



Register of Delegations

Council

to

Committees

and

Chief Executive Officer

About the document

Delegations and authorisations are the means by which decision-making bodies can access the power to undertake certain statutory functions.

A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The Register of Delegations records the complied delegations made by Council and the Chief Executive Officer under the authority of the *Local Government Act 1995* and other legislative instruments as specified.

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	Adopted by Council	Leonard Long

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Background

The *Local Government Act 1995* requires local governments to review their delegation of powers and authority to the Chief Executive Officer (CEO) at least once every twelve months, and the CEO to review their sub-delegation of authority within the same period.

Statutory Framework

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees.

- 1) Within three (3) months after the day on which regulations prescribing the model code came into effect, a local government must prepare and adopt by Absolute Majority a code of conduct to be observed by Elected Members, committee members and candidates that incorporates the model code.
- 2) Under and subject to s5.17 a local government may delegate by Absolute Majority to a committee any of its powers and duties other than this power of delegation.
- 3) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- 4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17 Limits on delegation of powers and duties to certain committees.

- 1) A local government can delegate –
 - a) To a committee comprising Elected Members only, any of the council's powers or duties under this Act except –
 - i. Any power or duty that requires a decision of an absolute majority of the council; and
 - ii. Any other power or duty that is prescribed.
 - b) To a committee comprising Elected Members and employees, any local government's powers or duties that can be delegated to the CEO under Division 4; and
 - c) To a committee referred to in s5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –
 - i. The local government's property; or
 - ii. An event in which the local government is involved.
- 2) A local government cannot delegate any of its powers or duties to a committee referred to in s5.9(2)(f).

5.18 Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42 Delegation of some powers and duties to the CEO

- 1) A local government may delegate by Absolute Majority to the CEO the exercise of any of its powers or the discharge of any of its duties under –
 - a) This Act other than those referred to in s5.43; or
 - b) The *Planning and Development Act 2005* s214(2), (3) or (5).
- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43 Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties -

- a) Any power or duty that requires a decision of an Absolute Majority of the council.
- b) Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- c) Appointing an auditor.
- d) Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- e) Any of the local government's powers under s5.98, 5.98A, 5.99, 5.99A or 5.100.
- f) Borrowing money on behalf of the local government.
- g) Hearing or determining an objection of a kind referred to in s9.5.
- h) Any power or duty that requires the approval of the Minister or the Governor; and
- i) Such other powers or duties as may be prescribed.

5.44 CEO may delegate powers and duties to other employees.

- 1) A 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 duties under this Act other than this power of delegation.
- 2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- 3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under s5.42, but in the case of such a power or duty –
 - a) The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - b) The exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

5) In subsections (3) and (4) – conditions include qualifications, limitations, or exceptions.

5.45 Other matters relevant to delegations under this Division.

1) Without limiting the application of s58 and s59 of the *Interpretation Act 1984* –

- a) A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- b) Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

2) Nothing in this Division 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.

5.46 Register of, and records relevant to, delegations to CEO and employees

- 1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- 2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- 3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Local Government (Administration) Regulations 1996

18G Delegations to CEO's, limits on (Act s5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under s5.43(i) as powers and duties that a local government cannot delegate to a CEO –

- a) S7.12A(2), (3)(a) or (4); and
- b) Regulations 18C and 18D.

19. Delegates to keep certain records (Act s5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of –

- a) How the person exercised the power or discharged the duty; and
- b) When the person exercised the power or discharged the duty; and

- c) The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Other Legislation

- *Building Act 2011*
- *Building Regulations 2012*
- *Bush Fires Act 1954*
- *Caravan Parks & Camping Grounds Act 1995*
- *Caravan Parks & Camping Grounds Regulations 1997*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Control of Vehicle (Off-road Areas) Act 1978*
- *Control of Vehicle (Off road Areas) Regulations 1979*
- *Criminal Procedures Act 2004*
- *Criminal Procedures Regulations 2005*
- *Dog Act 1976*
- *Food Act 2008*
- *Food Regulations 2009*
- *Health (Miscellaneous Provisions) Act 1911*
- *Liquor Control Act 1979*
- *Litter Act 1979*
- *Litter Regulations 1981*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government (Parking for People with Disabilities) Regulations 2014*
- *Planning & Development (Local Planning Schemes) Regulations 2015*
- *Road Traffic Act 1974*

Definitions

The Local Government Act 1995 has not defined the term “delegation” or “delegation power”, however:

- s5.16 refers to “... the exercise of any of its powers and duties ...”
- s5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties ...”

The following terms used in this document apply insofar as they are consistent with enabling legislation.

“Authority” means the permission or requirement for a committee or an officer to act in accordance with:

- the *Local Government Act 1995*, regulation, or other legislation.
- a delegation made by Council.
- a policy made by Council, or
- a specific decision by Council.

“Delegation” means the authority to exercise a power, or discharge a duty, as conferred under the provisions of the relevant legislation.

“Policy” as the context requires, means either:

- a procedural direction to officers to implement Council’s wishes or instruction in a particular way, or
- the authority for officers to act, where that authority is not considered a delegation of a legislative or other specific power or duty.

“Instruction” means the requirement for a staff member to act in accordance with a direction given by the CEO, Executive Manager or Supervisor.

Department of Local Government, Sport & Cultural Industries – Guideline No. 17

The Department of Local Government, Sport & Cultural Industries has published guidelines for the formation of delegations.

Guideline No. 17 can be found on the Departments website www.dlgsc.wa.gov.au

Delegation to a Temporary Employed or Appointed Chief Executive Officer

In accordance with the relevant Shire of Boyup Brook policy, an Acting CEO shall exercise the powers, including delegations, and discharge the duties of the CEO.

1. Delegations from Council to Committees

Nil

2. Delegations from Council to Chief Executive Officer

2.1 *Building Act 2011*

An Act to provide for the following – permits for building work and demolition work, standards for the construction and demolition of buildings and incidental structures, the use and maintenance of, and requirements in relation to, existing buildings and incidental structures, work affecting land other than land on which the work is done, and related matters.

