



**DELEGATED  
AUTHORITY  
REGISTER**

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## INTRODUCTION

### **Purpose of Delegating Authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the *Local Government Act 1995* (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

### **Legislation**

The *Local Government Act 1995* 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, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

### **Associated legislation**

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Planning and Development Act 2005* including regulations and adopted policies
- *Dog Act 1976* and regulations
- *Bush Fires Act 1954* regulations and local laws created under that Act)
- *Health (Miscellaneous Provisions) Act 1911* (as amended) regulations and local law created under that Act
- *Freedom of Information Act 1992*
- *Land Administration Act 1997* as amended and regulations
- *Litter Act 1979* and regulations
- *Local Government (Miscellaneous Provision) Act 1960* as amended
- *Caravan Parks and Camping Grounds Act 1995*
- *Control of Vehicles (Off-Road Areas) Act 1978* and regulations
- *Strata Titles Act 1985*
- *Food Act 2008*
- *Environmental Protection Act 2005*
- *Building Act 2011*
- *Public Health Act 2016*
- *Land Act 1933*

Note - this is not an exhaustive list

### Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired [Section 5.44 (4)].

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

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [*Local Government (Administration) Regulations 1996, regulation 19*].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under 5.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the Chief Executive Officer to delegate a power [Section 5.44 (1)].

### Acting through another person

#### *Local Government Act 1995 - section 5.45 (2)*

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

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

The key difference between a delegation and “acting through” is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where not discretion exists is reinforced by *Section 56 of the Interpretation Act 1984* which states:

- 56. *"May" imports a discretion, "shall" is imperative*
  - (1) *Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
  - (2) *Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*



## DA1 ACTING CHIEF EXECUTIVE OFFICER

**Objective of Delegation:** Appointment of an Acting Chief Executive Officer

**Extent of Delegation:** The authority to appoint an Acting Chief Executive Officer during periods of absence.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment.  Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.39</i></li> <li>• <i>Shire of Chittering Staff Policy 3.14– Appointment of an Acting Chief Executive Officer</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>21 June 2017 (Resolution 090617)</b>

## DA2 CODE OF CONDUCT ENFORCEMENT

- Objective of Delegation:** To enforce the Code of Conduct
- Extent of Delegation:** The duty to enforce the Code of Conduct in respect of employees, contractors and volunteers.
- Conditions imposed:**
1. The Chief Executive Officer is required to implement appropriate procedures for enforcing the Code of Conduct in respect of allegations or complaints involving employees, contractors and volunteers.
  2. The procedure should include internal investigations and/or referral to appropriate external agencies.
  3. The Chief Executive Officer is not required to personally investigate or enforce the Code, but to ensure that it is properly enforced and that the integrity and probity of the Shire is maintained at a high level.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.9</i></li> <li>• <i>Shire of Chittering Staff Policy 3.1– Code of Conduct – Staff, Volunteers and Contractors</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b><i>21 June 2017 (Resolution 090617)</i></b>

## DA3 CONTROL AND MANAGEMENT OF LAND

**Objective of Delegation:** To control and manage land

**Extent of Delegation:** The duty to do anything necessary for the administration purpose of controlling and managing land reserved under the *Land Act 1933* and vested in or under control and management of the Council.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Land Act 1933</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA4 DISPOSAL OF PROPERTY OTHER THAN LAND

- Objective of Delegation:** To expedite the disposal of Shire property other than land.
- Extent of Delegation:** The power to dispose of Shire property (other than land or buildings) by public tender or public auction where the expected value is:
- less than \$20,000.
- The power to dispose of items of a minor nature by private treaty, such as surplus old plant or equipment, where the anticipated value is:
- less than \$5000.
- Conditions imposed:**
1. This delegation does **NOT** apply to the disposal of plant or light vehicles or equipment that is being replaced by a tender process involving trade-in.
  2. The Chief Executive Officer is to develop and implement an appropriate procedure for the management of disposal of property by public tender or public auction and which provides a high standard of probity and accountability.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Receipt of payment Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA5 SIGNING OF DOCUMENTS

- Objective of Delegation:** To sign Shire documents on behalf of the Shire of Chittering.
- Extent of Delegation:** The authority to sign documents as a part of the day to day operations of the Shire of Chittering.
- Conditions imposed:** Authority is delegated on the provision that one or more of the following provisions apply:
- 1 The Council has authorised the entering into a formal contract/document.
  - 2 A formal contract is authorised under delegated authority of the Council.
  - 3 A formal contract/document is considered necessary by the Chief Executive Officer as part of the day to day operations of the Council.
  - 4 The Chief Executive Officer is to prepare the necessary documentation taking into account any specific policy requirements of Council and to arrange for signing of the contract/documents without further reference to Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Common Seal Register Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 s9.49 (a) 4</i></li> <li>• <i>Shire of Chittering Administration Policy 1.5 Execution of Documents</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA6 INVESTMENT OF FUNDS

<b>Objective of Delegation:</b>	To oversee the investing of funds
<b>Extent of Delegation:</b>	The power to invest excess funds into investment funds as approved by the Shire of Chittering Finance Policy – Investment of Funds.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. To observe any regulations relating to investments by local government.</li> <li>2. To observe any Council policy, direction or guidelines relevant to the investment of Shire funds.</li> <li>3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.</li> <li>4. To conduct regular reviews of the investment performance and controls.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Included in Monthly Financial Statements in Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Financial Management) Regulations – Reg 19</i></li> <li>• <i>Shire of Chittering Finance Policy 2.2 – Investment of Funds</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA7 CONTRACT PRICE VARIATION

