



**REGISTER OF DELEGATIONS TO THE CEO, AND  
OTHERS, AND FROM THE CEO, AUTHORISATIONS AND APPOINTMENTS**

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<b>1.1</b>	<b>Delegation Subject</b>	<b>Liquor Licensing Act</b>
	<b>Function to be performed:</b>	<p>The Council as the Local Planning Authority and the Local Government delegates power to the CEO to:</p> <ul style="list-style-type: none"> <li>• Issue Certificates of Local Government under Section 39 of the Liquor Licensing Act advising compliance with Food, Health and Local Government laws.</li> <li>• Respond to applications for Extended Trading Permits under Sections 61(1)(d) and 61(2);</li> <li>• Make submissions on health grounds regarding the grant or renewal of a license under Section 69(8);</li> <li>• Request copies of reports produced by the Liquor Licensing Authority under Section 153(2);</li> <li>• Report to the Liquor Licensing Authority any offence committed by a licensee and ensures appropriate assistance is given to the Authority if requested under Section 156.</li> <li>• Issue Certificates of the Local Planning Authority under Section 40 of the Act.</li> </ul>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer

1.2	Delegation Subject	Enforcement of Laws
	<b>Function to be performed:</b>	The Chief Executive Officer is delegated authority to appoint persons or classes of persons for the purposes of performing particular functions as specified by the Chief Executive Officer in accordance with Part 9-Div. 2 of the Local Government Act 1995. This also includes the 'Appointment of authorised persons 'as per section 9.10 (1) and issuing of certificates of appointment as per section 9.10(2) of the Local Government Act 1995. All such appointments must be within budgetary constraints unless specific funding is otherwise authorised by Council.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government Act 1995 Part 9 Division 2

1.3	Delegation Subject	Inviting Tenders – Selection Criteria
	<b>Function to be performed:</b>	The Chief Executive Officer is delegated authority to discharge the duties of the Local Government under regulation 14 of the Local Government (Functions & General) Regulations 1996 to publicly invite tenders by determining the written criteria for deciding which tender should be accepted.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government (Function & General) Regulations 1996 – Regulation 14

1.4	<b>Delegation Subject</b>	<b>Local Laws Administration</b>
	<b>Function to be performed:</b>	<p>The CEO is delegated the power to administer all the local laws of the local government and do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under the Local Government Act 1995 and the Local laws adopted and in particular:</p> <p><i>Local Government Property and Dogs Local Law 2007:</i></p> <p>The CEO is delegated authority to impose such conditions as are considered necessary from time to time in granting a permit to hire or use any property belonging to Council per clauses 3.4 or 3.5 and to extend, renew, transfer or cancel permits per clauses 3.8, 3.9, 3.10 and 3.12.</p> <p><i>Health Local Laws 2007:</i></p> <p>The CEO is delegated authority to perform the functions and powers of 'the local government' under the Health Local Laws 2007.</p>
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.18(1) (2) and (3) Local Government Act 1995

1.5	Delegation Subject	Functions Outside Own District
	<b>Function to be performed:</b>	<p>Council delegates to the CEO the power to perform its executive functions on land outside its own district that is not local property of the Shire of Boyup Brook provided that the consent is obtained of:</p> <p>(a) The owner of the land;  (b) if the land is occupied, the occupier of the land; and  (c) if the land is under the control or management of any other person, that other person.</p>
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.20 Local Government Act 1995

<b>1.6</b>	<b>Delegation Subject</b>	<b>Notices to Owners and Occupiers of Land and Powers of Entry</b>
	<b>Function to be performed:</b>	Council delegates to the CEO its power to authorise a person to issue and enforce owners or occupiers to do anything prescribed in Schedule 3.1 - Powers under Notices to Owners and Occupiers of Land and the Powers of Entry as per Part 3 Division of the Local Government Act 1995
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Sections 3.25, 3.26, 3.27 & 3.31 Local Government Act 1995