2.1.1 Uncertified Applications to be Considered by Building Surveyor

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Act 2011 s17(1) Uncertified application to be considered by building surveyor.	
Function	Authority to refer to a Building Surveyor an uncertified application if the application complies with s16 [s17(1)]	
Delegates	CEO	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.2 Grant a Building Permit

Head of Power	<i>Building Act 2011</i>
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<p><i>Building Act 2011</i></p> <p>s18 Further information.</p> <p>s20 Grant of building permit.</p> <p>s22 Further grounds for not granting an application.</p> <p>s23 Time for deciding an application for building or demolition permit.</p> <p>s24 Notice of decision not to grant building or demolition permit.</p> <p>s27(1) & (3) Impose conditions on permit.</p> <p><i>Building Regulations 2012</i></p> <p>r. 23 Application to extend time during which permit has effect [s32].</p> <p>r 24 Extension of time during which permit has effect [s 32(3)].</p> <p>r 26 Approval of new responsible persons [s35(c)].</p>
Function	<ol style="list-style-type: none"> 1) Authority to require an applicant to provide any documentation or information required to determine a building permit application [s18(1)]. 2) Authority to refuse to consider an application [s18(2)]. 3) Authority to grant or refuse to grant a building permit [s20(1) & (2) & s22]. 4) Authority to refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in s23(1) & (2) [s23(4)]. 5) Record the grounds on which a decision to refuse to grant a building permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s24]. 6) Authority to impose, vary or revoke conditions on a building permit [s27(1) & (3)]. 7) Authority to determine an application to extend time during which a building permit has effect [r.23 & r.24]. 8) Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO

Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Regulation 5 of the <i>Building Regulations 2012</i> .	
Express power to subdelegate	<i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.3 Demolition Permits

Head of Power	<i>Building Act 2011</i>
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011</i> s18 Further information. s21 Grant of demolition permit. s22 Further grounds for not granting an application. s23 Time for deciding an application for building or demolition permit. s24 Notice of decision not to grant building or demolition permit. s27(1) & (3) Impose conditions on permit. <i>Building Regulations 2012</i> r. 23 Application to extend time during which permit has effect [s.32]. r 24 Extension of time during which permit has effect [s 32(3)]. r 26 Approval of new responsible persons [s35(c)].
Function	<ol style="list-style-type: none"> 1) Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s18(1)]. 2) Authority to grant or refuse to grant a demolition permit on the basis that all s21(1) requirements have been satisfied [s20(1) & (2) and s.22]. 3) Authority to impose, vary or revoke conditions on a demolition permit [s27(1) and (3)]. 4) Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s27 [r.24(2)]. 5) Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)

Version Control		
Date	Details of Amendment	Ref

2.1.4 Occupancy Permits or Building Approval Certificates

Head of Power	<i>Building Act 2011</i>
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<p><i>Building Act 2011</i></p> <p>s55 Further information.</p> <p>s58 Grant of occupancy permit, building approval certificate.</p> <p>s59 Time for granting occupancy permit or building approval certificate.</p> <p>s60 Notice of decision not to grant occupancy permit or grant building approval certificate.</p> <p>s62(1) and (3) Conditions imposed by permit authority.</p> <p>s65(4) Extension of period of duration.</p> <p><i>Building Regulations 2012</i></p> <p>r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate [s65].</p>
Function	<ol style="list-style-type: none"> 1) Authority to require an applicant to provide any documentation or information required in order to determine an application and to verify the information by statutory declaration [s55(1)]. 2) Authority to refuse to consider an application [s.55(2)]. 3) Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s58]. 4) Authority to record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60]. 5) Authority to impose, add, vary, or revoke conditions on an occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s62(1) and (3)]. 6) Authority to give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s62 (4) and (5)]. 7) Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s65(4) and r.40].

	8) Authority to refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40(2)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	<i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Amendments		
Date	Details of Amendment	Ref

2.1.5 Designated Employee as Authorised Person

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Act 2011 s 96(3) Authorised persons. s 99(3) Limitation on powers of authorised person.	
Function	1) Authority to designate an employee as an authorised person [s96(3)]. 2) Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s99(3)].	
Delegates	CEO	
Conditions	Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.6 Building Orders

Head of Power	<i>Building Act 2011</i>
Delegator	Council
Express power to delegate	<i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	<i>Building Act 2011</i> s88 Finishes of walls close to boundaries. s110(1) A permit authority may make a building order. s111(1) Notice of proposed building order other than building order (emergency) s117(1) & (2) A permit authority may revoke a building order or notify that it remains in effect. s118(2) & (3) Permit authority may give effect to building order if non-compliance. s133(1) A permit authority may commence a prosecution for an offence against this Act.
Function	<ol style="list-style-type: none"> 1) Authority to make Building Orders in relation to a. building work. b. demolition work; and c. an existing building or incidental structure [s110(1)]. 2) Authority to specify the way in which an outward facing side of a particular close wall must be finished [s88(3)]. 3) Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s111(1)(c)]. 4) Authority to revoke a building order [s117]. 5) Authority to decide on whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s112(3)(c) [s117(2)]. 6) If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s118(2)]. 7) Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s118(3)].

	8) Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i> .	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.7 Inspection and Copies of Building Records

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Act 2011 s131(2) Inspection, copies of building records	
Function	Authority to determine an application from an interested person to inspect and copy a building record [s131(2)]	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Building Control s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.8 Referrals and Issuing Certificates

Head of Power	<i>Building Act 2011</i>	
Delegator	Council	
Express power to delegate	<i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	<i>Building Act 2011</i> s145A Local Government Function	
Function	1) Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s145A (1)]. 2) Authority to issue a Certificate of Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Boyup Brook's District [s145A (2)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	<i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.9 Private Pool Barrier – Alternative and Performance Solutions

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Regulations 2012 r.51 Approvals by permit authority	
Function	1) Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]. 2) Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant problems of a structural nature or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]. 3) Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.10 Smoke Alarms – Alternative Solutions

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Regulations 2012 r.55 Terms used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms	
Function	1) Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2) Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.1.11 Appointment of Approved Officers and Authorised Officers

Head of Power	Building Act 2011	
Delegator	Council	
Express power to delegate	Building Act 2011 s127(1) & (3) Delegation: special permit authorities and local government.	
Express power or duty delegated	Building Regulations 2012 r.70 Approved officers and authorised officers	
Function	<p>1) Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(1) & (1A) of the <i>Building Regulations 2012</i>.</p> <p>NOTE: <i>Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</i></p> <p>2) Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i>.</p> <p>NOTE: <i>Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</i></p>	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Building Act 2011 s127(6A) Delegation: special permit authorities and local governments (power of sub-delegation limited to CEO)	
Version Control		
Date	Details of Amendment	Ref

2.2 ***Bush Fires Act 1954***

An Act to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control, and extinguishment of bush fires, for the repeal of Bush Fires Act 1937 and for other purposes.