<b>Objective of Delegation:</b>	To approve minor price variations to contracts
<b>Extent of Delegation:</b>	The power to approve a minor price variation for a contract subject to sufficient funds being available within the approved expenditure budget and that the price variation is necessary.
<b>Conditions imposed:</b>	For the purposes of this delegation, a minor price variation is limited to \$50,000.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – section 3.58</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 – Purchasing</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA8 DISPOSING OF IMPOUNDED GOODS

- Objective of Delegation:** To dispose of impounded goods
- Extent of Delegation:** The power to dispose of confiscated or uncollected goods.
- Conditions imposed:** Disposal must be by public auction or public tender.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995 – section 3.47</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	



## DA9 ENGAGING CONSULTANTS

- Objective of Delegation:** To appoint consultants to the Shire of Chittering
- Extent of Delegation:** The power to appoint consultants, such as architects, valuers, planning consultants etc. for projects and tasks where specific external skills or knowledge are required.
- Conditions imposed:**
- Any applicable Council Policy must be implemented.
  - The consideration for the consultancy is less than \$50,000.
  - Specific budget provision exists.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – section 6.5 – 6.10</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 – Purchasing</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>21 June 2017 (Resolution 090617)</b>

## DA10 ENGAGING CONTRACTORS

<b>Objective of Delegation:</b>	To appoint contractors to the Shire of Chittering
<b>Extent of Delegation:</b>	The authority to engage private contractors to assist and complement the Shire's work staff in implementing the works program.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. Applies to Contracts under \$150,000.</li> <li>2. In exercising this authority, the Chief Executive Officer must be satisfied that it will be in the best interest of Shire and have regard for: <ul style="list-style-type: none"> <li>• adequate budget provision exists;</li> <li>• the engagement of contractors is made in accordance with the Shire's purchasing policy;</li> <li>• that all contracts are in writing; and</li> <li>• that appropriate performance measures are in place and performance is subject to supervision.</li> </ul> </li> <li>3. The payment for any work carried out under contract must be specifically authorised by the responsible senior officer and certified as carried out to a satisfactory standard.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 – Purchasing</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

## DA11 ENTERING INTO CONTRACTS

- Objective of Delegation:** To enter into contracts on behalf of the Shire of Chittering
- Extent of Delegation:** The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:
- the Council has authorised entering into a formal contract; or
  - a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000; or
  - a formal contract is authorised under a delegated authority from the Council
- Conditions imposed:**
1. All contracts where the consideration is greater than \$100,000 must be subject to specific authorization of the Council.
  2. Compliance with the requirements of the Standing Orders Local Law in respect of signing documents under seal if applicable.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 – Purchasing</i></li> <li>• <i>Shire of Chittering Administration Policy 1.5 – Execution Documents</i></li> <li>• <i>Shire of Chittering Local Government (Council Meetings) Local Law 2014</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

## DA12 FACILITY HIRE FEES

<b>Objective of Delegation:</b>	To manage the fees for hire of Shire of Chittering facilities
<b>Extent of Delegation:</b>	The authority to grant discounts or waive hire fees applying to any of the Shire's recreation facilities under the direct management of the Council.
<b>Conditions imposed:</b>	<p>In exercising this authorisation, the Chief Executive Officer is to give consideration to:</p> <ul style="list-style-type: none"> <li>• The cost of normal hire per participant being prohibitive to the financial resources of the hirer(s).</li> <li>• One off usage discounts being supported in favour of regular use discounts.</li> <li>• The participation of children/juniors in the program.</li> <li>• The benefits to the Shire, its staff and the community in general.</li> <li>• Costs to Council, including any forgone opportunity costs.</li> <li>• Any other circumstances that warrant consideration of a discount or waiving of fees.</li> </ul>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Annual Budget</i></li> <li>• <i>Shire of Chittering Administration Policy 1.2 Use of Civic Centre – Council Chambers</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>21 June 2017 (Resolution 090617)</b>

## DA13 INDUSTRIAL REPRESENTATION

<b>Objective of Delegation:</b>	To source advice from an industrial service
<b>Extent of Delegation:</b>	To source advice from an appropriate industrial service with consent to act on the Council's behalf in any general industrial/award matter and any industrial dispute involving employees of the Council.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Staff Policy 3.1 Code of Conduct; Staff, Volunteers and Contractors</i></li> <li>• <i>Shire of Chittering Staff Policy 3.9 Occupational Safety and Health (OSH)</i></li> <li>• <i>Shire of Chittering Staff Policy 3.11 Contractors</i></li> <li>• <i>Shire of Chittering Staff Policy 3.12 Voluntary service</i></li> <li>• <i>Shire of Chittering Staff Policy 3.13 Gratuities and Redundancy Payments</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA14 ISSUING OF NOTICES

**Objective of Delegation:** To issue notices to owners of land in the Shire of Chittering

**Extent of Delegation:** The power to issue notices requiring certain things to be done by the owner/occupier of land. Such items in addition to those contained with the Act are also outlined in Schedules 3.1 and 3.2 and contain such issues as:

