



Shire of Harvey Delegation Register

Current as at January 2026



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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.

1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

Delegation	1.1.1 Audit Committee
Head of power	01. Local Government Act 1995
Delegator	Local Government
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) and (4) Duties of Local Government with respect to audits
Function	<ol style="list-style-type: none"> 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A (2)]. 2. Authority to: <ol style="list-style-type: none"> a. Examine the report of the Auditor and determine matters that require action to be taken by the Shire. b. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to 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	This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to Council.
Express power to subdelegate	Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	N/A
Statutory framework	<p>Department of Local Government, Sport and Cultural Industries Operational Guideline No. 9 – The appointment, function and responsibilities of Audit Committees.</p> <p>Audit Committee Terms of Reference.</p>
Policy	Nil.
Record keeping	<p>Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</p> <p>All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.</p>

Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.1.2 Behaviour Complaints Committee
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Model Code of Conduct) Regulations 2021 cl.12 Dealing with a complaint cl.13 Dismissal of complaint
Function	<ol style="list-style-type: none"> 1. Authority to 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)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. 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)); or 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)]. 3. Authority to 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 Council Policy 1.1.10 – 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 (3) 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 (3) and (4): 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	N/A

Statutory framework	Nil.
Policy	<p>Behaviour Complaints Committee Terms of Reference</p> <p>Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>Policy 1.1.10 – Code of Conduct Complaints Policy.</p>
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	27 July 2021

1.2 Council to CEO

Delegation	1.2.1 Authorise a Person to Perform Specified Functions under the Local Government Act 1995
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing</p> <p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>s.449 Pounds. Establishing; poundkeepers and rangers, appointing</p>
Function	<ol style="list-style-type: none"> 1. Authority to authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land – to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the <i>Local Government Act 1995</i> and any Local Laws made under the <i>Local Government Act 1995</i> [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].
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. 3. Authorisations are to be provided in writing by issuing a Certificate of Authorisation

Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.2 Performing Functions Outside the District
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.3 Compensation – Damage Incurred when Performing Executive Functions
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.4 Powers of Entry
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>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</p>
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act other than entry under a Local Law [s.3.28]. 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]. 3. Authority to give notice of entry [s.3.32]. 4. Authority to seek and execute an entry under warrant [s.3.33]. 5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 6. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. 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. 2. When exercising authority to authorise persons under s.3.31(2): <ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
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 Infrastructure Services Director Sustainable Development Environmental Officer</p>

Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • Authorised person – refer s.3.31(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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.5 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.40A(4) Abandoned vehicle wreck may be taken</p>
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	Chief Executive Officer
Conditions	<p>Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Confiscated or Uncollected Goods or alternatively, referred for Council Decision.</p> <p>Note: Declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer to Delegated Authority 1.2.1 – Authorise Persons to Perform Specified Functions.</p>
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 Infrastructure Services Manager Waste and Safety Services</p>
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.6 Confiscated or Uncollected Goods
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>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</p>
Function	<ol style="list-style-type: none"> 1. Authority to 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. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	<p>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.</p> <p>Note: Declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer to Delegated Authority 1.2.1 – Authorise Persons to Perform Specified Functions.</p>
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>Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services Ranger</p>
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 Animal Euthanasia for the destruction of Dogs and Cats.

Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> • 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	Procedure Animal Euthanasia
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.7 Disposal of Sick or Injured Animals
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to 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.
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 Animal Euthanasia for the destruction of Dogs and Cats.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
Policy	Procedure Animal Euthanasia
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.8 Close Thoroughfares to Vehicles
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>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.3.50 Closing certain thoroughfares to vehicles</p> <p>s.3.50A Partial closure of thoroughfare for repairs or maintenance</p> <p>s.3.51 Affected owners to be notified of certain proposals</p>
Function	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <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; and b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. 5. Before doing anything to which section 3.51 applies, 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). 3. Limited to temporary road closures only. Permanent closure of roads must be determined by Council and subject to compliance with <i>Land Administration Act 1987</i> s.58.
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 Infrastructure Services Manager Infrastructure Services Superintendent Infrastructure Operations Coordinator Design and Development Coordinator AssetsSupervisor Roads
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. <i>Land Administration Act 1987</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 F/08/0011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.9 Control of Reserves and Certain Unvested Facilities
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to agree the method and management of an unvested facility which is partially within two or more local government districts [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <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	Nil.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.10 Obstruction of Footpaths and Thoroughfares
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left – Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>
Function	<ol style="list-style-type: none"> Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> prevent damage to the footpath; or prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare [ULP r.6(2) and (4)]. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. Authority to 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]. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	Chief Executive Officer

Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <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	<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 Infrastructure Services Manager Infrastructure Services Superintendent Infrastructure Operations Coordinator Design and Development Coordinator Assets Supervisor Roads</p>
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions – refer to Delegation 1.3.2 – Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.11 Gates Across Public Thoroughfares
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Uniform Local Provisions) Regulations 1996 r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 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	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p><i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.12 Public Thoroughfare – Dangerous Excavations
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Uniform Local Provisions) Regulations 1996 r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11 (4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <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 Infrastructure Services Superintendent Infrastructure Operations

	Coordinator Design and Development Coordinator Assets Supervisor Roads
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions – refer to Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p><i>Local Government Act 1995</i> – penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.13 Crossing – Construction, Repair and Removal
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Uniform Local Provisions) Regulations 1996 r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
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 Infrastructure Services Superintendent Infrastructure Operations Coordinator Design and Development Coordinator Assets Supervisor Roads
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – Prescribe applicable statutory procedures</p> <p><i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</p> <p>Refer also to Delegation 1.4.1 – Activities in Throughfares and Public Places and Trading Local Law</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.14 Private Works on, over or under Public Places
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17 (5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <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 Infrastructure Services Superintendent Infrastructure Operations Coordinator Design and Development Coordinator Assets Supervisor Roads
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – Prescribe applicable statutory procedures</p> <p><i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</p> <p>Determination of Bond Value and Conditions – refer to Delegation 1.3.3 – Determine and Manage Conditions on Permission for 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Uniform Local Provisions) 1996 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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – Prescribe applicable statutory procedures. <i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 2. Division 2 of the Act
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.17 Expressions of Interest for Goods and Services
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Local Government (Functions and General) Regulations 1996 r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<ol style="list-style-type: none"> 1. Authority to 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. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
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	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – Prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.18 Tenders for Goods and Services – Call Tenders
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 good services Local Government (Functions and General) Regulations 1996 r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14 (4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation of [F&G r.14(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. 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.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Nil.

Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.19 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 good services Local Government (Functions and General) Regulations 1996 r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2) and (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services

Function	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tender that have not been rejected, to determine: <ol style="list-style-type: none"> a. The extent to which each tender satisfied the criteria for deciding which tender to accept; and b. To accept the tender that is most advantageous within the \$400,000 or less detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within six months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agrees to terminate the contract [F&G r.18(6) and (7)]. 6. Authority to determine whether variations in goods or services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% [F&G r.21A(a)] 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	Chief Executive Officer

Conditions	<ol style="list-style-type: none"> Exercise of authority under F&G r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ol style="list-style-type: none"> the total consideration under the resulting contract is \$249,999 or less; The expense is included in the adopted Annual Budget; and The tenderer has complied with requirements under F&G r.18(2) and (4). A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply. A decision to vary a tendered contract after entry into the contract (F&G r.21A(s)) must comply with Council Policy 2.2.11 – Purchasing Policy Clause 3.3.12 Contract Variations and must include evidence that the variation is necessary and does not change the scope of the contract. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend the term is per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.
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	Nil.
Subdelegate conditions	Nil.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.20 Tenders for Goods and Services – Exempt Procurement
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>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>Local Government (Functions and General) Regulations 1996</p> <p>r.11(2) When tenders have to be publicly invited</p>
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G r.11(2)] 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine the contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	Chief Executive Officer

Conditions	<ol style="list-style-type: none"> 1. Tender exempt procurement under F&G r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$400,000 specified for the following categories: <ol style="list-style-type: none"> a. WALGA Preferred Supplier Program [F&G.r.11(2)(b)] – Maximum Value \$400,000 b. Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)] – Maximum Value \$400,000 c. Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)] – Maximum Value \$400,000 d. Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)] – Maximum Value \$400,000 e. Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)] – Maximum Value \$250,000 as specified in F&G.r.11(2)(h)(ii) f. Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] 2. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> a. A detailed specification; b. The outcomes of market testing of the specification; c. The reasons why market testing has not met the requirements of the specification; d. Rationale for why the supply is unique and cannot be sourced through other suppliers; and e. The expense is included in the adopted Annual Budget 3. Where the total consideration of a Tender Exempt procurement contract exceeds the \$400,000 delegated above, the decision is to be referred to Council.
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	Nil.
Subdelegate conditions Statutory framework	<p>Nil.</p> <p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.21 Panels of Pre-Qualified Suppliers for Goods and Services
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Functions and General) Regulations 1996 r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) and (6) Requirements before establishing panels of pre-qualified suppliers r.24AH(2), (3) and (5) Rejecting and accepting applications to join panels of pre-qualified suppliers r.24AJ(1) Contracts with pre-qualified suppliers
Function	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be included in a panel of pre-qualified suppliers [F&G r.24AD(3)]. 3. Authority to vary the panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to provide notice of a variation to each person who has enquired or submitted an application. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which application to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services.
Delegates	Chief Executive Officer
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$400,000 or less and the expense is included in the adopted Annual Budget.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	<p>Director Corporate Services Director Sustainable Development Director Infrastructure Services Director Community and Lifestyle Manager Governance and Strategy Coordinator Governance and Reporting Procurement Officer Manager Special Projects Manager Infrastructure Services Manager Waste and Safety Services Manager Parks Services Manager Finance Coordinator Design and Development Coordinator Assets</p>
Subdelegate conditions	Each sub-delegate may only use sub-delegation in regard to contracts that are within the scope of the incumbent's position role and authority.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – Prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
Policy	Policy 2.2.11 – Purchasing Policy
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file F/08/0011.

Delegation	1.2.22 Application of Regional Price Preference Policy
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	Local Government (Functions and General) Regulations 1996 r.24G Adopted regional price preference policy, effect of
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
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	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
Policy	Policy 1.1.20 – Regional Price Preference
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file F/08/0011.

Delegation	1.2.23 Renewal or Extension of Contracts during State of Emergency
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>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 goods or services</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>r.11 "When tenders have be publicly invited"</p> <p>Tender exemption under subregulation 11(2)(ja)</p>
Function	<p>Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].</p> <p>This authority relates to:</p> <ul style="list-style-type: none"> contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and contracts formed through a public tender.
Delegates	Chief Executive Officer

Conditions	<ol style="list-style-type: none"> 1. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> a. It is exercised at the sole discretion of the Local Government; b. It is in the best interests of the Local Government; c. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; d. It has potential to promote local and/or regional economic benefits. 2. This authority may only be exercised where the total consideration for the renewal or extension is \$400,000 or less. 3. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). 4. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. 5. This authority may only be exercised where the total consideration under the resulting contract is \$400,000 or less. 6. The CEO cannot sub-delegate this authority.
Express power to subdelegate	N/A
Subdelegates	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
Policy	Policy 2.2.11 – Purchasing Policy
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file F/08/0011.

Delegation	1.2.24 Procurement of Goods and Services required to address a State of Emergency
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>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 goods or services</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>Regulation 11 'When tenders have to be publicly invited'</p> <p>Tender exemption under subregulation 11(2)(aa)</p> <p>Associated definition under subregulation 11(3)</p>
Function	<p>Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to:</p> <ol style="list-style-type: none"> 1. Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. 2. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. 3. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. 4. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. 5. The CEO cannot sub-delegate this authority.

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	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
Policy	Policy 2.2.11 – Purchasing Policy
Record keeping	All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file F/08/0011.

Delegation	1.2.25 Disposing of Property
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.58(2) and (3) Disposing of Property</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>r.30 Dispositions of property excluded from Act s.3.58.</p>
Function	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s.3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> a. disposal of land to an adjoining owner, where the market value is less than \$5,000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner [F&G.r.30(2)(a)]. b. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. c. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land [F&G.r.30(2)(e)]. d. disposal of land, by lease, of a residential property to a person for residential purposes [f&G.r.30(2)(f)]. e. disposal of property (other than land / buildings) where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&G.r.30(2A)]. f. disposal of property, other than land / buildings, where the market value is determines as less than \$20,000 [F&G.r.30(3)(a)]. g. disposal of property other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000 [F&G.r.30(3)(b)].
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. 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 best value outcome. 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 determine whether to proceed with the disposal, ensuring reasons for the decision are recorded. 3. For a disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government. 4. A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in contact of disposal to other employees of the local government.
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	<p>Subdelegates are required to follow the requirements of r.30(3). Exempt disposition if</p> <ul style="list-style-type: none"> • It's market place value is less than \$20,000 • The entire considerations received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i> – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s.3.58.</p> <p><i>Land Administration Act 1987</i> – where Mineral approval is required before Crown Land may be disposed of.</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.26 Acquisition of Interest in Land by Lease or other Short Term Instrument
Head of power	01. Local Government Act 1995
Delegator	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</p> <p>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.3.59 Commercial enterprises by local governments</p> <p>Local Government (Functions and General) Regulations 1996</p> <p>r.8A Amount prescribed for major land transactions; exempt land transactions prescribed</p> <p>r.8 Exempt land transactions prescribed</p>
Function	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the Shire is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: <ol style="list-style-type: none"> a. without intending to produce a profit to the Local Government; and b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Delegates	Chief Executive Officer