2.2.1 **Make Request to FES Commissioner – Control of Fire**

Head of Power	<i>Bush Fires Act 1954</i>	
Delegator	Council	
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegated by local government.	
Express power or duty delegated	<i>Bush Fires Act 1954</i> s13(4) Duties and powers of Bush Fire Liaison Officers.	
Function	Authority to request on behalf of the Shire of Boyup Brook that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s13(4)].	
Delegates	CEO Chief Bushfire Control Officer	
Conditions	Decisions under s13(4) must be undertaken jointly by both the Chief Executive Officer and the Chief Bush Fire Control Officer.	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.2 Prohibited Burning Times - Vary

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s17(7) & (8))	
Express power or duty delegated	Bush Fires Act 1954 s17(7) Prohibited burning times may be declared by Minister Bush Fire Regulations 1954 r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times	
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s17(7)].	
Delegates	CEO Chief Bush Fire Control Officer	
Conditions	Decisions under s17(7) must be undertaken jointly by both the Chief Executive Officer and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s17(7B) & (8).	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.3 Prohibited Burning Times – Control Activities

Head of Power	<i>Bush Fires Act 1954</i>
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i> s27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s28(4) and (5) Occupier of land to extinguish bush fire occurring on own land.</p> <p><i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 1) Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2) Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3) Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4) Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5) Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s27(2) and (3)]. 6) Authority to recover the cost of measures taken by the Shire of Boyup Brook or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s28(1) to take all possible measures to extinguish a fire the land they occupy [s28(4)], including authority to recover expenses in any court of competent jurisdiction [s28(5)].
Delegates	CEO

	Chief Bush Fire Control Officer	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.4 Restricted Burning Times – Vary and Control Activities

Head of Power	<i>Bush Fires Act 1954</i>
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954</i> s18(5) & (11) Restricted burning times may be declared by FES Commissioner s22(6) & (7) Burning on exempt land and land adjoining exempt land. s27(2) & (3) Prohibition on use of tractors or engines except under certain conditions s28(4) & (5) Occupier of land to extinguish bush fire occurring on own land.</p> <p><i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 1) Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s18(5)]: <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2) Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s18(11)]. 3) Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4) Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s22(6) and (7)]. 5) Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or

	<p>a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>6) Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7) Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8) Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s27(2) and (3)].</p> <p>9) Authority to recover the cost of measures taken by the Shire of Boyup Brook or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s28(1) to take all possible measures to extinguish a fire the land they occupy [s28(4)], including authority to recover expenses in any court of competent jurisdiction [s28(5)].</p>	
Delegates	CEO Chief Bush Fire Control Officer	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.5 Control of Operations Likely to Create Bush Fire Danger

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s48 Delegation by local government	
Express power or duty delegated	Bush Fires Act 1954 s27D Requirements for carriage and deposit of incendiary material Bush Fires Regulations 1954 r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of	
Function	1) Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a) a person operating a bee smoker device during a prescribed period [r.39CA (5)]. b) a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c) a person using explosives [r.39D(2)]; and d) a person using fireworks [r.39E(3)]. 2) Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.	
Delegates	CEO Chief Bush Fire Control Officer	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.6 Burning Garden Refuse / Open Air Fires

Head of Power	<i>Bush Fires Act 1954</i>
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s24F Burning Garden refuse during limited burning times. s24G Minister or local government may further restrict burning of garden refuse. s25 No fire to be lit in open air unless certain precautions taken. s25A Power of Minister to exempt from provisions of s25. <i>Bush Fires Regulations 1954</i> r.27(3) Permit, issue of
Function	<ol style="list-style-type: none"> 1) Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s24F(2)(b)(ii) and (4)]. 2) Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s24G (2)]. <ol style="list-style-type: none"> a) authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]; and b) authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3) Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a) camping or cooking [s25(1)(a)]; and b) conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s25(1)(b)]. 4) Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s25(1a) and (1b)]. 5) Authority to serve written notice on a person to whom an exemption has been given under s25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s25A (5)].

Delegates	CEO Chief Bush Fire Control Officer	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.7 Firebreaks

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s48 Delegation by local government	
Express power or duty delegated	Bush Fires Act 1954 s33 Local government may require occupier of land to plough or clear firebreaks	
Function	1) Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Boyup Brook: a) clearing of firebreaks as determined necessary and specified in the notice; and b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c) as a separate or coordinated action with any other person carry out similar actions [s33(1)]. 2) Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s33(4)]: a) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Head of Power	<i>Bush Fires Act 1954</i>
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s38(1), (2A), (2C), (5A), (8), (9), (10) and (13) Local government may require occupier of land to plough or clear firebreaks
Function	<ol style="list-style-type: none"> 1) Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> a) of those Officers, appoint 1 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b) determine the respective seniority of the other Bush Fire Officers so appointed [s38(1)]. 2) Authority to cause a notice of an appointment made under the provisions of s38(1) of the Act to be published in accordance with the Act [s38(2A)]. 3) To fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush fire Control Officer within one month after the vacancy occurs [s38(2C)]. 4) Authority to issue directions to a Bush Fire Control Officer or to an officer of a bush fire brigade registered to the local government, to burn on or at the margins of a road reserve under the care, control, and management of the Shire of Boyup Brook [s38(5A)]. 5) Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s38(17). [s38(8) and (9)]: <ol style="list-style-type: none"> a) authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s38(10)]. 6) Authority to give notice of an appointment made under s38(8) or s38(10) to the FES Commissioner and to publish the appointments of fire weather officers made under the <i>Bush Fires Act 1954</i> in a newspaper circulating in the district [s38(13)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)

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Date	Details of Amendment	Ref

2.2.9 Control and Extinguishment of Bush Fires

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s48 Delegation by local government	
Express power or duty delegated	Bush Fires Act 1954 s46(1A) and (1B) Bush fire control officer or forest officer may postpone lighting fire	
Function	1) Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s46(1A)]. a) Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s46(1B)].	
Delegates	CEO Chief Bush Fire Control Officer	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.10 Recovery of Expenses Incurred through Contraventions of the Act

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s48 Delegation by local government	
Express power or duty delegated	Bush Fires Act 1954 s58 General penalty and recovery of expenses incurred	
Function	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf on the Shire of Boyup Brook to do so [s58].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.2.11 Prosecution of Offences

Head of Power	Bush Fires Act 1954	
Delegator	Council	
Express power to delegate	Bush Fires Act 1954 s48 Delegation by local government s59(3) Delegation of prosecution of offences	
Express power or duty delegated	Bush Fires Act 1954 s59 Prosecution of offences s59A (2) Alternative procedure - infringement notices	
Function	1) Authority to institute and carry on proceedings against a person for an offence alleged to be committed against the <i>Bush Fires Act 1954</i> [s59]. 2) Authority to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i> [s59A (2)].	
Delegates	CEO Executive Manager Corporate & Community Services Ranger	
Conditions	Prior to instigating proceedings in a court of competent jurisdiction, the CEO is to be consulted.	
Express power to subdelegate	Nil - Sub-delegation is prohibited by s48(3)	
Version Control		
Date	Details of Amendment	Ref

2.3 Cat Act 2011

An Act to provide for the control and management of cats; and promote and encourage the responsible ownership of cats, and for related matters.