- Preventing water from dripping or running from a building
- Placing a street number in a prominent place
- Ensuring that unsightly land is either enclosed or where it is considered untidy having such materials or rubbish removed including contaminated material
- Taking steps for preventing or minimising danger to the public or damage to property which might arise from cyclonic activity or bush fire.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Town Planning Policy 9.3 Rural Numbering</i></li> <li>• <i>Shire of Chittering Environmental and Health Policy 10.2 Bush Fire Control</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA15 LEGAL ADVICE

- Objective of Delegation:** To seek legal advice for the Shire of Chittering
- Extent of Delegation:** The power to obtain legal advice and opinions as deemed necessary in the exercise of the management of the local government.
- Conditions imposed:**
- The authority is restricted to legal advice of an operational nature that is required to protect the interests of the Shire and to an initial value not exceeding \$20,000.
  - The budget containing appropriate provision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Annual Budget</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 Purchasing</i></li> <li>• <i>Shire of Chittering Staff Policy 3.1 Code of Conduct; Staff, Volunteers and Contractors</i></li> <li>• <i>Shire of Chittering Elected Members Policy 4.5 Legal Representation and Costs Indemnification</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>21 June 2017 (Resolution 090617)</b>



## DA16 NATIVE TITLE

<b>Objective of Delegation:</b>	To register an interest in any native title claim
<b>Extent of Delegation:</b>	The power to register an interest in any native title claim affecting the Shire in order for Council to have sufficient interest to become a party to the native title application.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Native Title (State Provisions) Act 1999</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	



## DA17 PROSECUTIONS

- Objective of Delegation:** To sign all prosecution complaint forms
- Extent of Delegation:** The power to sign all prosecution complaint forms in relation to prosecutions under the *Local Government Act 1995* on behalf of the Council.
- Conditions imposed:** The Chief Executive Officer is required to use discretion in taking action under this delegation where there are mitigating circumstances.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA18 RATES AND SERVICE CHARGES AGREEMENTS

<b>Objective of Delegation:</b>	To accept payment of a rate or service charge
<b>Extent of Delegation:</b>	The power to accept payment of a rate or service charge that is due and payable by a person in accordance with an agreement made with that person.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is required to observe any relevant policy.</li> <li>2. In making any such agreement, the Chief Executive Officer is to exercise discretion in negotiating the best possible repayment schedule to protect the interests of the Shire without imposing undue financial hardship on the person.</li> <li>3. The Chief Executive Officer is to ensure that appropriate written agreements are entered into and that appropriate internal controls are in place to monitor compliance with the agreed repayment schedule.</li> <li>4. The Chief Executive Officer is to have regard to the Shire's Rating Policy should the person materially default with the terms of the agreement.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Copy of signed offer and acceptance retained on property file. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.6 Rating</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>16 February 2017 (ref N1780461)</b>

## DA19 RATES AND SERVICE CHARGES CAVEAT

<b>Objective of Delegation:</b>	To lodge a caveat on property in the Shire of Chittering
<b>Extent of Delegation:</b>	The power to lodge a caveat to preclude dealings in land where rates or services charges are in arrears and the Chief Executive Officer is of the opinion that it is in the interests of the Shire to lodge the caveat.
<b>Conditions imposed:</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer is required to observe any relevant policy.</li> <li>2. The action to lodge a caveat is only to be taken, where in the opinion of the Chief Executive Officer, that action is necessary.</li> <li>3. The action is only to be taken by persons with the specific written authority to lodge the caveat.</li> </ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Monthly Information Bulletin. Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.4 Rating of Council Property</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA20 TENDERS / QUOTATIONS

<b>Objective of Delegation:</b>	To expedite the calling of quotations and tenders.
<b>Extent of Delegation:</b>	The power to: <ul style="list-style-type: none"><li>(i) make the decision to invite quotations and tenders for goods and services.</li><li>(ii) call quotations and tenders before the Shire enters into a contract of a prescribed kind.</li><li>(iii) accept a quotation where the consideration is less than \$149,999.</li></ul>
<b>Conditions imposed:</b>	<ol style="list-style-type: none"><li>1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.</li><li>2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.</li><li>3. That the process is conducted fairly and impartially and in strict compliance with the <b>Local Government Act 1995</b> and the associated regulations, and any appropriate Council policy, direction or guideline.</li><li>4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Shire.</li></ol>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – section 3.57</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 Purchasing</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

**DA21 TO ACCEPT QUOTATIONS FOR GOODS AND SERVICES –  
REVOKED (16 MAY 2012)**

## DA22 BOND REFUNDS

<b>Objective of Delegation:</b>	To expedite the approvals process
<b>Extent of Delegation:</b>	The authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services
<b>Formal Record:</b>	Monthly List of Payments included in the Ordinary Council agenda  Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – section 5.42</i></li> <li>• <i>Shire of Chittering Community Facilities and Recreation Policy 5.1 Advertising on public open space</i></li> <li>• <i>Shire of Chittering Engineering, Construction and Maintenance Policy 7.2 Crossovers Subsidy</i></li> <li>• <i>Shire of Chittering Town Planning Policy 9.6 Public Guidance Signage in Road Reserves</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>12 October 2016</b>