Conditions	<ol style="list-style-type: none"> 1. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than 5 years. 2. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. Note: Examples of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short term lease of storage space for equipment while a refurbishment is completed. 3. Where the acquisition total consideration value is greater than \$150,000 the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. 4. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$250,000 or less. 5. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.
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	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s.3.59 Commercial enterprises by local Government • s.9.49A Execution of documents • s.6.2 Annual Budget • Corporate Business Plan as adopted by Council <p>Local Government (Functions and General) Regulations 1995 – Regulations 8A and 8</p> <p><i>Residential Tenancy Act 1987</i></p> <p><i>Commercial Tenancy (Retail Shops) Agreements Act 1985</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 F/08/0011.

Delegation	1.2.27 Payment from Municipal or Trust Funds
Head of power	01. Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996 r.12(1)(a) Payments from the Municipal or Trust Fund, Restrictions on Making
Function	Authority to Make Payments from 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	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Corporate Services Director Infrastructure Services Director Community and Lifestyle Director Sustainable Development Manager Finance Accountant
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 the Manager Finance or Accountant and the CEO or a Director. 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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p>Local Government (Financial Management) Regulations 1996 – refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries – Operational Guideline No.11 – Use of Corporate Credit Cards.</p> <p>Department of Local Government, Sport and Cultural Industries – Accounting 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 F/08/00011.
Date adopted	24 November 2020
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Delegation	1.2.28 Defer, Grant Discounts, Waive or Write Off Debts
Head of power	01. Local Government Act 1995
Delegator	Local Government
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. Write-off rates or service charge debt up to \$1,000 in accordance with Council Policy 2.2.2 – Financial Hardship [s.6.12(1)(c)and(2)]. 2. A sundry debt (not rates or service charges) may only be waived where: <ol style="list-style-type: none"> a. It is only to charitable or not for profit community groups. 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 sundry debt (not rates or service charges) 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 to Council for 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 Corporate Services
Subdelegate conditions	Nil.

Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p>Collection of Rates Debts – refer delegations:</p> <ul style="list-style-type: none"> • 1.2.31 – Agreement as to payment of Rates and Service Charges • 1.2.33 – Recovery of Rates or Service Charges • 1.2.34 – Recovery of Rates Debts – Require Lessee to Pay Rent • 1.2.35 – Recovery of Rates Debts – Actions to Take Possession of the Land.
Policy	<p>Nil.</p>
Record keeping	<p>All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.</p>
Date adopted	<p>24 November 2020</p>
Adoption references	<p>20/252</p>

Delegation	1.2.29 Power to Invest and Manage Investments
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Local Government (Financial Management) Regulations 1996 r.19 Investments, control procedures for
Function	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	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 Accountant

Subdelegate conditions	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two subdelegates. 2. Investment decisions are in line with Council Policy 2.2.1 – Investments. 3. Investment decisions are limited to a maximum of \$10,000,000 per transaction on the short-term money market and up to the value of \$10,000,000 per transactions for other markets. 4. Where exposure to a single market or investment type will exceed \$10,000,000, the decision must be referred to the CEO.
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Financial Management) Regulations 1996 – refer r.19C investment of money, restrictions on (Act s.6.14(2)(a)).</p>
Policy	Policy 2.2.1 – Investments.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	1.2.30 Rate Record Amendment
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.31 Agreement as to Payment of Rates and Service Charges
Head of power	01. Local Government Act 1995
Delegator	Local Government
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"> Decisions under this delegation must comply with Council Policy 2.2.2 Financial Hardships. Agreements must be in writing and, subject to the Council Policy 2.2.2 Financial Hardships, 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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
Policy	Policy 2.2.2 – Financial Hardships
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.32 Determine Due Date for Rates or Service Charges
Head of power	01. Local Government Act 1995
Delegator	Local Government
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.6.50(2) Rates or service charges due and payable
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget. Note: Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating 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 Corporate Services Manager Finance Rates Coordinator Senior Rates Officer Rates Officer
Subdelegate conditions	Nil.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/0011.

Delegation	1.2.33 Recovery of Rates or Service Charges
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Delegates	Chief Executive Officer
Conditions	Decisions under this delegation must comply with Council Policy 2.2.2 Financial Hardships.
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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i>
Policy	Policy 2.2.2 – Financial Hardships
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.34 Recovery of Rates Debts – Require Lessee to Pay Rent
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	Chief Executive Officer
Conditions	Decisions under this delegation must comply with Council Policy 2.2.2 Financial Hardships.
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 of the <i>Local Government Act 1995</i> 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 2.2.2 – Financial Hardships
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.35 Recovery of Rates Debts – Actions to Take Possession of the Land
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	<ol style="list-style-type: none"> Authority to 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"> lease the land, or 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"> cause the land to be transferred to the Crown [s.6.71 and s.6.74]. cause the land to be transferred to the Shire [s.6.71]. Authority to agree to 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"> Decisions under this delegation must comply with Council Policy 2.2.2 Financial Hardships. 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. Council shall be notified when Officers commence actions to take possession of land that will be sold via public auction. 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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – Regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	Policy 2.2.2 – Financial Hardships
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.36 Rate Record – Objections
Head of power	01. Local Government Act 1995
Delegator	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>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>s.6.76 Grounds of objection</p>
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
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	<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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.2.37 Extend time for Lodging an Objection
Head of power	01. Local Government Act 1995
Delegator	Local Government
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.9.5 Objection may be lodged
Function	Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
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 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. 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 register in the Shire of Harvey records system under file F/08/0011.