<b>1.7</b>	<b>Delegation Subject</b>	<b>Emergency Entry to Land</b>
	<b>Function to be performed:</b>	The CEO is delegated the local governments power in an emergency to lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the CEO.
	<b>Power or Duty Assigned:</b>	Local Government or Chief Executive Officer
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.34(1) Local Government Act 1995

<b>1.8</b>	<b>Delegation Subject</b>	<b>Remove and Impound Goods</b>
	<b>Function to be performed:</b>	Council delegates to the CEO the power to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.39 Local Government Act 1995

<b>1.9</b>	<b>Delegation Subject</b>	<b>Sale of Impounded Goods</b>
	<b>Function to be performed:</b>	<p>If any goods have been confiscated, the CEO is delegated power to sell or otherwise dispose of them in accordance with section 3.47 (1) , subject to compliance with the following conditions:-</p> <p>(1) Any goods confiscated must be sold only by the process of calling public tenders as per Part 4 of the Local Government (Functions &amp; General) Regulations 1995.</p> <p>(2) The CEO is authorized to accept a tender received up to the value of \$1,000.00 for any goods confiscated. Any tenders for goods confiscated that include offers above \$1,000.00 must be referred to the Council for consideration and a decision.</p>
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.47(1) Local Government Act 1995

1.10	Delegation Subject	Impounding Periods
	<b>Function to be performed:</b>	<p>The CEO is delegated power to sell any impounded goods that have not been collected in accordance with a notice given under Section 3.41(2b) within a period of:</p> <ul style="list-style-type: none"> <li>• 3 days for perishable goods</li> <li>• 7 days for animals</li> <li>• 2 months for non-perishable goods (including vehicles) after the notice is given the local government may sell or otherwise dispose of them.</li> </ul>
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.47(2a) (2b) Local Government Act 1995

<b>1.11</b>	<b>Delegation Subject</b>	<b>Impounded Goods – Cost Recovery</b>
	<b>Function to be performed:</b>	If goods are removed and impounded under Section 3.39 and the alleged offender is convicted, the CEO is delegated power to take in a court of competent jurisdiction, to recover from the alleged offender the expenses incurred by the local government in removing and impounding them and in disposing of them.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 3.48 Local Government Act 1995

1.12	<b>Delegation Subject</b>	<b>Variation of Requirements Before Entry into Contract</b>
	<b>Function to be performed:</b>	<p>If, after a local government has invited tenders for the supply of goods or services and chosen a successful tender but before it has entered into a contract, the local government may make a *minor variation in the goods or services required without again inviting tenders.</p> <p>Where the CEO is satisfied that the variation is minor having regard to the total goods or services that tenders were invited to supply, the CEO is delegated power to make a minor variation</p>
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	<p>Section 20 Local Government (Functions &amp; General) Regulations 1996*</p> <p><b>Minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenders were invited to supply.</b></p>

<b>1.13</b>	<b>Delegation Subject</b>	<b>Vehicles, Use of</b>
	<b>Function to be performed:</b>	The CEO is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicle, bearing in mind Legislative requirement of Fringe Benefits and any Council Policies
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 5.42 Local Government Act 1995

1.14	Delegation Subject	Disposition of property excluded from Local Government Act 1995 Section 3.58
	Function to be performed:	<ul style="list-style-type: none"> <li>• Council Housing is primarily for the purposes of housing Council staff members (or specific Council supported programs such as Doctor provision) with the Chief Executive Officer given the power to approve all housing allocations. Should Council Staff not require housing assistance, then the vacant residence/s is to be offered for lease by advertisement at the current market rental value.</li> <li>• All residential rentals/leases entered into following the adoption of this delegation are to be covered by a written agreement in accordance with the Residential Tenancies Act (Form 1AA) and will include a bond equivalent to 4 weeks rent to be held by the independent Bond Administrator.</li> <li>• Community Housing properties (24A and B Proctor Street and 16A and B Forrest Street) are for the purpose of providing affordable housing and a pathway to Keystart housing for eligible prospective tenants. The Chief Executive Officer is given the power to approve all Community Housing allocations, with rental amounts to be set by Council in accordance with the Community Housing Income and Assets Limits Policy 2013.</li> <li>• Council employee tenants are to be given the option of paying the bond amount by instalment deductions from their pay.</li> <li>• Boyup Brook Medical Centre Rooms are for the purpose of Medical Practitioners servicing the community, with the Chief Executive Officer given the power to approve all Room allocations. When vacant, Rooms are to be offered for lease by advertisement at the current market rental value.</li> <li>• Abel Street Commercial Premises (three shops</li> </ul>



