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DELEGATIONS and AUTHORISATIONS REGISTER

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As presented to Council 22 August 2023

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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 of Wagin's commitment to a strong customer service focus.

The Delegated Authority Register details the head of power for each delegation, including legislation and Council policies, to enable easier cross-referencing. The Register will be reviewed on an annual basis in accordance with the requirements of s. 5.46 (2) of the *Local Government Act 1995*, with the coordination of the review to 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 *Local Government Act 1995*, except for those listed in s. 5.43.

All delegations made by the Council must be by Absolute Majority [s. 5.42(1)].

Apart from the *Local Government Act 1995*, its regulations and the Shire of Wagin local laws created under the Act, a number of other pieces of legislation.

DELEGATED AUTHORITY REGISTER

Delegation by the Chief Executive Officer

~~Many of the pieces of~~ Legislation (including the *Local Government Act 1995*) can which provide for delegation of authority by Council to the Chief Executive Officer and also allow the Chief Executive Officer to further delegate a particular power or powers to another employee.

~~It should be noted that the "On Delegations" referred to in this register may only have the status as guidelines for the CEO.~~

~~Usually, Sub-delegation~~ this delegation must be made in writing, and must include any conditions or limitations placed by Council on the original delegation. ~~The Chief Executive Officer may usually also place additional conditions or limitations on the delegation as he or she considers necessary.~~

The Chief Executive Officer may also delegate the exercise of any power, or the discharge of any duty granted under the *Local Government Act 1995* by right of his or her position as Chief Executive Officer, other than the power of delegation itself [s. 5.44 (1)]. Under s. 5.46(1) and s. 5.46(2) of the *Local Government Act 1995*, a Register of Delegations relevant to the Chief Executive Officer and other Shire employees is to be kept and reviewed at least once in every financial year. Officers are also required to keep certain records whenever they exercise a power or duty which has been delegated to them [s. 5.46(3)].

This record must contain the following information [Reg. 19 – *Local Government (Administration) Regulations 1996*]:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.

Officers with delegated powers are responsible for ensuring that the requirements of Reg. 19 are complied with.

A person to whom a power is delegated under the *Local Government Act 1995* is considered to be a ‘designated employee’ under s. 5.74(b) of the *Local Government Act 1995* and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

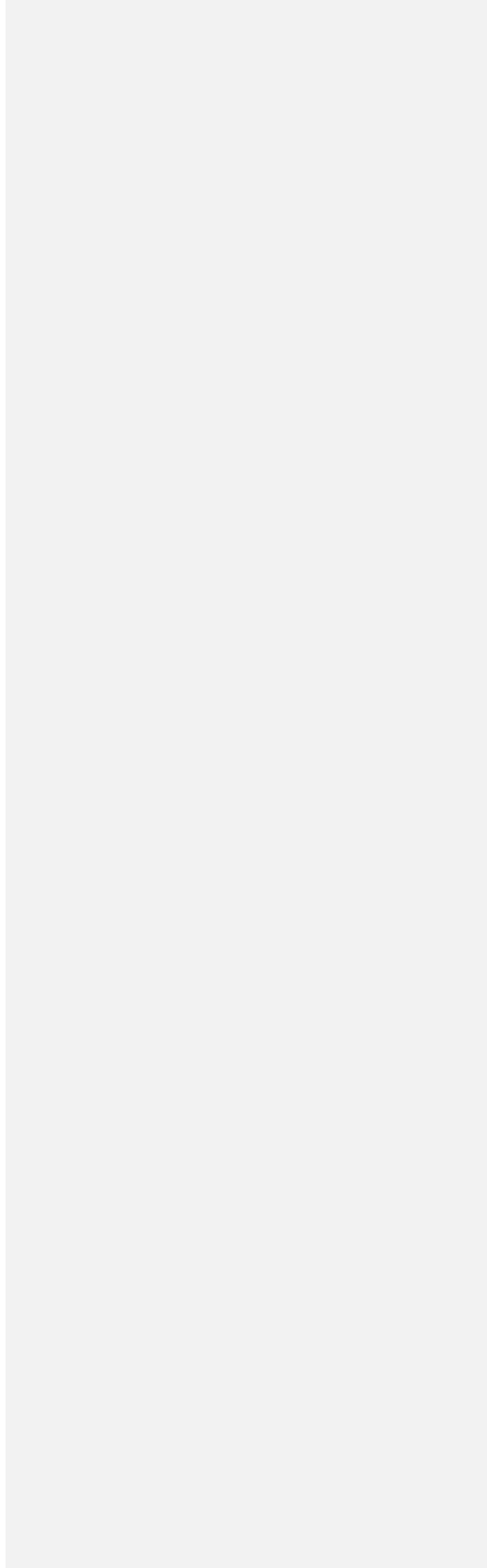
These persons are those that hold the office of:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager of Finance
- Manager of Works

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Delegation No:1

Abandoned Vehicles

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government Act 3.39 3.40, and 3.40A, 3.42 and 3.44 "An employee authorised by a Local Government for the purpose may remove and impound and goods that are involved in a contravention that can lead to impounding"

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to remove and impound vehicle wrecks, [impoundment of non-perishable goods contained in the vehicle](#) -and to declare a vehicle as an abandoned wreck.