2.3.1 Cat Registration

Head of Power	Cat Act 2011	
Delegator	Council	
Express power to delegate	Cat Act 2011 s44 Delegated by local government.	
Express power or duty delegated	Cat Act 2011 s9 Registration s10 Cancellation of registration s11 Registration numbers, certificates, and tags Cat Regulations 2012 Schedule 3, cl.1(4) Fees Payable.	
Function	1) Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s9(1)]. 2) Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s9(6)]. 3) Authority to cancel a cat registration [s10]. 4) Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged, or destroyed [s11(2)]. 5) Authority to record in the register the information prescribed in respect of each cat registered by the local government [s12(3)]. 6) Authority to cause any error in, or omission from, the register to be corrected [s12(4)]. 7) Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1 (4)].	
Delegates	CEO	
Conditions	Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.	
Express power to subdelegate	Cat Act 2011 s45 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.3.2 Cat Control Notices

Head of Power	Cat Act 2011	
Delegator	Council	
Express power to delegate	Cat Act 2011 s44 Delegated by local government.	
Express power or duty delegated	Cat Act 2011 s26 Cat control notice may be given to cat owner.	
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s26].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Cat Act 2011 s45 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.3.3 Approval to Breed Cats

Head of Power	Cat Act 2011	
Delegator	Council	
Express power to delegate	Cat Act 2011 s44 Delegated by local government.	
Express power or duty delegated	Cat Act 2011 s37 Approval to breed cats. s38 Cancellation of approval to breed cats. s39 Certificate to be given to approved cat breeder	
Function	1) Authority to grant or refuse to grant approval or renew an approval to breed cats [s37 (1) and (2)]. 2) Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s37(4)]. 3) Authority to cancel an approval to breed cats [s38]. 4) Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged, or destroyed [s39(2)].	
Delegates	CEO	
Conditions	Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.	
Express power to subdelegate	Cat Act 2011 s45 Delegation by CEO of local government	
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Date	Details of Amendment	Ref

2.3.4 Recovery of Costs – Destruction of Cats

Head of Power	Cat Act 2011	
Delegator	Council	
Express power to delegate	Cat Act 2011 s44 Delegated by local government.	
Express power or duty delegated	Cat Act 2011 s49(3) Authorised person may cause a cat to be destroyed	
Function	Authority to recover the amount of costs associated with the destruction and the disposal of a cat [s49(3)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Cat Act 2011 s45 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.3.5 Application to Keep Additional Cats

Head of Power	Cat Act 2011	
Delegator	Council	
Express power to delegate	Cat Act 2011 s44 Delegated by local government.	
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013 r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats	
Function	1) Authority to require any document or additional information required to determine an application [r.8(3)] 2) Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3) Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].	
Delegates	CEO	
Conditions	Notices of decision must include advice as to Review rights in accordance with Regulation 11 of the Cat (Uniform Local Provisions) Regulations 2013.	
Express power to subdelegate	Cat Act 2011 s45 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.4 Dog Act 1976

An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

2.4.1 Registration of Dogs

Head of Power	<i>Dog Act 1976</i>
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s10AA Delegation of local government powers and duties.
Express power or duty delegated	<i>Dog Act 1976</i> s14(1), (3) & (4) Register of dogs s16(1), (2), (3A), (3C) & (6) Registration Procedure s45(2) Evidentiary provisions.
Function	<ol style="list-style-type: none"> 1) Authority to keep an accurate and up-to-date register of dogs registered by the local government [s.14(1)]. 2) Authority to record in the register the information prescribed in respect of each dog registered by the local government [s.14(3)]. 3) Authority to cause any error in, or omission from, the register to be corrected [s.14(4)]. 4) Authority to register a dog in the district in which. <ol style="list-style-type: none"> a) the dog is ordinarily kept; or b) the dog is deemed to be ordinarily kept pursuant to section 9 or section 10(2), if the owner of the dog or some person on his behalf delivers an application in the prescribed form, signed by or on behalf of the owner and accompanied by the prescribed fee, if any, to the office of the local government or some other place within the district appointed by the local government for the purpose [s.16(1)]. 5) Authority to, on receipt of an application duly made under subsection (1) shall — <ol style="list-style-type: none"> a) effect the registration in accordance with this Act; or b) where the local government so directs, refuse the application and refund the fee, if any, and in either event shall as soon as is practicable thereafter enter the prescribed particulars in the record maintained by the local government pursuant to section 14 [s.16(2)]. 6) Authority to cancel the registration of a dog in accordance with section 16(3A) and (3C).

	7) Authority to, on effecting or renewing any registration, deliver to the applicant — a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the relevant registration period, and a description of each dog so registered; and b) in respect of each dog so registered, a registration tag of the prescribed kind [s.16(6)]. 8) Authority to certify entries in the register of dogs in accordance with s.45(2) [s.45(2)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s10AA (3)].	
Express power to subdelegate	<i>Dog Act 1976</i> s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation	
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Date	Details of Amendment	Ref

2.4.2 Refuse or Cancel Registration

Head of Power	<i>Dog Act 1976</i>
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s10AA Delegation of local government powers and duties.
Express power or duty delegated	<i>Dog Act 1976</i> s15(2) & (4A) Registration periods and fees s16(3) Registration procedure s17A (2) If no application for registration made. s17(4) & (6) Refusal or cancellation of registration
Function	<ol style="list-style-type: none"> 1) Authority to determine to refuse a dog registration and refund the fee, if any [s.15(2)]. 2) Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011, or the Animal Welfare Act 2002; or b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or c) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or d) the dog is required to be microchipped but is not microchipped; or e) the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3) Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Boyup Brook's District [s15(4A)]. 4) Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. 5) Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)].
Delegates	CEO
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].
Express power to subdelegate	<i>Dog Act 1976</i>

	s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

2.4.3 Kennel Establishment

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s27 Licensing of approved kennel establishments	
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) & (6)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