		adjacent to the Medical Centre) are for the purpose of providing services or goods to the community, with the Chief Executive Officer given the power to approve all shop allocations.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government (Functions and General) Regulation 30

**2 WORKS**

<b>2.1</b>	<b>Delegation Subject</b>	<b>Regulatory Signs, i.e. Stop, Give-Way, Speed, etc.</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to make applications to the Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 5.42 Local Government Act 1995

2.2	<b>Delegation Subject</b>	<b>Temporary Road Closures</b>
	<b>Function to be performed:</b>	<p>The CEO is delegated authority to temporarily close a thoroughfare or a portion of a street for a period not exceeding 28 days (without providing local public notice) if of the opinion that by reason of heavy rain a street is likely to be damaged by the passage of traffic generally or traffic of any particular class, in accordance with Section 3.50 of the Local Government Act 1995.</p> <p>The CEO is delegated authority to temporarily close a road or portion of a road for repairs and maintenance in accordance with section 3.50A of the Act.</p> <p>The Chief Executive Officer is delegated authority to close a thoroughfare for a period in excess of 28 days by providing local public notice in accordance with Section 3.50 of the Local Government Act 1995.</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	<p>Section 3.50 &amp; 3.50A Local Government Act 1995</p> <p>Road Traffic Act 1974 Section 92 and 81D</p>

2.3	Delegation Subject	Disposal of Surplus Equipment, Materials, Tools
	<b>Function to be performed:</b>	The CEO is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc. which are no longer required, or are outmoded, or are no longer serviceable and have a value of less than \$20,000.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government Act 1995 section 3.58(5) (d). Local Government (Functions and General) Reg 30(3)(a)

2.4	Delegation Subject	Events on Roads
	<b>Function to be performed:</b>	The CEO is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991 Section 4 (1) & (2). The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Road Traffic Regs 1991 Section 4 (1) & (2) and the Local Government Act 1995 Sections (3.50) & (5.42)

<b>2.5</b>	<b>Delegation Subject</b>	<b>Permits, Heavy Haulage Vehicles</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to determine any application referral from Main Roads WA to use heavy haulage vehicles on any local road within the district, recommending approval or refusal. The CEO should have regard to any policy established by Council from time to time.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 5.42 Local Government Act 1995 Road Traffic (Vehicle Standards) Regulations 2002

<b>2.6</b>	<b>Delegation Subject</b>	<b>Gates and Pipes Across Thoroughfares</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to approve the installation of gates across, or pipes under, Council controlled thoroughfares with Council Policy, with a register of gates and pipes being kept in accordance with the requirements of the Local Government 1995 sched. 9.1 (5) and associated regulations.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Govt. Act schedule 9.1(5) & Reg 9. Local Government (Uniform Local Provisions) Regulations

<b>2.7</b>	<b>Delegation Subject</b>	<b>Dangerous Excavation</b>
	<b>Function to be performed:</b>	If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation or request the owner or occupier to fill or securely fence the excavation.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 11(1) Local Government (Uniform Local Provisions) Regulations 1996



2.8	<b>Delegation Subject</b>	<b>Crossing from Public Thoroughfare to Private Land or Private Thoroughfare</b>
	<b>Function to be performed:</b>	The CEO is delegated authority under schedule 9.1 (7) of the Act and Reg 12(1) to approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land in accordance with <a href="#">policy W.08</a> .
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 12(1) Local Government (Uniform Local Provisions) Regulations 1996 & Local Govt. Act sched 9.1 (7)