Authorised Officer Delegate:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:2

Blank

<i>Date Adopted:</i>	
<i>Date Last Reviewed:</i>	
<i>Policy Reference:</i>	

Delegate:	
<i>On-Delegated:</i>	
<i>Chief Executive Instruction:</i>	

Legal (Parent):

Legal (Subsidiary):

Other Comments

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Delegation No:3 Agreement to Payment of Rates and Service Charges

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Finance Policy F.2

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government Act s 6.49
"A Local Government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person."

Legal (Subsidiary):

Other Comments

Council delegates to the Chief Executive Officer the authority and power to accept payment of a rate service charge due and payable by a person in accordance with an written agreement made with the person. Special payment agreements may be entered into for cases of special hardship for payment of rates, service charges, and domestic rubbish removal charges.

Authorised Officer Delegate:

Chief Executive Officer

On-Delegated:

Manager of Finance
Deputy Chief Executive Officer
Manager of Finance

Delegation No:4 **Blank**

<i>Date Adopted:</i>	
<i>Date Last Reviewed:</i>	
<i>Policy Reference:</i>	

Delegate:	
<i>On-Delegated:</i>	
<i>Chief Executive Instruction:</i>	

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Legal (Subsidiary):

Other Comments

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Delegation No:5 **Approval/Refusal Building Applications**

Date Adopted:	May 2002
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Health/Building/Planning Policy HBP.4

Delegate:	BS
On-Delegated:	No
Chief Executive Instruction:	N/A

Legal (Parent): Building Act 2011

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its [powers and duties of the Building Act 2011](#)~~authorisation and power to discharge of any of its duties to approve or refuse applications.~~

[Authorised Officers Delegate:](#)

[Chief Executive Officer](#)

[Building Surveyor](#)

[Building Surveyor \(Contract – Shire of Narrogin\)](#)

Delegation No:6 [Blank Authorised Officers](#)

Date Adopted:	22 June 2010	Delegate:	CEO
Date Last Reviewed:	22 August 2023 Minute # 5028	On-Delegated:	Yes
Policy Reference:	Finance Policy F-5	Chief Executive Instruction:	Yes

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Legal (Parent): Local Government Act 1995 s3.24 and s.9.10 "the powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers"

Legal (Subsidiary):
1. Local Government (Financial Management) Regulations 1996

Other Comments/Instructions/Persons On-Delegated

~~Council delegates its authority and power to the Chief Executive Officer for the purpose of the Shire of Wagin's accounts for certifying officers, and its authorisation policy is to clearly define which staff can authorise accounts to be paid and the extent of their authority with regards to authorisation limits.~~

~~**Authorised Officer:**~~

~~**Chief Executive Officer**~~

~~**On-Delegated:**~~

~~**Manager of Finance**
Deputy Chief Executive Officer
Manager of Works~~

Delegation No:7 [Blank Authorised Officer Caravan Park & Camping Ground](#)

Date Adopted:	22 June 2010
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	GEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): ~~CARAVAN PARKS AND CAMPING GROUNDS ACT 1995~~ "An Act to provide for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, to provide for standards in respect of caravans, to amend certain Acts and for related purposes."

Legal (Subsidiary):
~~Caravan Parks and Camping Grounds Regulations 1997:~~
 1. Schedule 4 of Regulations
 2. Regulation 10 Where a person may camp (illegal camping).

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to Authorise the Officers to enforce and control Caravan and Camping Grounds Local Government Act 1995.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Appointed as Authorised Officers under the Regulations as follows:

Deputy Chief Executive Officer

Manager of Finance

WA Contract Ranger Services:

Issue Infringement Notices Schedule 4 of Regulations:

Deputy Chief Executive Officer

Manager of Finance

Environmental Health Officer

Manager of Works

WA Contract Ranger Services:

Issue Infringement Notices Regulation 10 Illegal Camping:

Deputy Chief Executive Officer

Manager of Finance

Environmental Health Officer (Contract Shire of Narrogin)

Manager of Works

WA Contract Ranger Services:

Authority to Withdraw or Extend Infringement Notices:

Deputy of Chief Executive Officer
Manager of Finance

Authority to Receive Payment of Modified Penalties under schedule 4:
Manager of Finance
Executive Assistant
Finance Officers
Administration Officers

Delegation No:8 [Blank Authorised Officers Dog Act](#)

<i>Date Adopted:</i>	22 June 2010	<i>Delegate:</i>	GEO
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028	<i>On-Delegated:</i>	Yes
<i>Policy Reference:</i>	None	<i>Chief Executive Instruction:</i>	No