1.3 CEO to Employees

Delegation	1.3.1 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	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.2 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	Local Government (Uniform Local Provisions) Regulations 1996 r.6(4)(d) Obstruction of public thoroughfare by things placed and left – Sch. 9.1 cl. 3(1)(a)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9 – Control Reserves and Certain Unvested Facilities: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
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 Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 <i>Local Government Act 1995</i> – Penalties under the Uniform Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining 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	Local Government (Uniform Local Provisions) Regulations 1996 r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	When determining to grant permission to for a dangerous excavation under Delegation Authority 1.2.12 – Public Thoroughfare – Dangerous Excavations: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
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 1.2.12 – Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p><i>Local Government Act 1995</i> – Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Act.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 – 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.4 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	Local Government (Uniform Local Provisions) Regulations 1996 r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Director Infrastructure Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.14 – Private Works on, over or under Public Places.
Policy	Policy 5.1.8 – Bridges – Public Utility Services on Road Bridges
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.5 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	Local Government (Functions and General) Regulations 1996 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 Coordinator Governance and Reporting Procurement Officer
Conditions	When exercising authority to authorise persons under F&G.r.16(3): <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be authorised for this purpose. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.6 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>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</p> <p>Local Government (Elections) Regulations 1995</p> <p>r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register – s.4.32(6)</p>
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32 (5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Authority to decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
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	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.7 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	Local Government (Elections) Regulations 1996 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	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.9 Appoint Authorised Person
Head of power	01. Local Government Act 1995
Delegator	Chief Executive Officer
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>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.9.10 Appointment of authorised persons [s.9.10(2)]</p>
Function	<p>Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] 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:</p> <ul style="list-style-type: none"> a. <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. 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>Dog Act 1976</i>; g. <i>Graffiti Vandalism Act 2016</i> – refer s.15; and h. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. A register of Authorisations is to be maintained as a Local Government Record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. 3. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.
Express power to subdelegate	Nil.
Subdelegates	N/A

Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
Policy	Nil.
Record keeping	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>All actions performed under delegation are registered through Attain software and register in the Shire of Harvey records system under file F/08/0011.</p>

Delegation	1.3.10 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	Local Government (Administration) Regulations 1996 r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995</i> s.5.95(1)(b) and (3)(b) Limits on right to inspect local government information
Function	<ol style="list-style-type: none"> 1. Authority to 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 [s.5.94(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]. 2. Authority to 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 [s.5.95(1)(b)].
Delegates	Director Corporate Services Manager Governance and Strategy Manager Information Services Coordinator Rates
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.11 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	Local Government (Financial Management) Regulations 1996 r.5 CEO's Duties as to financial management
Function	<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 1.2.7 – Payment from the Municipal or Trust Funds; 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. 4. When exercising authority to authorise persons under FM.r.5 to incur liabilities <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be authorised for this purpose. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.

Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Local Government Act 1995</i></p> <p>Local Government (Financial Management) Regulations 1996</p> <p>Local Government (Audit) Regulations 1996</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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.12 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	Local Government (Audit) Regulations 1996 r.17 CEO to review certain systems and procedures
Function	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to: a. Risk management; and b. Internal controls; and 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	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	1.3.13 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 s.9.20 Withdrawal of Notice Building Regulations 2012 Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
Delegates	Coordinator Ranger Services Director Infrastructure Services Director Sustainable Development 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. Delegation for Dog Act, Cat Act, Local Laws, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> a. Coordinator Ranger Services b. Manager Waste and Safety Services 3. 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 <i>Criminal Procedure Act 2004</i> 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" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.12 – Appointment of Approved Officers and Authorised Officers.</p>

Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

1.4 Local Law Delegations to the CEO

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	Local Government
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 Assets Director Infrastructure Services Director Sustainable Development Environmental Health Officer Manager Infrastructure Services Manager Environmental Health Services Manager Parks Services Manager Planning Services Ranger Senior Environmental Health Officer Superintendent Infrastructure Operations Supervisor Parks Services Coordinator Design and Development Coordinator Assets Supervisor Roads
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	<p>Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Activities in Thoroughfares and Public Places and Trading Local Law 2017</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 F/08/00011.
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	Local Government
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	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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	20 December 2022

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Delegation	1.4.3 Administration of Cemeteries Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Infrastructure Services Manager Parks Services Ranger Superintendent Infrastructure Operations Supervisor Maintenance Supervisor Roads
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 of the <i>Local Government Act 1995</i> 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 F/08/00011.

Date adopted

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Delegation	1.4.4 Administration of Commonage Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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	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 if the <i>Local Government Act 1995</i> .
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	20 December 2022

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Delegation	1.4.5 Administration of Dogs Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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
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 issues by persons authorised for the purposes of Section 9.16 of the <i>Local Government Act 1995</i>.
Statutory framework	<p>Delegate are designated employees under s.5.74 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual Returns.</p> <p><i>Dogs Local Law 2017</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 F/08/00011.
Date adopted	20 December 2022

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Delegation	1.4.6 Administration of Extractive Industries Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Infrastructure Services Manager Planning Services Coordinator Design and Development
Subdelegate conditions	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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	20 December 2022

Adoption references	22/229
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Delegation	1.4.7 Administration of Fencing Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Building Compliance 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 of the <i>Local Government Act 1995</i> 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 F/08/00011.

Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.8 Administration of Health Local Law
Head of power	01. Local Government Act 1995
Delegator	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 CEO</p> <p>s.5.43 Limitation on delegations to the CEO</p>
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	<p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers and duties to the CEO</p>
Subdelegates	<p>Director Infrastructure Services</p> <p>Director Sustainable Development</p> <p>Environmental Health Officer</p> <p>Manager Infrastructure Services</p> <p>Superintendent Infrastructure Operations Manager Environmental Health Services</p> <p>Senior Environmental Health Officer</p> <p>Coordinator Design and Development</p> <p>Supervisor Roads</p>
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	<p>Delegates are designated employees under s.5.47 of the <i>Local Government Act 1995</i> and are required to provide Primary and Annual returns.</p> <p><i>Health Local Law 1997</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 F/08/00011.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.9 Administration of Local Government Property Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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 Assets Coordinator Ranger Services Director Infrastructure Services Director Sustainable Development Environmental Health Officer Coordinator Assets Manager Building Services Manager Infrastructure Services Superintendent Infrastructure Operations Coordinator Design and Development Manager Environmental Health Services Manager Parks Services Manager Planning 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 of the <i>Local Government Act 1995</i>.
Statutory framework	Delegates are designated employees under s.5.74 of the <i>Local Government Act 1995</i> 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 F/08/00011.
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	Local Government
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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
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	Local Government
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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
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	Local Government
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 Infrastructure Services Superintendent Infrastructure Operations Manager Environmental Health Services Manager Parks Services Senior Environmental Health Officer Supervisor Roads
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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	20 December 2022
Adoption references	22/229

Delegation	1.4.13 Administration of Waste Local Law
Head of power	01. Local Government Act 1995
Delegator	Local Government
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"> 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. 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 of the <i>Local Government Act 1995</i> 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 F/08/00011.
Date adopted	20 December 2022
Adoption references	22/229