2.9	Delegation Subject	Requirement to Construct and Repair Crossing
	<b>Function to be performed:</b>	The Chief Executive Officer is delegated the power to give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. [Sched.9.1(7) (3) Act]
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 13(1) Local Government (Uniform Local Provisions) Regulations 1996 & Loc. Govt. Act sched 9.1 (7) (3)

<b>2.10</b>	<b>Delegation Subject</b>	<b>Private Works On, Over or Under Public Places</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property. [Sched 9.1 (8) Loc. Govt. Act]
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 17(2) Local Government (Uniform Local Provisions) Regulations 1996 & Loc. Govt Act sched 9.1(8)

**3 FINANCE**

<b>3.1</b>	<b>Delegation Subject</b>	<b>Payment of Accounts.</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to pay accounts as per Shire of Boyup Brook <a href="#">Policy F.04</a> and Local Government Financial Management Regulations Section 11, from the Municipal Fund or Trust Fund
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 6.10 Local Government Act 1995 & Local Government (Financial Management) Reg 11

3.2	Delegation Subject	Rate Book
	<b>Function to be performed:</b>	<p>The CEO is hereby delegated the performance of the following functions of the Council.</p> <ol style="list-style-type: none"> <li>1. The discharge of the obligations specified in Section 6.39(2) (b) of the Local Government Act 1995. [amend rate records for the past five years preceding the current year]</li> <li>2. The powers conferred in Section 6.40 (3) of the Local Government Act 1995.[ may refund of rates overpaid following an adjustment to the rate record if requested]</li> <li>3. Implement the recovery of rates by complaint or action pursuant to the provisions of 6.56 (1) of the Local Government Act 1995.</li> <li>4. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the Local Government Act 1995.</li> <li>5. Write <b>off</b> penalty interest raised on any assessment up to the value of \$15.00 in any financial year.</li> </ol>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Sections as listed above Local Government Act 1995

3.3	Delegation Subject	Investment of Surplus Funds
	<b>Function to be performed:</b>	The CEO is authorised to invest moneys held in any Council Fund in accordance with Regulation 19C of the Financial Management regulations.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government Financial & Management Regulations Section 19C

<b>3.4</b>	<b>Delegation Subject</b>	<b>Rates payments by Agreement</b>
	<b>Function to be performed:</b>	The CEO is delegated power to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 6.49 Local Government Act 1995

3.5	Delegation Subject	Outstanding Rates Recovery
	<b>Function to be performed:</b>	The CEO is delegated power if a rate or service charge remains unpaid after it becomes due and payable, to recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction. As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 6.56 (1) Local Government Act 1995



<b>3.6</b>	<b>Delegation Subject</b>	<b>Rate Record Objection – Time Extension</b>
	<b>Function to be performed:</b>	The CEO is delegated power to extend the time for making the objection for such period as the CEO thinks fit, on application by a person proposing to make an objection to the rate record.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 6.76(4) Local Government Act 1995

3.7	Delegation Subject	Consideration of Rate Objection
	<b>Function to be performed:</b>	The CEO is delegated power to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
	<b>Power or Duty Assigned:</b>	Local Government
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Section 6.76(5) Local Government Act 1995

<b>3.8</b>	<b>Delegation Subject</b>	<b>Payments - (Financial Management) Regs</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to make payment from the municipal or trust fund in accordance with Local Government (Financial Management) Regulation 12(1)(a) and <i>Policy F.04</i> [also refer delegation 3001]
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government (Financial Management) Regulation 1976 Section 12

3.9	<b>Delegation Subject</b>	<b>Waiving and Granting of Concessions and Write-Off of Debts other than Rates &amp; Services Charges</b>
	<b>Function to be performed:</b>	<p>This delegation will allow the CEO to consider and grant a waiver or concession for a debt other than rates and service charges, subject to a maximum value.</p> <p>This delegation will allow the CEO to deal with requests for waiver of fees and charges under a set value immediately, rather than having to prepare a report for Council to consider the matter.</p> <p>The exercising of the delegated authority will be recorded in a register and reported to Council, as per the requirements of the Act.</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government Act 1995, Section 6.12