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Legal (Parent): – Authorised Officers Dog Act 1976 “under the powers conferred by the Dog Act 1976 and under all powers enabling it, the Council of the Shire of Wagin resolved on 20th November 2001, to make the following laws”

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

~~Council delegates its authority and power for officers to enforce the Dog Act of 1976.~~

Authorised Officers:

Chief Executive Officer

On-Delegated:

~~Deputy Chief Executive Officer~~

~~Manager of Finance~~

~~Environmental Health Officer – (Contract Shire of Narrogin)~~

~~Manager of Works~~

~~Rangers: WA Contract Ranger Services:~~

Delegation No:9

~~Blank Authorisation of Officers to exercise certain provisions about Land~~

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction:	Yes

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~~Legal (Parent):— Local Government Act s3.24 and s.3.25 "the powers given to a Local Government by this Subdivision can only be exercised on behalf of the Local Government by a person expressly authorised by it to exercise these powers"~~

Legal (Subsidiary):

~~Other Comments~~

~~Council Delegates its authority and power to the Chief Executive Officer in respect to the issue of notices pursuant to section 3.25 to owners and occupiers of land requiring certain things to be done by the owner or occupier of that land pursuant to Schedule 3.1 of the Local Government Act 1995. Also to take what action is deemed necessary to recover the costs incurred in achieving the purpose for which a Notice was given pursuant to Section 3.25 of the Local Government Act 1995 from the persons who failed to comply with the said Notice, and also to do anything necessary, so far as practicable, to achieve the purposes for which a Notice was given pursuant to Section 3.25 of the Local Government Act 1995.~~

~~**Authorised Officer:**~~

~~**Chief Executive Officer**~~

Delegation No:10

Bush Fire Act 1954 ~~Polices 2 Suspend Prohibited & Restricted Burning Period, 3 Use of Council Equipment & Issuing Infringements~~

Date Adopted:	April 1997
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Bushfire Policies B.2 / B.3 / B.6

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Bush Fires Act 1954
[s48](#)

[1\) A local government may, in writing, delegate to its Chief Executive Officer the performance of any of its functions under this Act](#)

[2\) Performance by the Chief Executive Officer of a local government is a function delegated under subsection \(1\) –](#)

[a\) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and](#)

[b\) is to be treated as performance by the local government](#)

[3\) A delegation under this section does not include the power to subdelegate](#)

~~“notifiable authority in relation to land upon which, or upon part of which, burning is intended to be carried out, means any government department which has land under its care, control and management adjoining the subject land which has requested the local government in whose district the subject land is situated to notify it of all variations made by the local government from time to time under section 17 or 18 of the Act”~~

Legal (Subsidiary):

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Other Comments/Instructions/Persons On-Delegated

(a) ~~s17 and s18 Council delegates its power and authority to~~ Suspend Prohibited and Restricted Burning Period – authority to suspend or amend prohibited burning and restricted burning periods.

~~Authorised Officer~~ Delegate:

~~Chief Executive Officer~~

Shire President and Chief Bush Fire Control Officer (jointly)

~~On-Delegated:~~

In Conjunction with Chief Bush Fire Control Officer (CBFCO)

~~(b) Council delegates its power and authority use of council equipment to control bushfires within or bordering Wagin district.~~

~~Authorised Officer:~~

~~Chief Executive Officer~~

~~On-Delegated:~~

Manager of Works

~~(be) s59 Council delegates its power and authority to the~~ Commencement of prosecution and issuing of infringements

~~Authorised Officer~~ Delegate:

Chief Executive Officer

~~(c) s33 Local government may require occupier of land to plough or clear fire-break~~

Delegate

Chief Executive Officer

Delegation No:11

[Blank Clearing of Rural Road Intersections & Fence lines on Road Reserves](#)

<i>Date Adopted:</i>	Sept 2002
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028
<i>Policy Reference:</i>	Works Policy W.3

<i>Delegate:</i>	CEO
<i>On-Delegated:</i>	Yes
<i>Chief Executive Instruction:</i>	Yes

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Legal (Parent): Local Government Act 1995
Section 5.42.

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

~~Council delegates its authority and power to deal with requests to clear roadside vegetation along fence lines to the Chief Executive Officer in consultation with Councillors. Also for authority for Council maintenance works on Road Reserves in consultation with fence line clearing.~~

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:12

Closure of Thoroughfares

Date Adopted:	Dec 2008
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Works Policy W.16

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government Act 1995 Section 3.50, 3.50A, 3.51 "a local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially for a period not exceeding 4 weeks" Despite 3.50 a Local Government may partially and temporarily close a thoroughfare, without giving local public notice if the closure a) is for the purpose of carrying out repairs or maintenance; and b) is unlikely to have a significant adverse effect on users on the thoroughfare.