## DA23 UNDERTAKING PRIVATE WORKS

<b>Objective of Delegation:</b>	To facilitate private works
<b>Extent of Delegation:</b>	The authority to use discretion in accepting or rejecting private works requests.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><i>Local Government Act 1995 – section 5.42</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	



**DA24 MAJOR PLANT PURCHASES – REVOKED (16 MAY 2012)**

## DA25 GRANT APPLICATIONS

<b>Objective of Delegation:</b>	To make applications for grants from various sources
<b>Extent of Delegation:</b>	The authority to make application for grants from various sources.
<b>Conditions imposed:</b>	<p>The Chief Executive Officer must approve and sign any grant application.</p> <p>Where possible, the prior approval of the Council is required before making application for grants that may impose an ongoing commitment by the Shire.</p> <p>Any application that requires a financial commitment from the Shire requires specific approval of the Council.</p> <p>Where it is proposed to make a submission for grants and/or subsidies from state/commonwealth governments without prior approval of Council, the grant/subsidy shall not be accepted without specific Council endorsement through the budget process.</p> <p>Any application must be in accord with Council's strategic objectives.</p> <p>The Chief Executive Officer is to ensure that any relevant grant conditions are met and that the appropriate grant acquittal is completed in a timely manner and subject to audit scrutiny.</p>

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.9 Funding Submissions</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017

Amended:	
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## DA26 CARAVAN PARK LICENCES / PERMITS TO CAMP ON PRIVATE PROPERTY

**Objective of Delegation:** To control and maximise tourist numbers.

**Extent of Delegation:** The authority under Regulation 6 of the *Caravan Parks & Camping Grounds Regulation 1997* to issue approvals for renewal of licences and granting approvals for camping permits on private property.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Principal Environmental Health Officer
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Caravan Parks &amp; Camping Grounds Regulation 1997 – Regulation 6</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA27 BURNING ON ROADSIDES

<b>Objective of Delegation:</b>	To control burns on road verges
<b>Extent of Delegation:</b>	The authority to approve applications submitted by the relevant Fire Control Officer to burn on a road verge vested in the care control and management of the Shire of Chittering.
<b>Conditions imposed:</b>	The Chief Executive Officer is to have regard to roadside conservation policies of the Shire of Chittering in place from time to time and environmental harm provisions contained within the <i>Environmental Protection Act 1986</i> .

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services Community Emergency Services Manager
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Bush Fire Act 1954</i></li> <li>• <i>Environmental Protection Act 1986</i></li> <li>• <i>Shire of Chittering Environmental and Health Policy 10.2 Bush Fire Control</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>21 June 2017 (Resolution 090617)</b>

## DA28 BUSH FIRES, PROHIBITED BURNING TIMES, RESTRICTED BURNING TIMES AND PROSECUTION OF OFFENCES

**Objective of Delegation:** That under section 48 of the *Bush Fires Act 1954* the Council of the Shire of Chittering hereby delegates authority to the **Chief Executive Officer**, the exercise the powers and discharge of duties of the Local Government functions under the *Bush Fires Act 1954*.

That under section 17(1) of the *Bush Fires Act 1954* the Council of the Shire of Chittering hereby delegates authority to the **Shire President** and **Chief Bushfire Control Officer** to vary prohibited burning times under section 17 and vary restricted burning times under section 18 of the *Bush Fires Act 1954*.

That under section 59(3) of the *Bush Fires Act 1954* the Council of the Shire of Chittering hereby delegates authority to the **Shire Rangers** to prosecute offences committed against this Act, and issue infringement notices pursuant to section 59 and section 59A of the *Bush Fires Act 1954*.

<b>Delegation by Council to:</b>	Chief Executive Officer Shire President Chief Bushfire Control Officer Shire Rangers
<b>Delegation by Chief Executive Officer to:</b>	Section 48(3) of the <i>Bush Fires Act 1954</i> delegation under this section does not include the power to sub-delegate.



<p><b>Formal Record:</b></p>	<p>Section 41 of the <i>Bush Fires Act 1954</i> requires the local government to keep a register of bush fire brigades and their members.</p> <p>Section 50 of the <i>Bush Fires Act 1954</i> requires the local government to maintain records of all bush fire control officers and bush fire brigade officers appointed, and particulars of the bush firefighting equipment and appliances available within the district.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>
<p><b>Heads of Power:</b></p>	<ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Shire of Chittering Administration Policy 1.9 Prosecution by Council against Offenders</i></li> <li>• <i>Shire of Chittering Environmental and Health Policy 10.2 Bush Fire Control</i></li> </ul>
<p><b>References:</b></p>	<p><u>Power to delegate:</u> Section 48 <i>Bush Fires Act 1954</i>: <i>Delegation by local governments</i></p> <p><u>Power/duty delegated:</u> Section 17 <i>Bush Fires Act 1954</i> – <i>Prohibited burning times may be declared by Minister</i> Section 18 <i>Bush Fires Act 1954</i> – <i>Restricted burning times may be declared by Minister</i> Section 59 <i>Bush Fires Act 1954</i> – <i>Prosecution of offences</i></p>
<p><b>Last Reviewed:</b></p>	<p>21 June 2017</p>
<p><b>Amended:</b></p>	<p><b>14 December 2016 (Resolution 101216)</b> <b>21 June 2017 (Resolution 090617)</b></p>