2.4.4 Recovery of Monies Due Under this Act

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s29(5) Power to seize dogs	
Function	Authority to recover monies, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation	
Version Control		
Date	Details of Amendment	Ref

2.4.5 Dispose or Sell Dogs Liable to be Destroyed.

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s29(11) Power to seize dogs	
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].	
Delegates	CEO	
Conditions	1) The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)]. 2) Proceeds from the sale of dogs are to be directed into the Municipal Fund.	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

2.4.6 Declare Dangerous Dog

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s33E (1) Individual dog may be declared to be dangerous dog (declared)	
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

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

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s33F (6) Owners to be notified of making of declaration s33G (4) Seizure and destruction. s33H (1), (2) & (5) Local government may revoke declaration or proposal to destroy	
Function	1) Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2) Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3) Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]: a) Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

2.4.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s33H (5) Local government may revoke declaration or proposal to destroy	
Function	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a) A notice declaring a dog to be dangerous; or b) A notice proposing to cause a dog to be destroyed.	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Amendments		
Date	Details of Amendment	Ref

2.4.9 Determine Recoverable Expenses for Dangerous Dog Declaration

Head of Power	Dog Act 1976	
Delegator	Council	
Express power to delegate	Dog Act 1976 s10AA Delegation of local government powers and duties.	
Express power or duty delegated	Dog Act 1976 s33M(1)(a) Local government expenses to be recoverable	
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s15, up to the maximum amount prescribed, having regard to expenses incurred by the local government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s33M(1)(a)].	
Delegates	CEO	
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s10AA (3)].	
Express power to subdelegate	Dog Act 1976 s10AA (3) Delegation of local government powers and duties NOTE – sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)	
Version Control		
Date	Details of Amendment	Ref

2.5 Food Act 2008

An Act providing for the safety and sustainability of food for human consumption, and for related purposes.

2.5.1 Prohibition Orders and Certificates of Clearance

Head of Power	Food Act 2008	
Delegator	Council	
Express power to delegate	Food Act 2008 s118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s119] and guidelines adopted [s120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express power or duty delegated	Food Act 2008 s65(1) Prohibition orders s66 Certificate of clearance to be given in certain circumstances s67(4) Request for re-inspection	
Function	1) Authority to serve a prohibition order on the proprietor of a food business in accordance with s65 of the Food Act 2008 [s65(1)]. 2) Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s66]. 3) Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s67(4)].	
Delegates	CEO Public / Environmental Health Officer	
Conditions	In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	
Express power to subdelegate	Sub-delegation not provided for in <i>Food Regulations 2009</i>	
Version Control		
Date	Details of Amendment	Ref

2.5.2 Food Business Registration

Head of Power	Food Act 2008	
Delegator	Council	
Express power to delegate	Food Act 2008 s118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s119] and guidelines adopted [s120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express power or duty delegated	Food Act 2008 s110(1) & (5) Registration of food business s112 Variation of conditions or cancellation of registration of food businesses	
Function	1) Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2) Authority to vary the conditions or cancel the registration of a food business [s112].	
Delegates	CEO Public / Environmental Health Officer	
Conditions	In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none">Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA.Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1.WA Priority Classification System; andVerification of Food Safety Program Guideline.	
Express power to subdelegate	Sub-delegation not provided for in Food Regulations 2009	
Version Control		
Date	Details of Amendment	Ref

2.5.3 Appoint Authorised Officers and Delegated Officers

Head of Power	Food Act 2008	
Delegator	Council	
Express power to delegate	Food Act 2008 s118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s119] and guidelines adopted [s120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express power or duty delegated	Food Act 2008 s122(1) Appointment of authorised officers s126(6), (7) & (13) Infringement officers	
Function	1) Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s122(1)] 2) Authority to appoint an Authorised Officer appointed under s122(1) of this Act or the s24(1) of the <i>Public Health Act 2016</i> , to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s126(13)]. 3) Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s126(6)] and determining withdrawal of an infringement notice [s126(7)].	
Delegates	CEO	
Conditions	In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none">• Appointment of Authorised Officers as Meat Inspectors.• Appointment of Authorised Officers.• Appointment of Authorised Officers – Designated Officers only; and• Appointment of Authorised Officers –• Appointment of persons to assist with the discharge of duties of an Authorised Officer.	
Express power to subdelegate	Sub-delegation not provided for in <i>Food Regulations 2009</i>	
Version Control		
Date	Details of Amendment	Ref

2.5.4 Debt Recovery and Prosecutions

Head of Power	Food Act 2008	
Delegator	Council	
Express power to delegate	Food Act 2008 s118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s119] and guidelines adopted [s120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express power or duty delegated	Food Act 2008 s54 Cost of destruction or disposal of forfeited item s125 Institution of proceedings	
Function	1) Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2) Authority to institute proceedings for an offence under the Food Act 2008 [s.125].	
Delegates	CEO Public / Environmental Health Officer	
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	
Express power to subdelegate	Sub-delegation not provided for in Food Regulations 2009	
Version Control		
Date	Details of Amendment	Ref

2.5.5 Food Business List – Public Access

Head of Power	Food Act 2008	
Delegator	Council	
Express power to delegate	Food Act 2008 s118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it. (3) Delegation subject to conditions [s119] and guidelines adopted [s120] (4) Sub-delegation permissible only if expressly provided in regulations	
Express power or duty delegated	Food Regulations 2009 r.51 Enforcement agency may make list of food businesses publicly available	
Function	Authority to make a list of food businesses maintained under s115(a) or (b) publicly available [r.51].	
Delegates	CEO Public / Environmental Health Officer	
Conditions	In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	
Express power to subdelegate	Sub-delegation not provided for in Food Regulations 2009	
Version Control		
Date	Details of Amendment	Ref

2.6 **Graffiti Vandalism Act 2016**

An Act to consolidate laws dealing with graffiti vandalism and to amend certain Acts as a consequence.