Legal (Subsidiary): Road Traffic Act 1974

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Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to the Chief Executive Officer to undertake the necessary consultation and action for closure of the thoroughfares to vehicles in cases of emergency or in connection with Council works, and to ensure that when works are carried out associated with fixing or altering the level of or alignment of a public thoroughfare that access by vehicles on or to land adjoining the thoroughfare can be reasonably provided.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:13
[local government](#)

~~Declared Noxious Weed Control~~[Reserves under control of](#)

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government Act 1995 s3.54 "If land reserved under the Land Administration Act 1997 is vested or placed under the control and management of a Local Government, it may do anything for the purpose of controlling and managing that land"

Legal (Subsidiary): Land Administration Act 1997 Section 5, Parks and Reserves Act 1895

Other Comments

~~If land reserved under the [Land Administration Act 1997](#) is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the [Parks and Reserves Act 1895](#) if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.~~
~~Council delegates its authority and power to the Chief Executive Officer to order the control of noxious weeds on Council managed land, as identified by the appropriate Government Agency.~~

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Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:14 Donation-RequestsBlank

<i>Date Adopted:</i>	24-April-2012 Minute #1896	<i>Delegate:</i>	GEO
<i>Date Last Reviewed:</i>	22-August-2023 Minute # 5028	<i>On-Delegated:</i>	No
<i>Policy Reference:</i>	*Policy Required*	<i>Chief Executive Instruction:</i>	Yes

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Legal (Parent): —Local Government Act 1995
s.5.42

Legal (Subsidiary):

Other Comments

~~Council delegates its authority and power to the Chief Executive Officer to decide on donation requests up to the value of \$300.00.~~

Authorised Officer:

Chief Executive Officer

Delegation No:15 Dumping-of-GrainBlank

<i>Date Adopted:</i>	May 2005
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028
<i>Policy Reference:</i>	Health/Building/Planning Policy HBP.5

<i>Delegate:</i>	CEO
<i>On-Delegated:</i>	Yes
<i>Chief Executive Instruction:</i>	Yes

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Legal (Parent): Not Applicable

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates authority and power to accept small quantities of grain in response to applications for dumping of wasted grain if in accordance with Council Health Policy HBP.5

Authorised Officer:

Chief Executive Officer

On-Delegated:

Environmental Health Officer – (Contract Shire of Narrogin)

Delegation No:16 [Blank Firewood Collection on Road Reserves](#)

Date Adopted:	Sept 1996
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Works and Services Policy W.10

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

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Legal (Parent): Not Applicable

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates authority and power to approve firewood permits with applications to be made in writing to the shire in accordance with Council Works and Services Policy W.10.

Authorised Officer:

Chief Executive Officer

On-Delegated:

**Deputy Chief Executive Officer
Manager of Works
Manager of Finance**

Delegation No:17

Investments

Date Adopted:	22 June 2010
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Finance Policy F.17

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government Act 1995 Section 6.14 – invested in accordance with Part III of the Trustees Act 1962

"Power to Invest – subject to the regulations, money held in the municipal or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962"

Legal (Subsidiary): Regulation 19, 28 and 49 Local Government (Financial Management) Regulations 1996

Other Comments/Instructions/Persons On-Delegated

Council delegates authority and power to invest surplus funds in accordance with Council Policy, Finance Policy F.17.

Authorised Officers:

Chief Executive Officer

On-Delegated:

Manager of Finance

Deputy Chief Executive Officer

Delegation No:18 ~~Legal Representation—Costs Indemnification~~Blank

<i>Date Adopted:</i>	Nov-2000	<i>Delegate:</i>	CEO
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028	<i>On-Delegated:</i>	No
<i>Policy Reference:</i>	Finance Policy F.12	<i>Chief Executive Instruction:</i>	Yes

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~~Legal (Parent): Local Government Act 1995
Section 5.42.~~

Legal (Subsidiary):