3.10	Delegation Subject	Disposing of Property
	<p><b>Function to be performed:</b></p>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to:               <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.58(2)(a)].</li> <li>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]</li> </ol> <p><b>Council Conditions on this Delegation</b></p> <ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less.</li> <li>c. When determining the method of disposal:               <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal:                   <ul style="list-style-type: none"> <li>- Reserve price has been set by independent valuation.</li> <li>- Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a – 10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and</li> </ul> </li> </ol>

		<p>use an alternative disposal method.</p> <ul style="list-style-type: none"> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>- Negotiate the sale of the property up to a – 10% variance on the valuation; and</li> <li>- Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decisions are recorded.</li> </ul> </li> </ul> <p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30 (3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> <p>e. Than any proposal to dispose of surplus plant, equipment and material with a market value aboe \$500 be advertised in the local community newspaper and Shire’s web site, sold by public auction, traded as part of the purchase of new plant and equipment, or offered for sale by public tender.</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer Local Government Act 1995, s.5.44 may delegate some powers and duties to other employees
	<b>Reference:</b>	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (functions & General) Regs 1995- r.30 Dispositions of property excluded from Act s.3.58

**4 BUSH FIRE CONTROL**

<b>4.1</b>	<b>Delegation Subject</b>	<b>Firebreak Order, Variation to and Enforcement</b>
	<b>Function to be performed:</b>	<p>Pursuant to the provisions of Council's Firebreak Order, the CEO is delegated authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to take alternative action to abate fire hazards. Applications to the CEO must be supported by the Fire Control Officer for the area in which the land is located.</p> <p>Further, where firebreaks have not been provided in accordance with the firebreak order, the CEO is delegated authority to have the firebreak installed at the cost of the owners of the property.</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Bush Fires Act, 1954 Section 33 (1) and (5)

<b>4.2</b>	<b>Delegation Subject</b>	<b>Burning of Roadsides</b>
	<b>Function to be performed:</b>	That the CEO be delegated authority to approve applications submitted by the relevant Fire Control Officer to burn a road verge vested in the care, control and management of the Shire of Boyup Brook  All burning must be in accordance with Council's Local Laws and the Environmental Protection (Clearing of Native Vegetation) Act & Regulation 2003
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Bush Fires Act, 1954  Environmental Protection (Clearing of Native Vegetation) Act & Regulation 2003



4.3	Delegation Subject	Burning, Prohibited Times (Variations)
	<b>Function to be performed:</b>	<p>That pursuant to Section 17 (10) of the Bush Fires Act, the Chief Executive Officer is delegated the Council's powers and duties under Section 17 (7) and 17 (8) and 18 (5) of the Bush Fires Act 1954 in respect to varying the prohibited and restricted burning times, subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. The Chief Fire Control Officer for the Shire of Boyup Brook has requested and or approved of the proposed variation.</li> <li>2. The Department of Parks &amp; Wildlife have been consulted on the proposed variation.</li> </ol>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Bush Fires Act, 1954

4.4	<b>Delegation Subject</b>	<b>Offences for Non-Compliance with Bush Fires Act , Bush Fire Regulations and Firebreak Order/Requirements</b>
	<b>Function to be performed:</b>	The Chief Executive Officer is delegated authority to consider allegations of breaches of the Bushfires Act 1954, Bush Fire Regulations and annual Shire of Boyup Brook Firebreak Order/requirements and initiate action against any offender, including issuing of infringement notices and legal proceedings.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Bush Fires Act, 1954

4.5	Delegation Subject	Use of Shire Resource for Wildfire Control
	<b>Function to be performed:</b>	<p>The Chief Executive Officer is delegated authority to allocate Shire resources for the control of Wildfires provided that:</p> <ol style="list-style-type: none"> <li>1. The resources requested are the result of a direct request from either the Chief Bush Fire Control Officer, or in his absence the Deputy Chief Bush Fire Control Officer.</li> <li>2. The machinery is driven by a staff member competent in the use of the machine.</li> <li>3. The machine operator being given total discretion to withdraw the machinery from use at any time if he/she considers the situation to be dangerous enough to put personal safety at risk or inflict serious damage to the machine.</li> </ol>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Local Government Act 1995 & Bush Fires Act, 1954