2.6.1 Giving Notice Requiring Obliteration of Graffiti

Head of Power	Graffiti Vandalism Act 2016	
Delegator	Council	
Express power to delegate	Graffiti Vandalism 2016 s16 Delegation by local government	
Express power or duty delegated	Graffiti Vandalism Act 2016 s18(2) Notice requiring removal of graffiti. s19(3) & (4) Additional powers when notice is given	
Function	1) Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2) Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.6.2 Notices – Deal with Objections and Give Effect to Notices

Head of Power	Graffiti Vandalism Act 2016	
Delegator	Council	
Express power to delegate	Graffiti Vandalism Act 2016 s16 Delegation by local government	
Express power or duty delegated	Graffiti Vandalism Act 2016 s22(3) Objection may be lodged. s24(1)(b) & (3) Suspension of effect of notice	
Function	1) Authority to deal with an objection to a notice [s22(3)]. 2) Authority, where an objection has been lodged, to: a) determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s24(1)(b)] and b) to give notice to the affected person, before taking the necessary actions [s24(3)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.6.3 Obliterate Graffiti on Private Property

Head of Power	Graffiti Vandalism Act 2016	
Delegator	Council	
Express power to delegate	Graffiti Vandalism Act 2016 s16 Delegation by local government	
Express power or duty delegated	Graffiti Vandalism Act 2016 s25(1) Local government graffiti powers on land not local government property	
Function	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s25(1)].	
Delegates	CEO	
Conditions	Subject to exercising Powers of Entry.	
Express power to subdelegate	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.6.4 Power of Entry

Head of Power	Graffiti Vandalism Act 2016	
Delegator	Council	
Express power to delegate	Graffiti Vandalism Act 2016 s16 Delegation by local government	
Express power or duty delegated	Graffiti Vandalism Act 2016 s28 Notice of entry. s29 Entry under warrant	
Function	1) Authority to give notice of an intended entry to the owner or occupier of land, premises, or thing, specifying the purpose for which entry is required [s28]. 2) Authority to obtain a warrant to enable entry onto any land, premises, or thing for the purposes of this Act [s29].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government	
Version Control		
Date	Details of Amendment	Ref

2.7 **Liquor Control Act 1988**

An Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to minimise harm or ill-health caused to people, or any group of people due to the use of liquor, to provide for orders that may prohibit persons from being employed at, or from entering, licensed premises, to repeal the *Liquor Act 1970*, and for related matters.

2.7.1 **Enforcement of Liquor Control Act 1988 and Liquor Licensing Act 1988**

Head of Power	Liquor Control Act 1988	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	s39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws	
Function	1) Authority to enforce all local authority responsibilities under the Liquor Control Act 1988 and Liquor Licensing Act 1988. 2) To issue certificates of Local Health Authority and Local Planning Authority under s40 of the Act.	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8 *Local Government Act 1995*

An Act to provide for a system of local government in Western Australia, to amend the *Local Government Act 1960* and for related purposes.

2.8.1 Performing Functions Outside the District

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.20(1) Performing functions outside district	
Function	Authority to determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of that function [s3.20(1)].	
Delegates	CEO	
Conditions	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the function does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.2 Notice Requiring Certain things to be done by Owner or Occupier of Land and Additional Powers when Notice is given.

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.25(1) Notices requiring certain things to be done by owner or occupier of land. s3.26(2) & (3) Additional powers when notices given	
Function	1) Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land. a) notice in writing relating to the land requiring the person to do anything specified in the notice that a. is prescribed for in Schedule 3.1, Division 1; or b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 [s3.25(1)]. 2) If the person who is given the notice fails to comply with it, authority to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice is given [s3.26(2)]. 3) Authority to recover the cost of anything that is done under subsection (2) as a debt due from the person who failed to comply with the notice [s3.26(3)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.3 Powers of Entry

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.28 When this Subdivision applies. s3.32 Notice of entry. s3.33 Entry under warrant s3.34 Entry in an emergency s3.36 Opening fences	
Function	1) Authority to exercise powers of entry or enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s3.28]. 2) Authority to give notice of entry [s3.32] 3) Authority to seek and execute an entry under warrant [s3.33]. 4) Authority to execute entry in an emergency, using such force as is reasonable [s3.34(1) and (3)]. 5) Authority to give notice and effect entry by opening a fence [s3.36].	
Delegates	CEO	
Conditions	Delegated authority under s3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.4 Power to Remove and Impound

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.29 Power to remove and impound	
Function	Authority to remove and impound any goods that are involved in a contravention that can lead to impounding.	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.5 Declare Vehicle is Abandoned Vehicle Wreck

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.40A(4) Abandoned vehicle wreck may be taken	
Function	Authority to declare that an impounded vehicle is an abandoned vehicle wreck [s3.40A(4)].	
Delegates	CEO	
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 2.8.5 Confiscated or Uncollected Goods, or alternatively, referred for Council decision.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.6 Confiscated or Uncollected Goods

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.46 Goods may be withheld until costs paid. s3.47 Confiscated or uncollected goods, disposal of s3.48 Impounding expenses, recovery of	
Function	1) Authority to refuse to allow goods impounded under s3.39 or 3.40A to be collected until the costs of removing, impounding, and keeping them have been paid to the local government [s3.46]. 2) Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43 [s3.47]. 3) Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48].	
Delegates	CEO	
Conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> , be disposed of by any means considered to provide best value, provided the process is transparent and accountable.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.7 Disposal of Sick or Injured Animals

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.47A Sick or injured animals, disposal of s3.48 Impounding expenses, recovery of	
Function	1) Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s3.47A(1)]. 2) Authority to recover expenses incurred for removing, impounding, and disposing of sick or injured animals [s3.48].	
Delegates	CEO	
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.8 Close Thoroughfares to Vehicles

Head of Power	<i>Local Government Act 1995</i>
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> <i>s5.42 Delegation of some powers or duties to the CEO</i> <i>s5.43 Limitations on delegations to the CEO</i>
Express power or duty delegated	<i>Local Government Act 1995</i> <i>s3.50 Closing certain thoroughfares to vehicles.</i> <i>s3.50A Partial closure of thoroughfares for repairs or maintenance</i> <i>s3.51 Affected owners to be notified of certain proposals.</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>r.6(3) Transitional provisions about road closures</i>
Function	<ol style="list-style-type: none"> 1) Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s3.50(1)]. 2) Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to (a) give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and (b) consider submissions relevant to the road closure/s proposed [s3.50(1a), (2) and (4)]. 3) Authority to revoke an order to close a thoroughfare [s3.50(6)]. 4) Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare [s3.50A]. 5) Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or training water from a thoroughfare to private land [s3.51]. 6) Authority to, by local public notice, order that the closure be revoked or that it be varied in such a way as to be less restrictive [r.6(3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1) If, under s3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s3.50(8)].