**DA29 CERTIFICATES OF CLASSIFICATION – REVOKED (16 MAY 2012)**

## DA30 INSURANCE

**Objective of Delegation:** To enter into appropriate contacts of insurance

**Extent of Delegation:** The authority to enter into appropriate contracts of insurance.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Retain copy of Insurance documentation Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – section 5.42</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 Purchasing</i></li> <li>• <i>Shire of Chittering Staff Policy 3.1 Code of Conduct; Staff, Volunteers and Contractors</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b><i>21 June 2017 (Resolution 090617)</i></b>



## DA31 PUBLIC LIABILITY CLAIMS

<b>Objective of Delegation:</b>	To consider claims for property damage
<b>Extent of Delegation:</b>	The authority to consider claims against Council for the property damage that does not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
<b>Conditions imposed:</b>	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excesses amount and then only upon receipt of an appropriate release form provided by Council's insurers.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Retain all claims Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995 – section 5.42</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA32 SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY

**Objective of Delegation:** To expedite applications for the sale of liquor on Council property.

**Extent of Delegation:** The authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Principal Environmental Health Officer
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.42</i></li> <li>• <i>Food Act 2008 – Section 122 and 126(2)</i></li> <li>• <i>Environmental Protection Act 1986 – Section 87 and 88</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

**DA33 ISSUE OF SECTION 401 NOTICES – REVOKED (25 JUNE 2014)**

## DA34 APPOINTMENT OF AUTHORISED OFFICERS

- Objective of Delegation:** To appoint authorised officers.
- Extent of Delegation:** The power to appoint authorised officers/persons to enforce local laws of the Shire made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant Regulations):
- *Building Act 2011*
  - *Bush Fires Act 1954*
  - *Cat Act 2011*
  - *Cemeteries Act 1986*
  - *Criminal Procedure Act 2004*
  - *Dog Act 1976*
  - *Health (Miscellaneous Provisions) Act 1911*
  - *Health (Asbestos) Regulations 1992*
  - *Food Act 2008*
  - *Fines, Penalties and Infringement Notices Enforcement Act 1994*
  - *Litter Act 1979*
  - *Public Health Act 2016*
  - *Town Planning Scheme No 6*
- Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Acts as listed above</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<p><b>17 June 2015</b></p> <p><b>15 February 2017 (Resolution 080217)</b></p> <p><b>15 February 2017 (Resolution 090217) and <a href="#">Department of Local Government Circular 02-2017</a></b></p> <p><b>21 June 2017 (Resolution 090617)</b></p>



## DA35 TENDER EVALUATION

<b>Objective of Delegation:</b>	To expedite the evaluation of tenders received.
<b>Extent of Delegation:</b>	The authority to: <ul style="list-style-type: none"> <li>• establish the individual weighting for each evaluation criterion.</li> <li>• vary the Evaluation Criteria where in his opinion the particular tender requires a variation to the established evaluation criteria.</li> </ul>
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Technical Services Executive Manager Development Services Executive Manager Corporate Services
<b>Formal Record:</b>	Copies of tender evaluations to be filed with Tender documents.  Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Function and General) Regulations 1996</i></li> <li>• <i>Shire of Chittering Finance Policy 2.12 Purchasing</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA36 PERMITS ROAD TRAINS AND EXTRA MASS

- Objective of Delegation:** To expedite the applications to use road trains / extra mass on any local road.
- Extent of Delegation:** The authority to determine any application recommending approval or refusal to Main Roads WA to use road trains and applications for extra mass permits on any local road.
- Conditions imposed:** The Chief Executive Officer is to have regarded:
- 1 All roads are subject to the appropriate approval by Main Roads WA and subsequent issue of relevant permits
  - 2 Applicants to supply Council with a copy of Main Roads WA permit before operations commence
  - 3 That the speeds of the vehicles do not exceed 90km/h on gravel roads or as sign posted
  - 4 Applicants are requested to utilise sealed routes, where possible, particularly during periods of wet weather
  - 5 Council reserves the right to withdraw the approval with twenty four (24) hours' notice.
  - 6 Any policy of Council in place from time to time.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Technical Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Engineering, Construction and Maintenance Policy 7.6 Heavy Vehicle Access</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA37 RATING AND SERVICE CHARGES RECOVERY

**Objective of Delegation:** To recover debt from rates or services charges.

**Extent of Delegation:** The power to:

1. recover rates and service charges which are apportioned between successive owners in respect of time as if they accrue.
2. recover a rate or service charge, if it remains unpaid after it becomes due and payable, as well as costs of proceedings, if any, for that recovery, in a court of law.
3. recover rates and charges outstanding.
4. give notice to the lessee of land if payment of a rate or service charge imposed is due and payable requiring the lessee to pay any rent as it falls due in satisfaction of the debt.
5. give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
6. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
7. recover unpaid rates or service charges. Refer 6.60 (5) and (6).
8. request the occupier of property, or an agent of the owner of property to disclose the name and address of the owner or of the person receiving or authorised to receive the rate or service charge.
9. apply the money for or towards rates or service charges where money is paid on rates and charges due on the land in the order in which they become due.
10. lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect of the land is in arrears.

