persons who are not environmental health officers. c. A mixture of the two. [s.24(1) and (3)].
Delegates	Manager Environmental Health Services
Conditions	<ul style="list-style-type: none"> 1. Subject to each person so appointed being: <ul style="list-style-type: none"> a. Appropriately qualified and experienced [s.25(1)(a)]. b. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. c. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	<i>Public Health Act 2016</i> does not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	8.1.4 Determine Compensation for Seized Items
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.264 Compensation
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	Chief Executive Officer
Conditions	Compensation is limited to a maximum value of \$1,000 with any proposal for compensation above this value to be referred for Council's determination.
Express power to subdelegate	<i>Public Health Act 2016</i> does not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	8.1.5 Appoint Designated Officer - Information Sharing
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.299 Information Sharing
Function	Authority to appoint Designated Officer/s for the purpose of s.299 [s.299(1)].
Delegates	Director Sustainable Development Manager Environmental Health Services
Conditions	Appointments must be consistent with requirements outline in the Chief Health Officer's Information Sharing Guidelines, prepared in accordance with s.300.
Express power to subdelegate	<i>Public Health Act 2016</i> does not provide for sub-delegation.
Subdelegate conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	23 April 2024
Adoption references	24/72

Delegation	9.1.1 Advertising of applications
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Provisions</i></p> <p>cl.82 Delegations to Local Government</p>
Express power or duty delegated	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i></p> <p>cl.18 Advertising structure plan cl.50 Advertising of local development plan cl.64 Advertising applications cl.66 Consultation with other authorities</p>
Function	<ol style="list-style-type: none"> 1. Advertise a Structure Plan or Local Development Plan for public comment and comments from relevant public authorities or utility service providers [cl.18, cl.50]. 2. Advertise an Application for Development Approval for public comment [cl.64]. 3. Refer an Application for Development Approval to relevant public authorities or utility service providers for comment [cl.66].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i></p> <p>cl.83 Local Government CEO may delegate powers</p>
Subdelegates	<p>Director Sustainable Development Manager Planning Services Planning Officer Planning Support Officer Senior Planning Officer</p>
Subdelegate conditions	Nil.

Statutory framework	<p><i>Local Government Act 1995</i></p> <p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>Shire of Harvey Local Planning Scheme No.2</i></p>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	9.1.2 Development Applications
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.82 Delegations to Local Government
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.68 Determination of applications cl.72 Temporary development approval cl.77 Amending or cancelling development approval <i>Shire of Harvey Local District Planning Scheme No. 2</i> cl.34 Variations to site and development requirements
Function	Authority to: <ol style="list-style-type: none"> 1. Approve an Application for Development Approval and impose relevant conditions [cl.68]. 2. Refuse an Application for Development Approval [cl. 68]. 3. Modify a standard or requirement prescribed by the Shire of Harvey Local Planning Scheme No. 2 [cl.68, cl.34]. 4. Impose conditions limiting the period of time for which development approval is granted [cl.72]. 5. Amend or cancel a development approval [cl.77].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Delegations 1. and 3. are subject to no reasonable objections being received if advertised. 2. Delegation 2. is subject to Council being advised of the reasons for refusal.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.83 Local Government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Planning Services
Subdelegate conditions	Nil.

Statutory framework	<p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>Shire of Harvey Local Planning Scheme No.2</i></p>
Policy	<p>Local Planning Policy 6.1.1 - Variations to R-Codes</p> <p>Local Planning Policy 6.6.3 - Design Review</p> <p>Local Planning Policy 6.7.1 - Heritage Protected Places</p> <p>Local Planning Policy 6.7.2 - Advertising Signs</p> <p>Local Planning Policy 6.7.3 - Sustainable Building Materials and Construction Practices</p> <p>Local Planning Policy 6.8.1 - Reflective Materials within a Landscape Protection Area</p> <p>Local Planning Policy 6.8.2 - Outbuildings</p>
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Amendments			
Date	Type	Amendment	References
27 Feb 2024	Amended delegation	Amendment made to Function, Condition and Policy of this delegation.	February OCM 2024 - 24/32