	2) Maintain access to adjoining land [s3.52(3)].	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.9 Control Reserves and Certain Unvested Facilities

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.53(3) Control of certain unvested facilities s3.54(1) Reserves under control of local government	
Function	1) Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts [s3.53(3)]. 2) Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the Parks and Reserves Act 1895 [s3.54(1)].	
Delegates	CEO	
Conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.10 Obstruction of Footpaths and Thoroughfares

Head of Power	<i>Local Government Act 1995</i>
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> <i>s5.42 Delegation of some powers or duties to the CEO</i> <i>s5.43 Limitations on delegations to the CEO</i>
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch.9.1, cl.3(1)(a) r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1, cl.3(1)(b) r.7 Encroaching on public thoroughfare - Sch.9.1, cl.3(2)
Function	<ol style="list-style-type: none"> 1) Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2) Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3) Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4) Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5) Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1) Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2) Permission may only be granted where, the proponent has:

	<ul style="list-style-type: none">a) where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.b) provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.c) provided evidence of sufficient Public Liability Insurance; andd) provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.	
Express power to subdelegate	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.11 Gates Across Public Thoroughfares

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.9 Permission to have gate across public thoroughfare - Sch.9.1, cl.5(1)	
Function	1) Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2) Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3) Authority to impose conditions on granting permission [ULP r.9(4)]. 4) Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5) Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)].	
Delegates	CEO	
Conditions	1) Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2) Each approval provided must be recorded in the Shire of Boyup Brook's statutory Register of Gates in accordance with Regulation 8 of the Local Government (Uniform Local Provisions) Regulations 1996.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.12 Public Thoroughfares – Dangerous Excavations

Head of Power	<i>Local Government Act 1995</i>
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> <i>s5.42 Delegation of some powers or duties to the CEO</i> <i>s5.43 Limitations on delegations to the CEO</i>
Express power or duty delegated	<i>Local Government (Uniform Local Provisions_ Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare - Sch.9.1, cl.6
Function	<ol style="list-style-type: none"> 1) Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2) Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3) Authority to impose conditions on granting permission [ULP r.11(6)]. 4) Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1) Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2) Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> a) where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. b) provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. c) provided evidence of sufficient Public Liability Insurance; and d) provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
Version Control	

Date	Details of Amendment	Ref

2.8.13 Crossing – Construction, Repair and Removal

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1, cl.7.2 r.13(1) Requirement to construct or repair crossing - Sch.9.1, cl.7(3)	
Function	1) Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2) Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3) Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4) Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].	
Delegates	CEO	
Conditions	Actions under this Delegation must comply with procedural requirements details in the Local Government (Uniform Local Provisions) Regulations 1996.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.14 Private Works on, over or under Public Places

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.17 Private works on, over or under public places - Sch.9.1, cl.8	
Function	1) Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2) Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].	
Delegates	CEO	
Conditions	1) Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> . 2) Permission may only be granted where, the proponent has: a) where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. b) provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. c) provided evidence of sufficient Public Liability Insurance; and d) provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.21(1) Wind erosion and sand drifts – Sch.9.1, cl.12	
Function	Authority to give notice to a landowner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary to be adversely affected by wind erosion or sand drift [ULP r.21(1)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.16 Expressions of Interest for Goods and Services

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996 r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer	
Function	1) Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2) Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].	
Delegates	CEO	
Conditions	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.17 Application of Regional Price Preference Policy

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Functions and General) Regulations 1996 r.24G Adopted regional price preference policy, effect of	
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.18 Payments from the Municipal or Trust Funds

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Financial Management) Regulations 1996 r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making	
Function	Authority to make payments from the municipal or trust funds [r.12(1)(a)].	
Delegates	CEO	
Conditions	Make payments for procurement provided for in Budgets approved by Council, or otherwise approved by Council resolution, and undertaken in accordance with Council's Purchasing and Procurement. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the Local Government Act 1995.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.19 Defer, Grant Discounts, Waive or Write Off Debts

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.12 Power to defer, grant discounts, waive or write off debts	
Function	1) Waive a debt which is owed to the Shire [s6.12(1)(b)] 2) Waive or grant concessions in relation to any amount of money [s6.12(1)(b)]. 3) Write off any amount of money which is owed to the Shire [s6.12(1)(c)].	
Delegates	CEO	
Conditions	Write-off fees and charges and interest on rates up to \$1,000 [s6.12(1)(c) & (2)].	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.20 Power to invest and Manage Investments

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.14 Power to Invest Power to invest Local Government (Financial Management) Regulations 1996 r.19 Investments, control procedures for	
Function	1) Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2) Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].	
Delegates	CEO	
Conditions	1) All investment activity must comply with Regulation 19C of the Local Government (Financial Management) Regulations 1996) 2) A report detailing the investment portfolio's performance, exposures, and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 3) Procedures are to be documented. 4) Procedures are to be administratively reviewed as per Regulation 17 of the Local Government (Audit) Regulations 1996.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.21 Rate Record Amendment

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.39(2)(b) Rate records	
Function	Authority to determine any requirement to amend the rate record for the 5 years preceding the current financial year [s6.39(2)(b)].	
Delegates	CEO	
Conditions	Delegates must comply with the requirements of s6.40 of the Act.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.22 Agreement as to Payment of Rates and Service Charges

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.49 Agreement as to payment of rates and service charges	
Function	Authority to make an agreement with a person for the payment of rates or service charges [6.49].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.23 Determine Due Dates for Rates or Service Charges

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.50 Rates or service charges due and payable	
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.24 Recovery of Rates or Service Charges

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.56 Rates or service charges recoverable in court s6.64(3) Actions to be taken	
Function	1) Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2) Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.25 Recovery of Rates – Require Lessee to Pay Rent

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.60 Local government may require lessee to pay rent	
Function	1) Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Boyup Brook [s.6.60(2)]. 2) Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].	
Delegates	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.26 Rate Record - Objections

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government Act 1995 s6.76 Grounds of objection	
Function	1) Authority to extend the time for a person to make an objection to a rate record [s6.76 (4)]. 2) Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s6.76(5)].	
Delegates	CEO	
Conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.27 Inviting Tenders – Selection Criteria

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Functions & General) Regulations 1996 r14 Publicly inviting tenders, requirements for	
Function	The Chief Executive Officer is delegated authority to discharge the duties of the Local Government under r14 of the <i>Local Government (Functions & General) Regulations 1996</i> to publicly invite tenders by determining the written criteria for deciding which tender should be accepted	
Delegates	CEO	
Conditions	Nil.	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.8.28 Variation of Requirements before entry into contract

Head of Power	Local Government Act 1995	
Delegator	Council	
Express power to delegate	Local Government Act 1995 s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO	
Express power or duty delegated	Local Government (Functions & General) Regulations 1996 r20 Variation of requirements before entry into contract	
Function	The Chief Executive Officer is delegated authority to make minor variations to the contract	
Delegates	CEO	
Conditions	1) Minor variations result in less than \$20,000 additional costs. 2) The variation cost can be accommodated within the adopted budget	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.9 Planning & Development Act 2005

An Act to provide for a system of land use planning and development in the State and for related purposes.