11. instigate action through a court to recover a debt, including recovery costs, associated with a rate or service charge, if it remains unpaid after the time for payment under the Act, and after the procedures under the Shire debt collection policy has been unsuccessful.

**Conditions imposed:**

1. The Chief Executive Officer is required to observe any relevant policy.
2. The legal action is only to be taken, where in the opinion of the Chief Executive Officer, that action is a last resort to obtain payment.
3. The legal action is only to be taken by persons with the specific written authority to commence the action.
4. To observe all relevant provisions of the *Local Government Act 1995*, all other written law and regulations, Council policies, directions and guidelines.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.6 Rating</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	



## DA38 DEMOLITION PERMITS

- Objective of Delegation:** To manage dangerous buildings in the Shire of Chittering
- Extent of Delegation:** Council delegates its authority and power to Peter Stuart (Acting Executive Manager Development Services) and Nathan Gough (Principal Building Surveyor) to approve or refuse to grant demolition permits submitted under section 21 of the *Building Act 2011*.
- Conditions imposed:** Subject to the following conditions:  
In undertaking the functions of this delegation, Nathan Gough, Principal Building Surveyor must:
- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the *Local Government Act 1995*; and
  - 2) Hold the appropriate qualifications as set out under Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

<b>Delegation by Council to:</b>	Executive Manager Development Services Principal Building Surveyor
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 – sections 21, 22 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<i>15 June 2016</i> <i>21 June 2017 (Resolution 090617)</i> <i>25 July 2017 (N1785631)</i>

## DA39 BUILDING PERMITS

- Objective of Delegation:** To expedite the approval of Building Licences
- Extent of Delegation:** Council delegates its authority and power to Peter Stuart (Acting Executive Manager Development Services) and Nathan Gough (Principal Building Surveyor) to approve or refuse to approve plans and specifications submitted under the *Building Act 2011*.
- Conditions imposed:** Subject to the following conditions:  
In undertaking the functions of this delegation Nathan Gough, (Principal Building Surveyor) must:
- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the *Local Government Act 1995*; and
  - 2) Hold the appropriate qualifications as set out under Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

<b>Delegation by Council to:</b>	Executive Manager Development Services Principal Building Surveyor
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 – sections 16, 20, 22 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<i>15 June 2016 21 June 2017 (Resolution 090617) 25 July 2017 (N1785631)</i>

## DA40 BUILDING ORDERS

<b>Objective of Delegation:</b>	To expedite the approval of building orders
<b>Extent of Delegation:</b>	<p>Council delegates its authority and power to Peter Stuart (Acting Executive Manager Development Services) and Nathan Gough (Principal Building Surveyor) to:</p> <ol style="list-style-type: none"><li>1) Make building orders pursuant to section 110 of the <i>Building Act 2011</i> in relation to:<ol style="list-style-type: none"><li>a) Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the <i>Building Act 2011</i>;</li><li>b) Take specific action to prevent contravention of the <i>Building Act 2011</i>;</li><li>c) Finish an outward facing side of a wall;</li><li>d) Buildings which are considered as being unsafe or not fit for human habitation.</li></ol></li><li>2) Revoke building orders pursuant to section 117 of the <i>Building Act 2011</i>.</li></ol>
<b>Conditions imposed:</b>	<p>Subject to the following conditions:</p> <ol style="list-style-type: none"><li>1) The Executive Manager Development Services may:<ol style="list-style-type: none"><li>a) Seek legal advice on the issue of a building order where it is considered appropriate.</li><li>b) Determine that a building order is to remain in effect in accordance with section 117(2) of the <i>Building Act 2011</i> where it is considered appropriate.</li></ol></li><li>2) In undertaking the functions of this delegation, the Principal Building Surveyor must be employed by the Shire of Chittering in accordance with section 5.36 of the <i>Local Government Act 1995</i>.</li></ol>

<b>Delegation by Council to:</b>	Executive Manager Development Services Principal Building Surveyor
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 – sections 110, 111, 117 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<i>15 June 2016 21 June 2017 (Resolution 090617) 25 July 2017 (N1785631)</i>

## DA41 EXTENSION OF PERIOD OF DURATION OF AN OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

**Objective of Delegation:** To manage extending the period of duration of an occupancy permit or building approval certificate.

**Extent of Delegation:** Council delegates its authority and power to Bronwyn Southee (Executive Manager Development Services) and Nathan Gough (Principal Building Surveyor) to approve or refuse to approve applications submitted under section 65 of the *Building Act 2011*.