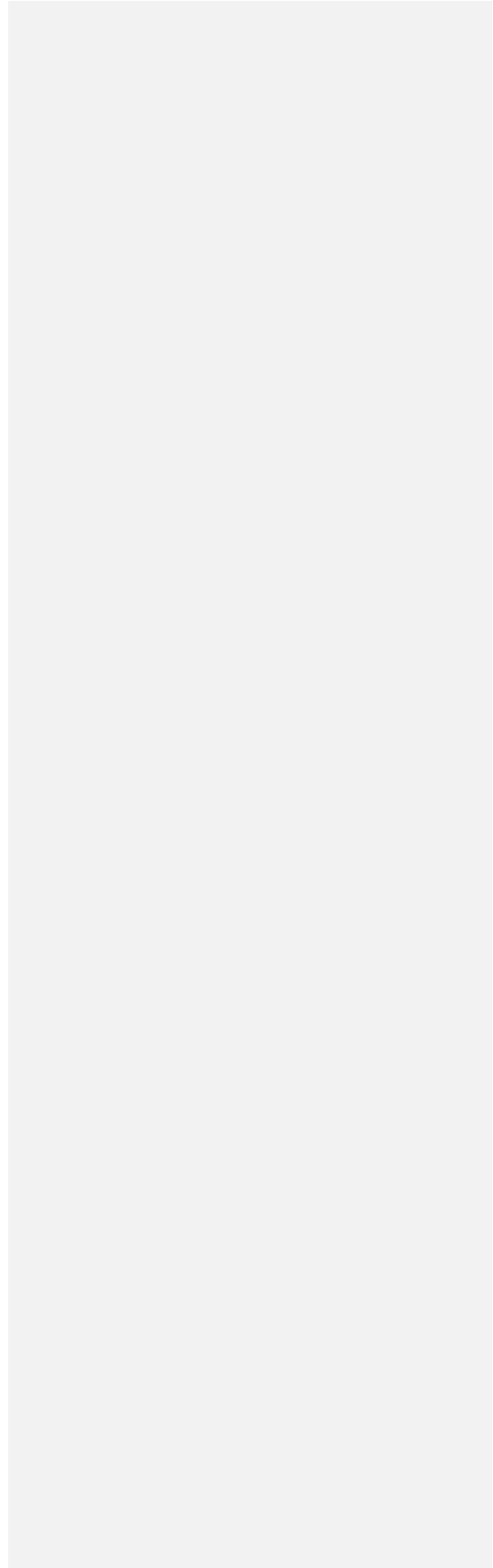
Other Comments/Instructions/Persons On-Delegated

~~Authority to organise urgent Legal Representation, up to \$5000.00 where there is a need for urgent legal services prior to an application being able to be considered by Council.~~

Authorised Officers:

Chief Executive Officer

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Delegation No:19 **Blank**

<i>Date Adopted:</i>	
<i>Date Last Reviewed:</i>	
<i>Policy Reference:</i>	

Delegate:	
<i>On-Delegated:</i>	
<i>Chief Executive Instruction:</i>	

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Other Comments/Instructions/Persons On-Delegated

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Delegation No:20

Payment of Accounts

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Local Government (Financial Management) Regulation 12

"A payment may only be made from the municipal or trust fund – (a) if the Local Government has delegated to the CEO the exercise of its powers to make payments from those funds by the CEO; or (b) otherwise, if the payment is authorised in advance by a resolution of council."

Legal (Subsidiary):

Other Comments

Council Delegates its authority and power to the Chief Executive Officer to make payments from the Municipal or Trust Fund provided:

1. A list of payments made is presented to Council, in accordance with Financial Management Regulation 13.
2. All cheques signed are to be by two authorised signatories. The Chief Executive Officer or Manager of Finance or Deputy Chief Executive Officer or Manager of Works ~~or the Shire President.~~
3. The following procedure is to be implemented for the authorisation of payments made by Electronic Funds Transfer (EFT):
 - (i) A list of payments to be made by EFT is checked and authorised by the Chief Executive Officer or the Deputy Chief Executive Officer or the Manager of Finance
 - (ii) Online authorisation for the funds transfer is made by any two of the Chief Executive Officer or Manager of Finance or Deputy Chief Executive Officer or Manger of Works ~~or Shire President.~~
 - (iii) Council is given a list of payments made by EFT each month as part of the financial statement sent out with the agendas.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Finance

Deputy Chief Executive Officer

Manager of Works

~~**Shire President**~~

Delegation No:21

Planning Applications

Date Adopted:	16 March 1999
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	Health/Building/Planning Policy HBP.21

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent):

[s82 Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

[\(1\) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's functions under this Scheme other than this power of delegation.](#)

[\(2\) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.](#)

[\(3\) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.](#)

Local Planning Scheme No. 2
"the scheme applies to the municipal district of the Shire of Wagin. The scheme applies to the entire Shire, including Rural areas and town sites"

Legal (Subsidiary):

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Other Comments/Instructions/Persons On-Delegated

[s82 Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Council delegates authority to grant approval to Planning Applications for permitted uses which comply with all requirements of the Local Planning Scheme No. 2 [and where no objections have been received.](#)

[Authorised Officer Delegate:](#)

Chief Executive Officer

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On-Delegated:

Shire Planner (Contract)

Delegation No:22 **Power and Duties - Food Act 2008**

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Food Act 2008
"An Act providing for the safety and suitability of food for human consumption, and for related purposes."