2.9.1 Illegal Development.

Head of Power	<i>Local Government (Miscellaneous Provisions) Act 1960</i>
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> <i>s5.42 Delegation of some powers or duties to the CEO</i> <i>s5.43 Limitations on delegations to the CEO</i>
Express power or duty delegated	<i>Planning and Development Act 2005:</i> s214(2), (3) and (5) s215 Illegal development, responsible authority's powers to remove
Function	<ol style="list-style-type: none"> 1) Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2) Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a) to remove, pull down, take up, or alter the development; and b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3) Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. 4) If — <ol style="list-style-type: none"> a) a notice is served on a person under section 214(2), (3) or (5) and that person fails to — <ol style="list-style-type: none"> i). carry out the directions within the time specified in the notice; or ii). apply under section 255 for a review of any direction contained in the notice; or b) on an application by that person for a review of any direction contained in the notice, the direction is confirmed or varied and the owner fails to carry out the direction as confirmed or varied within the time

	specified by the State Administrative Tribunal in the notice given under section 255(2), the responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.	
	5) Any expenses incurred by a responsible authority under section 215(1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction.	
Delegate	CEO	
Conditions	Nil	
Express power to subdelegate	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Version Control		
Date	Details of Amendment	Ref

2.10 Planning & Development (Local Planning Schemes) Regulations 2015

An Act to provide for a system of land use planning and development in the State and for related purposes.

2.10.1 Planning Approvals and Associated Decisions.

Head of Power	Planning & Development (Local Planning Schemes) Regulations 2015	
Delegator	Council	
Express power to delegate	Planning & Development (Local Planning Schemes) Regulations 2015 Sch.2 cl.82 Delegations by local government	
Express power or duty delegated	Exercise of all of the local government's powers and discharge of all of the local government's duties under the Scheme other than the power of delegation	
Function	Powers and duties under the Shire of Boyup Brook Local Planning Scheme and Regulations, including authority to determine applications for development approval, including applications for land use, home occupations, building envelope variations, the exercise of discretion under the Scheme and the Residential Design Codes, authority to amend or cancel development approval, authority to determine the period in any 12 month period which temporary uses and development do not require development approval, all decisions arising from the imposition of conditions and in relation to Local Planning Policies, Structure Plans, Activity Centre Plans; Local Development Plans and authority to enter and inspect buildings or land.	
Delegate	CEO	
Conditions	<div>1) Decisions relating to Local Planning Policies, Structure Plans, Activity Centre Plans and Local Area Plans are to be made by the Council.</div> <div>2) Decisions to proceed with a Local Planning Policy are to be made by the Council.</div> <div>3) Where a public objection has been received after the application has been advertised for comment the application may only be determined by Council.</div> <div>4) Where a Councillor has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council.</div>	
Express power to subdelegate	Planning & Development (Local Planning Schemes) Regulations 2015 cl.83 Local government CEO may delegate powers	
Amendments		
Date	Details of Amendment	Ref



2.11 Public Health Act 2016

An Act to protect, promote and improve the health and wellbeing of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

2.11.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Head of Power	Public Health Act 2016	
Delegator	Council	
Express power to delegate	Health (Asbestos) Regulations 1992 r.15D(5) Appointment of authorised officers r.15D(7) Infringement notices	
Express power or duty delegated	Health (Asbestos) Regulations 1992 r.15D(5) Infringement notices	
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of Part 2 of the <i>Criminal Procedure Act 2004</i> [r.15D(5)].	
Delegate	CEO	
Conditions	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D (6)].	
Express power to subdelegate	Sub-delegation is not provided for in the <i>Health (Asbestos) Regulations 1992</i>	
Version Control		
Date	Details of Amendment	Ref

2.11.2 Enforcement Agency Reports to the Chief Health Officer

Head of Power	Public Health Act 2016	
Delegator	Council	
Express power to delegate	Public Health Act 2016 s21 Enforcement agency may delegate	
Express power or duty delegated	Public Health Act 2016 s22 Reports by and about enforcement agencies	
Function	1) Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)] 2) Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].	
Delegate	CEO Designated Authorised Officer – Public / Environmental Health Officer	
Conditions	Nil	
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].	
Version Control		
Date	Details of Amendment	Ref

2.11.3 Designated Authorised Officers

Head of Power	Public Health Act 2016	
Delegator	Council	
Express power to delegate	Public Health Act 2016 s21 Enforcement agency may delegate	
Express power or duty delegated	Public Health Act 2016 s24(1) & (3) Designation of authorised officers	
Function	Authority to designate a person or class of persons as authorised officers for the purposes of: a) The <i>Public Health Act 2016</i> or other specified Act. b) Specified provisions of the <i>Public Health Act 2016</i> or other specified Act c) Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. Including: i. an environmental health officer or environmental health officers as a class; OR ii. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR iii. a mixture of the two. [s24(1) and (3)].	
Delegate	CEO	
Conditions	1) Subject to each person so appointed being. <ul style="list-style-type: none">Appropriately qualified and experienced [s25(1)(a)]; andIssued with a certificate, badge or identity card identifying the authorised officer [s30 and 31]. 2) A Register (list) of authorised officers is to be maintained in accordance with s27.	
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s21(4)].	
Version Control		
Date	Details of Amendment	Ref

2.12 Main Roads Act 1930

An Act to protect, promote and improve the health and wellbeing of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

2.12.1 Traffic Management – Events on Roads

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

**RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

2.12.2 Traffic Management – Road Works

WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises
("Authorised Body") by itself, its employees, consultants, agents and contractors
(together "Representatives") to, from the date indicated below, erect, establish, display,
alter or take down such traffic signs and traffic control devices of whatsoever type or
class (except for permanent traffic control signals) as may be required for the purpose
and duration of any works, survey or inspection, associated with the construction,
maintenance or repair on a road (other than a main road or highway), any adjoining land
or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms
and conditions:

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

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.