**Conditions imposed:** Subject to the following conditions:

In undertaking the functions of this delegation, the Principal Building Surveyor must:

- 1) Be employed by the Shire of Chittering in accordance with section 5.36 of the *Local Government Act 1995*; and
- 2) Hold the appropriate qualifications as set out under Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

<b>Delegation by Council to:</b>	Executive Manager Development Services Principal Building Surveyor
<b>Delegation by Chief Executive Officer to:</b>	Not Applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 – sections 65 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<i>15 June 2016</i> <i>21 June 2017 (Resolution 090617)</i>

**DA42 UNCOMPLETED BUILDINGS – REVOKED (16 MAY 2012)**

## DA43 STRATA TITLES

**Objective of Delegation:** To manage strata titles in the Shire of Chittering

**Extent of Delegation:** Pursuant to the provisions of section 23 of the *Strata Titles Act 1985*, the authority to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building statutory requirements and that the Chief Executive Officer, is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the *Strata Titles Act 1985*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Strata Titles Act 1985</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA44 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

- Objective of Delegation:** To expedite the approval of Planning Applications
- Extent of Delegation:**
- 1) The authority to perform the functions of Council in respect of determining applications for development approval, including applications involving:
    - a) the variation of scheme provisions, Planning Policy or provisions of the Residential Design Codes or
    - b) the exercise of discretion under the scheme, Planning Policy or the Residential Design Codes.
  - 2) The authority to refuse any development applications where the proposed use is not permitted by the Town Planning Scheme or where the development does not comply with the non-discretionary provisions of the Residential Planning Codes or any mandatory statutory requirement, unless:
    - a) advertising is undertaken and any objections are received that officers cannot adequately resolve through sourcing of additional information or through conditions of approval;
    - b) the application is contentious; or
    - c) it requires the concurrence of the Minister of Planning.
- Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Senior Planning Officer
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Planning and Development Act 2005</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	17 June 2015



## DA45 AUTHORITY TO COMMENCE PROSECUTIONS

**Objective of Delegation:** To provide authority to commence legal proceedings

**Extent of Delegation:** Council delegates its authority and power to Alan Sheridan (Chief Executive Officer) the authority to commence prosecutions pursuant to section 133 of the *Building Act 2011*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 - sections 133</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

**DA46 PLANNING APPROVALS – REVOKED (17 JUNE 2015)**

## DA47 SUBDIVISION

<b>Objective of Delegation:</b>	To expedite the sub division referral proformas
<b>Extent of Delegation:</b>	The authority to: <ol style="list-style-type: none"> <li>1 endorse subdivision referral proformas for the purposes of part 10 Division 2 of the <i>Planning and Development Act 2005</i>.</li> <li>2 certify the compliance with subdivision conditions for the purposes of part III sections 20 &amp; 24 of the <i>Planning and Development Act 2005</i>.</li> <li>3 approve or refuse the Subdivision referral which complies with all relevant legislation and policies involving:</li> </ol>
<b>Conditions imposed:</b>	Council is to be notified of delegated authority used by report through the Information Bulletin.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Planning and Development Act 2005</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

## DA48 SUBDIVISIONAL CLEARANCE

**Objective of Delegation:** To issue subdivision clearances

**Extent of Delegation:** The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Executive Manager Development Services and Executive Manager Technical Services.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Planning and Development Act 2005</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA49 VARIATION TO ADVERTISING PERIOD

**Objective of Delegation:** To manage the advertising periods in accordance with the Town Planning Scheme

**Extent of Delegation:** The authority to determine whether advertising is required, the level of advertising and undertake the advertising process in accordance with 9.4.3 of the ***Town Planning Scheme No 6***.

The Chief Executive Officer may extend the advertising period beyond the minimum where he/she believes there is a need to extend or where there has been changes to the applicant's original proposal.

**Conditions imposed:** Advertising is to be not less than fourteen (14) days in accordance with the Scheme.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Shire of Chittering Local Planning Scheme No 6</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

**DA50 RECORD ON TITLE – REVOKED (25 JUNE 2014)**

## DA51 PAYMENT OF CREDITORS

- Objective of Delegation:** To ensure the timely payment of creditors
- Extent of Delegation:** The authority to make payments from the Municipal Fund Bank Accounts and the Trust Bank Accounts.
- Conditions imposed:** Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Account is to be noted on a list compiled for each month showing:
- The Payees name
  - The amount of the payment
  - The date of the payment
  - Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services Executive Manager Development Services Executive Manager Technical Services
<b>Formal Record:</b>	List of payments in monthly Ordinary Council agenda Recorded in central records system
<b>Heads of Power</b>	<ul style="list-style-type: none"> <li><i>Local Government Act 1995</i></li> <li><i>Local Government (Financial Management) Regulations – Reg 13</i></li> <li><i>Shire of Chittering Finance Policy 2.10 Cheque Signatory/EFT requirements</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>12 October 2016</b>

## DA52 ORDERING THRESHOLDS

- Objective of Delegation:** To authorise officers to sign purchase orders
- Extent of Delegation:** To authorise officers to sign orders on behalf of Council within the limits stated within purchasing policy, provided such proposed purchases are contained within the Budget and are within the officer's area of activity.
- Conditions imposed:** As outlined in *Shire of Chittering Policy 2.12 Purchasing*

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services Executive Manager Technical Services Executive Manager Corporate Services Works Manager Principal Building Surveyor Principal Environmental Health Officer Community Emergency Services Manager
<b>Formal Record:</b>	Retain copy of purchase order Recorded in central records system
<b>Heads of Power</b>	<i>Shire of Chittering Finance Policy 2.12 Purchasing</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b><i>15 June 2016; 12 October 2016</i></b>