Legal (Subsidiary): Section 122 126 (2) 126 (6) 126 (7) of the Food Act 2008

Other Comments

Council delegates its authority and powers to the Chief Executive Officer the capacity to exercise and discharge all or any of the powers and functions of the enforcement agency in regard to the ~~following sections of the~~ Food Act 2008,:

- ~~• Appoint authorised officers in accordance with section 122.~~
- ~~• Appoint designated officers to issue infringement notices in accordance with section 126 (2).~~
- ~~• Appoint designated officers to extend payment period for infringement notices or withdraw infringement notices in accordance with sections 126 (6) and 126 (7).~~

Authorised Officer:

Chief Executive Officer

On-Delegated:

Environmental Health Officer — (Contract Shire of Narrogin)

Delegation No:23

Registration Officers Dog Act 1976

Date Adopted:	22 June 2010
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	No

Legal (Parent):

10AA. Delegation of local government powers and duties (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act. (2) The delegation must be in writing. (3) The delegation may expressly authorise the delegate to further delegate the power or duty. (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. (5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

~~Authorised Officers, Dog Act 1976 "the Act to amend and consolidate the law relating to the~~

Legal (Subsidiary):

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control and registration of dogs and the obligations and rights in persons in relations thereto, and for incidental and other purposes"

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to enable the officers authorised to deal with matters pertaining to the Dog Act of 1976.

Authorised Officer Delegate:

Chief Executive Officer

On Delegated:

Deputy Chief Executive Officer

- ~~Deputy Chief Executive Officer~~
- ~~Manager of Finance~~
- ~~Environmental Health Officer – (Contract Shire of Narrogin)~~
- ~~Customer Services Officer~~
- ~~Executive Assistant~~
- ~~Finance Officer – Payroll~~
- ~~Finance Officer – Rates~~
- ~~Administration Officers~~
- ~~WA Contract Ranger Services~~

Delegation No:24 ~~Read Train Permits~~
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<i>Date Adopted:</i>	Feb 2000
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028
<i>Policy Reference:</i>	Works Policy W.4

<i>Delegate:</i>	CEO
<i>On-Delegated:</i>	Yes
<i>Chief Executive Instruction:</i>	Yes

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Legal (Parent): Road Traffic Act 1974

~~Permits are required to operate Restricted Access Vehicles (RAVs) in WA and are an instrument issued by the Commissioner of Main Roads Western Australia to grant access to these vehicles to certain parts of the road network under specific operating conditions. All RAVs require a permit, unless they are exempted under an exemption notice issued by either the Commissioner of Main Roads or the Director General, Transport.~~

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

~~Council has delegated authority and power to endorse permits and for approved roads in conjunction with the Shire President and the Chief Executive Officer.~~

Authorised Officer:

Chief Executive Officer

On-Delegated:

**Shire President
Manager of Works**

Delegation No:25 [Septic Tanks Approval Public Health Act 2016](#)

Date Adopted:	August 2006
Date Last Reviewed:	22 August 2023 Minute # 5028
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes No
Chief Executive Instruction:	Yes

Legal (Parent):

[Public Health Act 2016 s21](#)

[A power or duty conferred or imposed on an enforcement agency may be delegated — \(a\) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or \(b\) if the enforcement agency is a local government, to — \(i\) the chief executive officer of the local government; or \(ii\) an authorised officer designated by the local government;](#)

~~Health (Miscellaneous Provisions) Act 1911;
Treatment of Sewage and Disposal of Effluent
and Liquid Waste Regulations~~

Legal (Subsidiary):

~~1. Health (Treatment of Sewage and Disposal of
Liquid Waste) Regs 1974 Reg 4 and Reg 10 (2)~~

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Other Comments/Instructions/Persons On-Delegated

[Authority to designate a person or class of persons as authorised officers for the purposes of the Public Health Act 2016](#)

~~Council delegates authority and powers to Environmental Health Officer of the Shire of Wagin to exercise and discharge powers conferred on the Local Government for the purpose of Regulation 4 and 10 (2) of the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations.~~

~~[Authorised Officers Delegate:](#)~~

Chief Executive Officer

On-Delegated:

Environmental Health Officer – (Contract Shire of Narrogin)

Delegation No:26 [Swimming Pool Inspections](#)~~Blank~~

<i>Date Adopted:</i>	May 2002
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028
<i>Policy Reference:</i>	Health/Building/Planning Policy HBP.1

<i>Delegate:</i>	CEO
<i>On-Delegated:</i>	Yes
<i>Chief Executive Instruction:</i>	Yes

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Legal (Parent): Building Act 2011

Legal (Subsidiary):
~~1. Building Regulations 2012
AS 1926.1 — 1993 Incorporation amendment 1 only
2. Building Services (Registration) Regulations 2011~~

[Other Comments/Instructions/Persons On-Delegated](#)

Council delegates its authority and power to conduct private swimming pool inspections.

Authorised Officers:

Chief Executive Officer

On-Delegated:

Building Surveyor – (Contract Shire of Narrogin)

Delegation No:27 [Townseape-Painting-SubsidiesBlank](#)

Date Adopted:	Dec-2008	Delegate:	CEO
Date Last Reviewed	22 August 2023 Minute # 5028	On-Delegated:	Yes
Policy Reference:	Finance Policy F.3	Chief Executive Instruction:	Yes

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Legal (Parent): Local Government Act 1995
Section 5.42.

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to approve subsidies for 1/3 cost up to \$2,000.00 subject to policy guidelines.