**5 PLANNING**

5.1	<b>Delegation Subject</b>	<b>Responding to Appeals and Requests for Reconsideration.</b>
	<b>Function to be performed:</b>	The CEO is delegated authority to respond to any appeal against a discretionary decision of council, on Council’s behalf and in accordance with Council’s decision on the matter to which the appeal or request for reconsideration relates.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Planning & Development Act, 2005

5.2	Delegation Subject	Land Subdivisions/Amalgamations
	<b>Function to be performed:</b>	<p>The CEO is delegated power to:</p> <p>(1) In respect to an application received from the <i>Western Australian Planning Commission (WAPC)</i> to subdivide, re-subdivide or amalgamate land contained within the municipality, authority to recommend to the WAPC:</p> <ul style="list-style-type: none"> <li>(i) No objection to the granting of approval of an application to amalgamate two (2) or more lots (including lots forming part of any strata-title scheme) into a single allotment;</li> <li>(ii) No objection to the granting of approval of an application to rationalise or reconfigure existing allotments where there is no net increase in lots created, and the new lot sizes will conform with the relevant requirements of prevailing town planning schemes and their policies, and policies adopted pursuant to section 5AA of the TPDA; and</li> <li>(iii) With reference to (ii) above, the imposition of relevant conditions on any approval proposed to be granted by the WAPC, that are considered necessary to secure the objectives of any prevailing regional or Shire town planning scheme/s, and any land use plan or strategy adopted by Council;</li> </ul> <p>(2) Certify to the WAPC that conditions imposed on an approval granted to subdivide, re-subdivide or amalgamate land contained within the municipality, that pertain to the Shire's jurisdiction, role and function, have been completed and fulfilled to the satisfaction of the Shire;</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Planning & Development Act, 2005

5.3	Delegation Subject	Town Planning Scheme Development Approvals
	<b>Function to be performed:</b>	The CEO is delegated authority to consider and approve all applications for development as per the Shire of Boyup Brook Town Planning Scheme No 2, including the placement of signs and hoardings, except where the exercise of Council's discretion is required, all of which are to be referred to Council for consideration.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Shire of Boyup Brook Town Planning Scheme No 2

5.4	<b>Delegation Subject</b>	<b>Land Administration Act 1997 and the Native Title Act 1993</b>
	<b>Function to be performed:</b>	The CEO is delegated authority where the Shire has no registered interest in the land, to advise the Department for Planning and Infrastructure—Land Asset Management Services that the Shire has no interest in the proposed taking of land under either of the above statutes.
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Land Administration Act 1997 and the Native Title Act 1993

5.5	Delegation Subject	Strata Titles Act 1985
	Function to be performed:	<p>Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Building, Health and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.</p> <p><b>(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire.</b></p>
	Power or Duty Assigned:	Council
	Delegation to:	Chief Executive Officer
	Reference:	Strata Titles Act 1985 Section 23



**6 Health and Building**

<b>6.1</b>	<b>Delegation Subject</b>	<b>Powers of the Local Government pursuant to the Building Act 2011</b>
	<b>Function to be performed:</b>	To undertake the powers of a Local Government under the Building Act 2011 subject to any Council Policies that apply
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Building Act 2011 Section 127