2 Building Act 2011 Delegations

2.1 Council to CEO

Delegation	2.1.1 Grant a Building Permit
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127 (1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27 (1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) and (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend the time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works of which the permit was granted [r.24(1)]. b. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit applies [r.26].
Delegates	Chief Executive Officer
Conditions	The granting of a Building Permit shall be subject to the issue of a Certificate of Design Compliance.
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	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • S.119 Building and demolition permits – application for review by SAT • S.23 Time for deciding application for building or demolition permit • S.17 Uncertified application to be considered by building surveyor <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration) Act 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.2 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 (1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) and (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend the time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works of which the permit was granted [r.24(1)]. b. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit applies [r.26].
Delegates	Chief Executive Officer
Conditions	The granting of a Demolition Permit shall be subject to compliance with the applicable building standard.
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> <ul style="list-style-type: none"> • S.119 Building and demolition permits – application for review by SAT • S.23 Time for deciding application for building or demolition permit Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.3 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 (1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62 (1) and (3) Conditions imposed by permit authority s.65 (4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
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 Building Compliance Officer
Subdelegate conditions	Nil.

Statutory framework	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s.59 Time for granting occupancy or building approval certificates • s.60 Notice for decision not to grant occupancy permit or grant building approval certificate • s.121 Occupancy permits and approval certificates – application for review by SAT <p><i>Building Services (Compliant Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

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) and (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	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
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'. 3. Decisions under this delegated authority must be consistent with r.5 of the Building Regulations 2012. <p>Note: An Authorised person for the purposes of section 96(3) and 99(3) is not an approved officer or authorised officer for the purpose of Building Reg. 70.</p>
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 Building Surveyor Building Compliance Officer
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> <ul style="list-style-type: none"> • s.97 each designated authorised person must have an identity card • r.5A authorised person (s.3) – definition
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	2.1.5 Designate Contractors as Authorised Persons (Inspectors)
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) and (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012 r.4A Authorised persons
Function	<ol style="list-style-type: none"> 1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Harvey as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
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	Director Sustainable Development Manager Building Services
Subdelegate conditions	Nil.
Statutory framework	<i>Building Act 2011:</i> <ul style="list-style-type: none"> • r.4B Identity cards
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 F/08/0011.

Delegation	2.1.6 Building Orders
Head of power	02. Building Act 2011 Delegations
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011</i> s.127 (1) and (3) Delegation: special permit authorities and local governments
Express power or duty delegated	<i>Building Act 2011</i> s.110 (1) A permit authority may make a building order s.111 (1) Notice of proposed building order other than building order (emergency) s.117 (1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118 (2) and (3) Permit authority may give effect to building order if non-compliant
Function	<ol style="list-style-type: none"> Authority to make building orders in relation to: <ol style="list-style-type: none"> Building work Demolition work An existing building or incidental structure [s.110(1)]. Authority to give notice of proposed building order and consider submissions received in response and determine actions [s.111 (1)(c)]. Authority to revoke a building order [s.117]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> Take any action specified in the order; or Commence or complete any work specified in the order; or If any specified action was required by the order to cease, take such steps as are reasonable to cause the action to cease [s.118(2)]. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
Delegates	Chief Executive Officer
Conditions	Nil.
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 Building Compliance Officer

Subdelegate conditions	Nil.
Statutory framework	<i>Building Act 2011</i> <ul style="list-style-type: none"> • s.111 Notice of proposed building order other than building order (emergency) • s.112 Content of building order • s.113 Limitation on effect of building order • s.114 Service of building order • Part 9 Review – s.122 Building orders – applications for review by SAT
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

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 Building Compliance Officer
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.8 Authorise Persons to Commence Proceedings
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) and (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
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	Director Sustainable Development
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 register in the Shire of Harvey records system under file F/08/0011.

Delegation	2.1.9 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	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
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 Building Surveyor
Subdelegate conditions	In undertaking Function 2 of the Delegation, the sub-delegate must be appropriately qualified pursuant to r.5 of the Building Regulations 2012 and must hold the appropriate registration in accordance with the Building Services (Registration) Regulations 2011.
Statutory framework	<i>Building Act 2011</i> Building Regulations 2012 Building Services (Registration) Regulations 2011
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.10 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	Building Regulations 2012 r.51 Approvals by permit authority
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3. Authority to approve 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	Decisions under this delegation must be consistent with modifications to AS 1926.1–2012 prescribed in Building Regulation 15B.
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 Building Regulations 2012 and must hold the appropriate registration in accordance with the Building Services (Registration) Regulations 2011.
Statutory framework	Nil.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.11 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	Building Regulations 2012 r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
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 Building Regulations 2012 and must hold the appropriate registration in accordance with the Building Services (Registration) Regulations 2011.
Statutory framework	Nil.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	2.1.12 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	Building Regulations 2012 r.70 Approved Officers and Authorised Officers
Function	<ol style="list-style-type: none"> 1. Authority to 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. Authority to 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 (6A) Delegation: special permit authorities and local governments
Subdelegate conditions	Nil.
Statutory framework	Building Regulations 2012 – r.70(3) each authorised officer must be issued a certificate of appointment
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

3 *Bush Fires Act 1954* Delegations

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

Delegation	3.1.1 Make Request to FES Commissioner – Control of fire
Head of power	03. Bush Fires Act 1954
Delegator	Local Government
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	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	N/A.
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 F/08/00011.
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	Local Government
Express power to delegate	<p><i>Bush Fires Act 1954</i></p> <p>s.48 Delegation by local government s.17(10) prohibited burning times may be declared by Minister (power of delegation to Mayor or President and Chief Bush Fire Control Officer for ONLY powers under s.17(7)(8)).</p>
Express power or duty delegated	<p><i>Bush Fires Act 1954</i></p> <p>s.17(7) Prohibited burning times may be declared by Minister</p> <p>Bush Fire Regulations 1954</p> <p>r.15 Permit to burn (Act s.18) form of and apply for after refusal etc. r.38C Harvest, 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</p>
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 and Chief Bush Fire Control Officer (Jointly)
Conditions	Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
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 F/08/00011.
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	Local Government
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.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 Bush Fire Regulations 1954 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	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to 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. Authority to 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. Authority to 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	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
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	Local Government
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 Bush Fire Regulations 1954 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	<ol style="list-style-type: none"> 1. Authority, 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. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to 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. Authority to 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)]. 9. Authority to 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)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.5 Control of operations likely to create bush fire danger
Head of power	03. Bush Fires Act 1954
Delegator	Local Government
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 Bush Fires Regulations 1954 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	<ol style="list-style-type: none"> Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a person operating a bee smoker device during a prescribed period [r.39CA(5)]. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. a person using explosives [r.39D(2)]. a person using fireworks [r.39E(3)]. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
Statutory framework	<i>Bush Fires Act 1954</i> Bush Fires Regulations 1954
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 F/08/00011.

Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.6 Burning garden refuse / Open air fires
Head of power	03. Bush Fires Act 1954
Delegator	Local Government
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 Bush Fires Regulations 1954 r.27(3) Permit, issue of
Function	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <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. Authority to 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. Authority to 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. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).

Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.7 Firebreaks
Head of power	03. Bush Fires Act 1954
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <ol style="list-style-type: none"> a. Clearing of firebreaks as determined necessary and specified in the notice; and b. Act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. As a separate or coordinated action with any other person carry out similar actions [s.33(1)]; and d. Determine that these matters have been acted upon to the satisfaction of the Shire of Harvey 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
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 F/08/00011.
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	Local Government
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	<ol style="list-style-type: none"> Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> Of those Officers, appoint one as the Chief Bush Fire Control Officer and two as the Deputy Chief Bush Fire Control Officer; and Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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)]. 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)]. 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	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
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	Local Government
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	<ol style="list-style-type: none"> 1. Authority to 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)]: <ol style="list-style-type: none"> 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	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
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	Local Government
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	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegate conditions	N/A
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	3.1.11 Prosecution of offences
Head of power	03. Bush Fires Act 1954 Delegations
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to 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	N/A
Statutory framework	<i>Bush Fires Act 1954</i> <ul style="list-style-type: none"> • s.65 Proof of certain matters • s.66 Proof of ownership of occupancy
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

4 Cat Act 2011 Delegations

4.1 Council to CEO

Delegation	4.1.1 Cat Registrations
Head of power	04. Cat Act 2011
Delegator	Local Government
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 Cat Regulations 2012 Schedule 3, cl.1(4) Fees Payable
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10] 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Harvey District [Regs. Sch. 3, Cl. 1(4)].
Delegates	Chief Executive Officer
Conditions	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	<p>Cat Regulations 2012</p> <ul style="list-style-type: none"> • r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. • r.12 Period of registration (s.9(7)) • r.11 Changes in registration • r.14 Registration certificates (s.11(1)(b)) • r.15 Registration tags (s.76(2)) <p>Note: Decision are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.2 Cat control notices
Head of power	04. Cat Act 2011
Delegator	Local Government
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	Nil.
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	Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Policy	Procedure Impounded Cats.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
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	Local Government
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	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	Chief Executive Officer
Conditions	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	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	<p>Cat Regulations 2012:</p> <ul style="list-style-type: none"> • r.21 Application for approval to breed cats (s.36(2)) • r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) • r.23 person who not be refused approval to breed cats (s.37(5)) • r.24 Duration of approval to breed cats (s.37(6)) • r.25 Certificate given to approved cat breeder (s.39(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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.4 Recovery of Costs – Destruction of cats
Head of power	04. Cat Act 2011
Delegator	Local Government
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	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.5 Authorise a person to perform specified functions under the Cat Act 2011
Head of power	04. Cat Act 2011
Delegator	Local Government
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.73 Prosecutions
Function	Authority to authorise a person to commence a prosecution for an offence against the <i>Cat Act 2011</i> [s.73(1)(b) and (2)(b)]
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	Nil.
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 F/08/0011.

Delegation	4.1.6 Applications to keep additional cats
Head of power	04. Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013 r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	Chief Executive Officer
Conditions	Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.
Express power to 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	Nil.
Statutory framework	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	4.1.7 Reduce or waiver Registration fee
Head of power	04. Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Express power or duty delegated	Cat Regulations 2012 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	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

4.2 CEO to Employees

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	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority to within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Coordinator Ranger Services Director Infrastructure Services Manager Waste and Safety Services
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	Nil.
Statutory framework	Cat Regulations 2012 – 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	23.11.2021

5 *Dog Act 1974* Delegations

5.1 Council to CEO

Delegation	5.1.1 Appoint registration officer
Head of power	05. Dog Act 1976
Delegator	Local Government
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.3 Terms used (registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act).
Function	Authority to authorise a person for the purposes of performing the prescribe office of Registration Officer under the <i>Dog Act 1976</i> [s.3].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. A register of Authorisations is to be maintained as a Local Government Record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. 3. Authorisations are to be provided in writing my issuing a Certificate of Authorisation.
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	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.2 Part Payment of Sterilisation Costs / Direction to Veterinary Surgeons
Head of power	05. Dog Act 1976
Delegator	Local Government
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.10A Payments to veterinary surgeons towards costs of sterilisation
Function	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$200 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
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	Director Infrastructure Services Manager Waste and Safety Services Coordinator Ranger Services Ranger
Subdelegate conditions	Nil.
Statutory framework	Nil.
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 F/08/0011.

Delegation	5.1.3 Refuse or cancel registration
Head of power	05. Dog Act 1976
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to 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>; or b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or 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; or d. the dog is required to be microchipped but is not microchipped; or e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to 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)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> a. Authority, 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 is permitted to sub-delegate to employees [s.10AA(3)].
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	<p>Accounts Payable Accounts Receivable Coordinator Ranger Services Customer Service Officer Director Infrastructure Services Finance Officer Manager Waste and Safety Services Ranger Senior Finance Officer</p>
Subdelegate conditions	Subdelegates are to follow Dog and Cat Registrations procedure.
Statutory framework	<p><i>Dog Act 1976</i> – s.17A if not application for registration is made – procedure for giving notice of decision under s.16(3)</p> <p>Note: Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6).</p>
Policy	Registration Procedure – Registration of Dogs and Cats.
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.4 Grant Exemption as to Number of Dogs Kept at Premises
Head of power	05. Dog Act 1976
Delegator	Local Government
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(3) Limitation as to numbers
Function	Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept 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. Decisions under this delegation must comply with the relevant provisions of the <i>Dog Act 1976</i> and the Shire of Harvey Dogs Local Law, including: <ol style="list-style-type: none"> a. Consider and be satisfied that for any particular premises the provision of the Dog Act 1976 relating to kennel establishments need to be applied in the circumstances [s.26(3)]. b. Apply the provisions of s.26(4). 3. Conditions that must be applied to an approved exemption include: <ol style="list-style-type: none"> a. Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. b. Registrations for each dog subject of the approve exemption must be current and maintained. c. An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.
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	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.