Delegation	9.1.3 s214 Directions
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005</i> s.214 Illegal development, responsible authority's powers as to
Function	To issue a Direction for a development and/or land use undertaken in contravention of the Shire of Harvey District Planning Scheme No. 1 [s.214].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	9.1.4 Local Development Plans
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.82 Delegations to Local Government
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.50 Advertising of Local Development Plan cl.51 Consideration of Submissions cl.52 Decision of Local Government cl.57 Duration of Approval cl.59 Amendment of Local Development Plan
Function	To undertake the following if the requirement for a Local Development Plan has resulted from a Development Approval or Subdivision Approval: <ol style="list-style-type: none"> 1. To advertise a Local Development Plan [cl. 50(1)]. 2. To not advertise a Local Development Plan [cl. 50(3)]. 3. To consider submissions received if the Local Development Plan is advertised [cl. 51]. 4. To approve or refuse a Local Development Plan [cl. 52]. 5. To extend the period of approval of a Local Development Plan [cl. 57]. 6. To amend a Local Development Plan [c.59].
Delegates	Chief Executive Officer
Conditions	Delegation for approval is subject to no objections being received if advertised.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</i> cl.83 Local Government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Planning Services
Subdelegate conditions	Nil.
Statutory framework	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Policy	Nil.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	9.1.5 Performance Based Solutions under Residential Design Codes
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</i></p> <p>r.82 Delegations to local government</p>
Express power or duty delegated	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</i></p> <p>r.82 Delegations to local government</p>
Function	Approve or refuse Performance Based Solutions under the provisions of the Residential Design Codes [r.82].
Delegates	Chief Executive Officer
Conditions	Subject to no reasonable objections being received when advertised pursuant to clause 64 and 66 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Express power to subdelegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</i></p> <p>r.83 Local government CEO may delegate powers</p>
Subdelegates	<p>Director Sustainable Development Manager Building Services Manager Planning Services Senior Building Surveyor Senior Planning Officer</p>
Subdelegate conditions	Nil.
Statutory framework	<p><i>Planning and Development Act 2005</i></p> <p><i>Local Government Act 1995</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>
Policy	Local Planning Policy 6.1.1 - Variations to the R-Codes
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file CC/U/003.
Date adopted	24 November 2020

Adoption references	20/252
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AMENDMENTS

Delegation	Date	Type	Amendment	References
1.1.30 Renewal or Extension of Contracts during a State of Emergency	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
1.1.31 Procurement of Goods or Services required to address a State of Emergency	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
1.3.1 Behaviour Complaints Committee	23 Nov 2021	Amended delegation	Committee Members: 1. Cr. Boylan 2. Cr. Lovitt 3. Cr. Gillett Deputy Committee Members: 1. Cr. Burgoyne 2. Cr. Krispyn 3. Cr. Campbell	OCM 23 November 2021 - 21/234
5.1.1 Refuse or cancel registration	20 Jun 2022	Amended delegation	Delegation given to: Accounts Payable Finance Officer Senior Finance Officer Accounts Receivable	Approved by Annie Riordan 20/06/2022
6.1.5 Abattoir Inspections and Fees	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
9.1.2 Development Applications	27 Feb 2024	Amended delegation	Amendment made to Function, Condition and Policy of this delegation.	February OCM 2024 - 24/32
9.1.3 Modify Development Standards	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
9.1.5 Building Envelope Modification	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
9.1.6 Existing Approvals	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
9.1.7 State of Emergency	4 Nov 2022	Repealed	As of 4 November 2022 this delegation is no longer valid	Nil
9.1.7 State of Emergency	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	
9.1.9 Special Residential Area – Building Materials	3 Jan 2023	Revoked	20.12.2022 Revoked OCM 22/229	