## DA53 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

**Objective of Delegation:** To expedite the approval of occupancy permits or building approval certificates.

**Extent of Delegation:** Council delegates its authority and power to Peter Stuart (Acting Executive Manager Development Services) and Nathan Gough (Principal Building Surveyor) the authority to grant, modify or refuse to grant occupancy permits or building approval certificates.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Executive Manager Development Services Principal Building Surveyor
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Monthly information bulletin Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011, section 58 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>15 June 2016</b> <b>21 June 2017 (Resolution 090617)</b> <b>25 July 2017 (N1785631)</b>

## DA54 AUTHORITY TO APPOINT AUTHORISED PERSONS - BUILDING

**Objective of Delegation:** To provide authority to appoint authorised persons

**Extent of Delegation:** Council delegates its authority and power to Alan Sheridan (Chief Executive Officer) to appoint authorised persons pursuant to section 96 of the *Building Act 2011*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Building Act 2011 – sections 96 and 127</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	15 June 2016

**DA55 CHITTERING AUSTRALIA DAY ADVISORY COMMITTEE –  
REVOKED (19 JUNE 2013)**

**DA56 CHITTERING EDUCATION SCHOLARSHIP ADVISORY  
COMMITTEE – REVOKED (19 JUNE 2013)**

## DA57 FOOD ACT 2008 – TO ISSUE INFRINGEMENT NOTICES

<b>Objective of Delegation:</b>	To issue infringement notices
<b>Extent of Delegation:</b>	The authority to issue infringement notices in accordance with section 126(2) of the <i>Food Act 2008</i> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Principal Environmental Health Officer
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Food Act 2008, Section 126(2)</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA58 FOOD ACT 2008 – TO RECEIVE PAYMENT AND GRANT EXTENSIONS OF TIME

**Objective of Delegation:** To receive payment and grant extensions of time for infringement notices.

**Extent of Delegation:** To receive payment of modified penalties, granting extension of time and withdrawing infringement notices in accordance with Section 126(1), (3), (6) and (7) of the *Food Act 2008*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Food Act 2008, Section 126(1), (3), (6) and (7)</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA59 FOOD ACT 2008 – TO ISSUE OF PROHIBITION ORDERS AND CERTIFICATES OF CLEARANCE

**Objective of Delegation:** To issue Prohibition Orders and Certificates of Clearance.

**Extent of Delegation:** To issue prohibition orders and Certificates of Clearance for the purpose of Sections 65 and 66 of the *Food Act 2008*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Food Act 2008, Sections 65 and 66</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA60 MULTIPLE DOGS

<b>Objective of Delegation:</b>	To expedite the approval of multiple dog(s) applications
<b>Extent of Delegation:</b>	The authority to approve multiple dog(s) applications where: <ol style="list-style-type: none"> <li>1. The proposal complies with all relevant legislation and policies</li> <li>2. The proposal has been advertised and no valid objections have been received by affected adjoining land owners.</li> </ol>
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Development Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Dog Act 1976, Section 26(3)</i></li> <li>• <i>Local Government Act 1995, Sections 5.18, 5.42&amp; 5.46(1)</i></li> <li>• <i>Dogs Local Law 2011</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	17 June 2015



## DA61 WITHDRAWAL RATES AND SERVICE CHARGES CAVEAT

**Objective of Delegation:** To expedite the withdrawal of a Caveat that has been lodged with Landgate for unpaid rates and charges on a property in the Shire of Chittering, where the purpose for which the Caveat was lodged has been satisfied.

**Extent of Delegation:** The authority to withdraw a Caveat to enable dealings on land, where the purposes for which the Caveat was lodged has been satisfied and the Chief Executive Officer is satisfied that the Shire's interests arising from the Caveat are fully protected.

**Conditions imposed:**

1. The Chief Executive Officer and the Executive Manager Corporate Services are required to observe any relevant policy.
2. The action to withdraw a Caveat is only to be taken, where in the opinion of the Chief Executive Officer or the Executive Manager Corporate Services, the purpose for which the Caveat was lodged has been satisfied or will be satisfied at settlement.
3. The action is only to be taken by persons with the specific written authority to withdraw the Caveat.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Executive Manager Corporate Services
<b>Formal Record:</b>	Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Shire of Chittering Finance Policy 2.6 Rating</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	

## DA62 CAT ACT 2011 – POWERS AND DUTIES OF A LOCAL GOVERNMENT

**Objective of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Cat Act 2011*.

**Extent of Delegation:** The authorities to grant, renew, refuse or cancel an application for cat registration.

The authority to cancel a cat registration.

The authority to issue a cat control notice as per *Cat Act 2011, Section 26*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Cat Register Monthly Information Bulletin Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Cat Act 2011, Section 44</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Cats Local Law 2015</i></li> <li>• <i>Cats Amendment Local Law 2016</i></li> </ul>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	<b>27 July 2016 – N1673883</b> <b>21 June 2017 (Resolution 090617)</b>

**DA63 CAT CONTROL NOTICE – REVOKED (27 JULY 2016)**

## DA64 WESTERN AUSTRALIAN TREASURY CORPORATION BORROWINGS

**Objective of Delegation:** To sign documents in relation to borrowings for the Shire of Chittering

**Extent of Delegation:** To sign schedule documents under the Master Lending Agreement and give instructions to Western Australian Treasury Corporation on behalf of the Shire of Chittering.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<i>Local Government Act 1995 – Section 9.49A(4)</i>
<b>Last Reviewed:</b>	21 June 2017
<b>Amended:</b>	