Policy	Council Policy 5.3.16 – 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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	5.1.5 Kennel Establishments
Head of power	05. Dog Act 1976
Delegator	Local Government
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, refuse 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. Note: 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	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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	5.1.6 Recovery of monies due under this Act
Head of power	05. Dog Act 1976
Delegator	Local Government
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 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 permitted to sub-delegate to employees [s.10AA(3)].
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> – Includes recovery of expenses relevant to: <ul style="list-style-type: none"> • s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense • s.33M Local government expenses to be recoverable • s.47 Veterinary service expenses recoverable from local government. • s.31 Local Government expenses as to dangerous dogs (declared).
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.7 Dispose of or sell dogs liable to be destroyed
Head of power	05. Dog Act 1976
Delegator	Local Government
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(11) 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 permitted to sub-delegate to employees [s.10AA(3)]. 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 Procedure Rehoming of Dogs and Procedure Animal Euthanasia.
Statutory framework	<i>Dog Act 1976</i>
Policy	Procedure Rehoming of Dogs Procedure Animal Euthanasia
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.8 Declare dangerous dog
Head of power	05. Dog Act 1976
Delegator	Local Government
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 permitted to sub-delegate to employees [s.10AA(3)].
Express power to subdelegate	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties. Note: sub-delegation only permitted when 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 and– Procedure Dog Attack.
Statutory framework	Note: decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Restricted Breed Information Procedure Dog Attack
Record keeping	All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.9 Dangerous dog declared or seized – Deal with objections and determine when to revoke
Head of power	05. Dog Act 1976
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or 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. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
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	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	Note: Decisions under this delegation may be referred for review by the State Administration Tribunal – see s.33H(5) of the <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 F/08/00011.

Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.10 Deal with objection to notice to revoke dangerous dog declaration or destruction notice
Head of power	05. Dog Act 1976
Delegator	Local Government
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 (5) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ol style="list-style-type: none"> a. A notice declaring a dog to be dangerous; or b. A notice proposing to cause a dog to be destroyed.
Delegates	Chief Executive Officer
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
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	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	5.1.11 Determine recoverable expenses for dangerous dog declaration
Head of power	05. Dog Act 1976
Delegator	Local Government
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 permitted to sub-delegate to employees [s.10AA(3)].
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	Director Infrastructure Services Manager Waste and Safety Services
Subdelegate conditions	Nil.
Statutory framework	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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

6 Food Act 2008 Delegations

6.1 Council to CEO

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	<ol style="list-style-type: none"> Authority to 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)]. Authority to 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	Manager Environmental Health Services Director Sustainable Development Chief Executive Officer
Conditions	<ol style="list-style-type: none"> In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 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	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	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 F/08/00011.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	6.1.2 Prohibition Orders and Certificates of Clearance
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<p><i>Food Act 2008</i></p> <p>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</p>
Express power or duty delegated	<p><i>Food Act 2008</i></p> <p>s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection</p>
Function	<ol style="list-style-type: none"> 1. Authority to 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. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	Manager Environmental Health Services Director Sustainable Development Chief Executive 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	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	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 F/08/00011.
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	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	Environmental Health Officer Manager Environmental Health Services Senior Environmental Health Officer Chief Executive 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: <ul style="list-style-type: none"> 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	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	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 F/08/00011.
Date adopted	24 November 2020

Adoption references	20/252
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Delegation	6.1.4 Appoint Authorised Officers and Designated Officers
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<p><i>Food Act 2008</i></p> <p>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</p>
Express power or duty delegated	<p><i>Food Act 2008</i></p> <p>s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers</p>
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Authority to 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. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126 (13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	Chief Executive 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 as Meat Inspectors b. Appointment of Authorised Officers. c. Appointment of Authorised Officers – Designated Officers only. d. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	<p><i>Food Act 2008</i></p> <ul style="list-style-type: none"> • s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers. • s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.

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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	6.1.5 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 s.125 Institution of proceedings
Function	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008
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	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	6.1.6 Abattoir Inspection Fees
Head of power	06. Food Act 2008
Delegator	Local Government
Express power to delegate	<p><i>Food Act 2008</i></p> <p>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</p>
Express power or duty delegated	<p>Food Regulations 2009</p> <p>r.43 Local government may require security r.45 Withdrawal of inspection services</p>
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> a. require a person to provide security, b. determine the form that security is to be provided, and c. discharge a security held by the Shire of Harvey [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	Manager Environmental Health Services
Conditions	Nil.
Express power to subdelegate	Nil – Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Nil.
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/0011.

Delegation	6.1.7 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	Food Regulations 2009 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	Chief Executive 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	Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	Nil.
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Local Government
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	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority to 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	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 F/08/00011.
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	Local Government
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	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority to 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	Nil.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Services Manager Infrastructure Services Supervisor Roads Superintendent Infrastructure Operations
Subdelegate conditions	Nil.
Statutory framework	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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Local Government
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 Manager Infrastructure Services Supervisor Roads Superintendent Infrastructure Operations
Subdelegate conditions	Nil.
Statutory framework	Nil.
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 F/08/00011.
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	Local Government
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	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
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 Manager Infrastructure Services Supervisor Roads Superintendent Infrastructure Operations
Subdelegate conditions	Nil.
Statutory framework	Nil.
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 F/08/00011.
Date adopted	23 November 2021
Adoption references	21/233

8 Public Health Act 2016 Delegations

8.1 Council to CEO

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Head of power	08. Public Health Act 2016
Delegator	Enforcement Agency (means Local Government as per s.4 definition)
Express power to delegate	Health (Asbestos) Regulations 1992 r.15D(7) Infringement Notices
Express power or duty delegated	Health (Asbestos) Regulations 1992 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	Health (Asbestos) Regulations 1992 does not provide for sub-delegation.
Subdelegate conditions	N/A
Statutory framework	<i>Criminal Procedure Act 2004</i> – Part 2
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 F/08/00011.
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	Enforcement Agency (means Local Government as per s.4 definition)
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	<ol style="list-style-type: none"> 1. Authority to 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. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power to duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	N/A
Statutory framework	<i>Public Health Act 2016</i> – s.20 Conditions on performance of functions by enforcement agencies.
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 F/08/00011.
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	Enforcement Agency (means Local Government as per s.4 definition)
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	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <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. <p>Including:</p> <ul style="list-style-type: none"> a. An environmental health officer or environmental health officers as a class; or b. A person who is not an environmental health officer or a class of persons who are not environmental health officers; or c. A mixture of the two. [s.24(1) and (3)].
Delegates	Chief Executive Officer
Conditions	<ol 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)]; and b. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. 2. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	N/A