Authorised Officers:

Chief Executive Officer

Delegation No:29 ~~Permission to keep more than Two Dog~~Blanke

<i>Date Adopted:</i>	Nov-2012	<i>Delegate:</i>	CEO
<i>Date Last Reviewed:</i>	22 August 2023 Minute # 5028	<i>On-Delegated:</i>	Yes
<i>Policy Reference:</i>	None	<i>Chief Executive Instruction:</i>	Yes

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~~Legal (Parent): Local Government Act 1995 2.5 (2) "The Local Government is a body corporate with perpetual succession and a common seal"~~
Dog Act 1976, s.26

~~Legal (Subsidiary):~~
Shire of Wagin Dog Local Law 2001

Other Comments/Instructions/Persons On-Delegated

~~Council delegates its authority and power to decide to grant permission to town residents to house more than two dogs at any one property.~~

Authorised Officer:

Chief Executive Officer

On-Delegated:

Deputy Chief Executive Officer

Delegation No:30 Tendering for Goods and Services

Date Adopted:	24 June 2014	Delegate:	CEO
Date Last Reviewed:	22 August 2023 Minute # 5028	On-Delegated:	Not Applicable
Policy Reference:	Finance Policy F.15	Chief Executive Instruction:	

<p>Legal (Parent):</p> <ol style="list-style-type: none"> Local Government Act 1995, Section 3.57. Local Government Act 1995, Section 5.42. 	<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> Local Government (Financial Management) Regulations 1996, as amended
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Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to the Chief Executive Officer to -

- Call tenders for works or services prior to entering in to contract with others in respect to supply of goods or services exceeding \$250,000
- Call tenders for the provision of works or services not exceeding a value of \$250,000 and to accept what is to be deemed the most advantageous tender;
- Determine in writing the criteria for deciding which tender should be accepted, subject to Regulation 14 (2a) of the Local Government (Functions and General) Regulations 1996;

Subject to-

- Tenders called subject to (1) and (2) above, are to comply with Council's Purchasing/Tender Guide Policy.
- The goods or services being listed in the Shires Adopted Annual Budget;
- The criteria, once determined in (3) above, it is to be incorporated in the tender documentation.

Delegate

Chief Executive Officer

On-Delegated:

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Nil

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Delegation No:31 Local Government (Uniform Local Provisions) Regulations 1996

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<u>Date Adopted:</u>	
<u>Date Last Reviewed:</u>	
<u>Policy Reference:</u>	

<u>Delegate:</u>	<u>CEO</u>
<u>On-Delegated:</u>	

Legal (Parent):
s5.42 of the Local Government Act 1995

Legal (Subsidiary):
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Other Comments/Instructions/Persons On-Delegated

Powers of the Local Government including but not limited to functions related to serving notices and providing approvals related to local government land and thoroughfares

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Delegate
Chief Executive Officer

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On-Delegated:
Manager of Works

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Delegation No:32 Defer, Waive or Write off Debts

<u>Date Adopted:</u>	
<u>Date Last Reviewed:</u>	
<u>Policy Reference:</u>	

<u>Delegate:</u>	<u>CEO</u>
<u>On-Delegated:</u>	<u>No</u>

Legal (Parent):
s5.42 of the *Local Government Act 1995*

Legal (Subsidiary):
1. _____

Other Comments/Instructions/Persons On-Delegated

The CEO is delegated power to approve reduction in fees and charges – a) the request is from a local community, charitable or not-for-profit organisation; b) the event is for the specific benefit of the local community; c) the request of the organisation does not exceed \$500 ex GST or \$2000 ex GST for a given financial year

Delegate
Chief Executive Officer

On-Delegated:
Nil

Delegation No:32 Recovery of Rates or Service Charges

<u>Date Adopted:</u>	
<u>Date Last Reviewed:</u>	
<u>Policy Reference:</u>	<u>F14 Rate Recover</u>

<u>Delegate:</u>	<u>CEO</u>
<u>On-Delegated:</u>	<u>No</u>

Legal (Parent):
§5.42 of the Local Government Act 1995

Legal (Subsidiary):
1._____

Other Comments/Instructions/Persons On-Delegated

Commence proceedings to recover unpaid rates or service charges

Delegate
Chief Executive Officer

On-Delegated:
Nil

Delegation No:33 Cat Act 2011

<u>Date Adopted:</u>	
<u>Date Last Reviewed:</u>	
<u>Policy Reference:</u>	

<u>Delegate:</u>	<u>CEO</u>
<u>On-Delegated:</u>	<u>Yes</u>

Legal (Parent):
S44 of the Cat Act 2011

Legal (Subsidiary):
1. _____

Other Comments/Instructions/Persons On-Delegated

Powers of the Cat Act 2011 including registration, giving notice and approval to breed

Delegate

Chief Executive Officer

On-Delegated:

Deputy Chief Executive Officer

Ranger

Customer Service Officer

Administration Officer

Delegation No:34 Graffiti Vandalism Act 2016

<u>Date Adopted:</u>	
<u>Date Last Reviewed:</u>	
<u>Policy Reference:</u>	

<u>Delegate:</u>	<u>CEO</u>
<u>On-Delegated:</u>	<u>No</u>

Legal (Parent):
s16 Graffiti Vandalism Act 2016

Legal (Subsidiary):
1. _____

Other Comments/Instructions/Persons On-Delegated

Powers of the *Graffiti Vandalism Act 2016* to order the obliteration of graffiti including on private property

Delegate
Chief Executive Officer

On-Delegated:
Nil

<u>Appointing entity</u>	<u>Chief Executive Officer</u>
<u>Express power to appoint</u>	<u>Local Government Act 1995</u> <u>s9.10 Appointment of authorised persons</u>
<u>Appointments</u>	<p><u>For the purposes of the <i>Local Government Act 1995</i>:</u></p> <p><u>s.9.16 – Giving of notice</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u> <p><u>s9.16 – Giving of notice (for purposes of regulation 70 of the <i>Building Regulations 2012</i>)</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Environmental Health Officer (Shire of Narrogin)</u> <p><u>For the purposes of carrying out the powers and duties of an Authorised Person under the <i>Caravan Parks and Camping Grounds Regulations 1997</i>:</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Environmental Health Officer (Shire of Narrogin)</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u> <p><u>For the purposes of the <i>Caravan Parks and Camping Grounds Act 1995</i>:</u></p> <p><u>s.18 - Powers of Entry, s.20 - Entry of occupied caravan or camp and s.23(2) - Issue an infringement notice</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Environmental Health Officer (Shire of Narrogin)</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u> <p><u>For the purposes of carrying out the powers and duties of an Authorised Person under the <i>Cat Act 2011</i>:</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u> <p><u>For the purposes of carrying out the powers and duties of an Authorised Person under the <i>Dog Act 1976</i>:</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u> <p><u>For the purposes of carrying out the powers and duties of an Authorised Person under the <i>Local Government (Miscellaneous Provisions) Act 1960: Part XX related to the</i></u></p>

	<p><u>impounding of cattle.</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Ranger</u> • <u>Ranger (Contractor)</u>
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Authorisation No:2 Dog Act 1976 – Authorised Registration Officers

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<u>Appointing entity</u>	<u>Local Government</u>
<u>Express power to appoint</u>	<u>s3 Dog Act 1976</u>
<u>Appointments</u>	<p><u>Perform functions in the Dog Act 1976 related to registration of dogs.</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Administration Officer</u> • <u>Customer Support Officer</u>

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Authorisation No:3 Local Government Act 1995 – s3.24 – Authorised persons directions relating to land

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<u>Appointing entity</u>	<u>Local Government</u>
<u>Express power to appoint</u>	<u>s3.24 Local Government Act 1995</u>
<u>Appointments</u>	<p><u>Appointment of Authorised Persons to exercise the powers given to a local government under Subdivision 2 – Certain provision about land:</u></p> <ul style="list-style-type: none"> • <u>Chief Executive Officer</u> • <u>Manager of Works</u>

Authorisation No:4 Public Health Act 2016 – Appointment of Environmental Health Officer

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<u>Appointing entity</u>	<u>Local Government</u>
<u>Express power to appoint</u>	<u>s24 Public Health Act 2016</u>
<u>Appointments</u>	<p><u>Appointment of Environmental Health Officer</u></p> <ul style="list-style-type: none"> • <u>Environmental Health Officer (Narrogin)</u>

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Authorisation No:5 Shire of Wagin Local Laws

<u>Appointing entity</u>	<u>Local Government</u>
<u>Express power to appoint</u>	<u>s9.10 Appointment of authorised persons</u>
<u>Appointments</u>	<p><u>Appointment of Chief Executive Officer as authorised person to administer the following local laws:</u></p> <ul style="list-style-type: none"> • <u>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001</u> • <u>Cemeteries Local Law 2001</u> • <u>Control of Refuse on Building Sites Local Law 2001</u> • <u>Dogs Local Law 2001</u> • <u>Extractive Industries Local Law 2016</u> • <u>Fencing Local Law 2001</u> • <u>Health Local Law 2001</u> • <u>Local Government Property Local Law 2001</u> • <u>Standing Orders Local Law 2001</u> • <u>Unightly Land Refuse, Rubbish or Disused Material on Local Land Local Law 2008</u>

Authorisation No:6 Building Regulations 2012 – Inspection of barrier to private swimming pool

<u>Appointing entity</u>	<u>Council</u>
<u>Express power to appoint</u>	<u>r53 - Inspection of barrier to private swimming pool</u>
<u>Appointments</u>	<u>Appointment of Building Surveyor (Shire of Narrogin) as an authorised person to inspect the barrier to the private swimming pool at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulations 50 and 52 are being complied with.</u>