Statutory framework	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s.20 Conditions on performance of functions by enforcement agencies. • s.25 Certain authorised officers required to have qualifications and experience. • s.26 Further provisions relating to designations • s.27 Lists of authorised officers to be maintained • s.28 When delegations as authorised officer ceases • s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • s.30 Certificate of authority • s.31 Issuing and production of certificate of authority for purposes of other written laws • s.32 Certificate of authority to be returned. • s.136 Authorised officer to produce evidence of authority <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Policy	<p>Nil.</p>
Record keeping	<p>All actions performed under delegation are registered through Attain software and registered in the Shire of Harvey records system under file F/08/00011.</p>
Date adopted	<p>24 November 2020</p>
Adoption references	<p>20/252</p>

Delegation	8.1.4 Give Enforcement Orders and Issue Clearance Certificates
Head of power	08. Public Health Act 2016
Delegator	Enforcement Agency (means Local Government as per s.4 definition)
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.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Function	<ol style="list-style-type: none"> 1. Authority to give an enforcement order in accordance [s.216]. 2. Authority to extend the period for compliance specified in the order [s.218]. 3. Authority to give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 4. Authority to where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Delegates	Chief Executive Officer
Conditions	Content of enforcement order must comply with s.217 provisions.
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Nil.
Subdelegate conditions	N/A

Statutory framework	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s.20 Conditions on performance of functions by enforcement agencies. • s.25 Certain authorised officers required to have qualifications and experience. • s.26 Further provisions relating to designations • s.27 Lists of authorised officers to be maintained • s.28 When designation as authorised officer ceases • s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • s.30 Certificates of authority • s.31 Issuing and production of certificate of authority for purposes of other written laws • s.32 Certificate of authority to be returned. • s.136 Authorised officer to produce evidence of authority • s.217 Contents of enforcement order <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Policy	<p>Nil.</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 F/08/0011.</p>

Delegation	8.1.5 Enforcement Orders – Implement and Recover Costs
Head of power	08. Public Health Act 2016
Delegator	Enforcement Agency (means Local Government as per s.4 definition)
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.219 Enforcement agency may implement enforcement order s.221 Recovery of costs incurred by or on behalf of enforcement agency
Function	<ol style="list-style-type: none"> 1. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 2. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)].
Delegates	Chief Executive Officer
Conditions	Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)].
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Nil.
Subdelegate conditions	N/A.

Statutory framework	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s.20 Conditions on performance of functions by enforcement agencies. • s.25 Certain authorised officers required to have qualifications and experience. • s.26 Further provisions relating to designations • s.27 Lists of authorised officers to be maintained • s.28 When designation as authorised officer ceases • s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers • s.30 Certificates of authority • s.31 Issuing and production of certificate of authority for purposes of other written laws • s.32 Certificate of authority to be returned. • s.136 Authorised officer to produce evidence of authority • s.220 Application of <i>Criminal and Found Property Disposal Act 2006</i> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Policy	<p>Nil.</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 F/08/0011.</p>

Delegation	8.1.6 Dealing with Seized Items
Head of power	08. Public Health Act 2016
Delegator	Enforcement Agency (means Local Government as per s.4 definition)
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.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of Forfeited items s.264 Compensation
Function	<ol style="list-style-type: none"> 1. Authority to determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and s.263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. 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	Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	N/A
Statutory framework	<i>Public Health Act 2016</i> – s.20 Conditions on performance of functions by enforcement agencies Note: Decisions about compensation may be referred for review by the State Administration Tribunal [s.265].
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	8.1.7 Appoint Designated Officer – Information Sharing
Head of power	08. Public Health Act 2016
Delegator	Enforcement Agency (means Local Government as per s.4 definition)
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	Chief Executive Officer
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	Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	N/A
Statutory framework	<i>Public Health Act 2016</i> – s.300 Guidelines relating to information sharing 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 F/08/00011.
Date adopted	23 April 2024
Adoption references	24/72

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

Delegation	9.1.1 Advertising of applications
Head of power	09. Planning and Development Act 2005
Delegator	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>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Deemed Provisions</p> <p>cl.82 Delegations to Local Government</p>
Express power or duty delegated	<p>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</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. Authority to 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. Authority to advertise an Application for Development Approval for public comment [cl.64]. 3. Authority to 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>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions</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>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Shire of Harvey Local Planning Scheme No.2</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 F/08/00011.
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	Local Government
Express power to delegate	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions cl.82 Delegations to Local Government
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions cl.68 Determination of applications cl.72 Temporary development approval cl.77 Amending or cancelling development approval Shire of Harvey Local District Planning Scheme No. 2 cl.34 Variations to site and development requirements
Function	<ol style="list-style-type: none"> 1. Authority to approve an Application for Development Approval and impose relevant conditions [cl.68]. 2. Authority to refuse an Application for Development Approval [cl. 68]. 3. Authority to modify a standard or requirement prescribed by the Shire of Harvey Local Planning Scheme No. 2 [cl.68, cl.34]. 4. Authority to impose conditions limiting the period of time for which development approval is granted [cl.72].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. These Delegations are not applicable to a 'prescribed single house development', as defined Schedule 2, clause 84B of the Planning and Development (Local Planning Schemes) Regulations 2015, unless the development relates to a heritage-protected place. 2. Delegations 1. and 3. are subject to no reasonable objections being received if advertised. 3. Delegation 2. is subject to Council being advised of the reasons for refusal.
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions 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>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Shire of Harvey Local Planning Scheme No.2</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	9.1.3 s214 Directions
Head of power	09. Planning and Development Act 2005
Delegator	Local Government
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. 2 [s.214].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
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 F/08/00011.
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	Local Government
Express power to delegate	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions cl.82 Delegations to Local Government
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions 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	Authority to undertake the following if the requirement for a Local Development Plan has resulted from a Development Approval or Subdivision Approval: 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	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions 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> Planning and Development (Local Planning Schemes) Regulations 2015
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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252

Delegation	9.1.5 Performance Based Solutions under Residential Design Codes
Head of power	09. Planning and Development Act 2005
Delegator	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>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</p> <p>r.82 Delegations to local government</p>
Express power or duty delegated	<p>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</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	<ol style="list-style-type: none"> 1. This Delegation is not applicable to a 'prescribed single house development', as defined Schedule 2, clause 84B of the Planning and Development (Local Planning Schemes) Regulations 2015, unless the development relates to a heritage-protected place. 2. Subject to no reasonable objections being received when advertised pursuant to clause 64 and 66 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
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>Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2)</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>Planning and Development (Local Planning Schemes) Regulations 2015</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 F/08/00011.
Date adopted	24 November 2020
Adoption references	20/252