6.2	Delegation Subject	Powers of the Local Government pursuant to the Health Act 1911
	<b>Function to be performed:</b>	<p>To undertake the powers of a Local Government under the Health Act 1911 subject to any Council Policies that apply in the following sections of the Act and Regulations:-</p> <ol style="list-style-type: none"> <li>1. Act Sections 72 (1) &amp; (2) – Connection of premises to drains and sewers</li> <li>2. Act Section 73 – Notice to owners and occupiers to carry out installation of drains and fittings to buildings</li> <li>3. Act Sections 108 (1) &amp; (3) - Entry to land to examine drains</li> <li>4. Act Section 135 (1) – Declare dwellings <b>unfit</b> for habitation.</li> <li>5. Act Section 137 – Requiring a condemned building to be amended or removed.</li> <li>6. Act Section 139 – Requiring an owner of premises to clean or repair a building declared unfit for human habitation.</li> <li>7. Act Section 184 – Dealing with the abatement of any nuisances</li> <li>8. Act Section 260 – Power to require cleansing and disinfecting a building</li> <li>9. Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 – regulations 4 &amp; 10 (2) – Approval of apparatus for the treatment of sewage and disposal of liquid waste.</li> </ol>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

6.3	<b>Delegation Subject</b>	<b>Powers of the Local Government pursuant to the Caravan Parks &amp; Camping Grounds Act 1995</b>
	<b>Function to be performed:</b>	<p>To undertake the powers of a Local Government under the Caravan Parks &amp; Camping Grounds Act 1995 and Caravan Parks &amp; Camping Grounds Regulations 1997, subject to any Council Policies that apply in the following sections of the Act and regulations:-</p> <ol style="list-style-type: none"> <li>1. Act Sections 17 (1) (a) – appointment of authorised persons to undertake the provisions of the Act</li> <li>2. Caravan Parks &amp; Camping Grounds Regulation 11 (2) (a) – Use of property for caravan camping for a maximum of three months in any period of twelve months.</li> <li>3. Caravan Parks &amp; Camping Grounds Regulation 12 (2) (a) – Use of property for more than one caravan camping for a maximum of three months in any period of twelve months.</li> <li>4. Caravan Parks &amp; Camping Grounds Regulation 20 – Approval of overflow areas for Caravan Parks and Camping</li> <li>5. Caravan Parks &amp; Camping Grounds Regulation 30 (1) (c) – Approval to allow park homes on Caravan Parks</li> <li>6. Caravan Parks &amp; Camping Grounds Regulation 34 (1) (b) (ii) – Approval to allow Annexes to be attached homes on Caravan Parks</li> <li>7. Caravan Parks &amp; Camping Grounds Regulation 38 (b) – Approval to allow the use of a Park Home or rigid Annexe to be changed</li> <li>8. Caravan Parks &amp; Camping Grounds Regulation 48 – Approval to allow an area to be used for an overflow facility</li> <li>9. Caravan Parks &amp; Camping Grounds Regulation 50 – License to specify numbers and types of site and other conditions</li> </ol>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Caravan Parks & Camping Grounds Act 1995 and Caravan Parks & Camping Grounds Regulations 1997

**7 ANIMAL CONTROL**

7.1	Delegation Subject	Enforcement of Dog Act and Local Laws
	<p><b>Function to be performed:</b></p>	<p>Enforcement of the provisions of the Dog Act and Local-Laws is delegated to the CEO</p> <p>Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.</p> <p>The CEO is authorised to instruct the Shire’s solicitors to commence proceedings against a person who is reported to have –</p> <ul style="list-style-type: none"> <li>(a) Unlawfully rescued or released, or attempted to rescue or release, cattle or dogs lawfully impounded or seized for the purpose of being impounded;</li> <li>(b) Damaged a Municipal Pound, or</li> <li>(c) Committed Pound breach by reason of which cattle or dogs may escape from a Municipal Pound.</li> </ul> <p>In all cases that CEO instructs Shire’s solicitors to commence proceedings, he shall report particulars to the next succeeding Council meeting</p> <p>The CEO is to make such arrangements as is considered necessary for staff, temporary, part-time or otherwise, to effectively administer the Dog Act, within the limitations of the Budget.</p>
	<p><b>Power or Duty Assigned:</b></p>	<p>Council</p>
	<p><b>Delegation to:</b></p>	<p>Chief Executive Officer</p>
	<p><b>Reference:</b></p>	<p>Local Government Act (1995) &amp; Dog Act (1976)</p>

7.2	Delegation Subject	Enforcement of Cat Act
	<b>Function to be performed:</b>	<p>Enforcement of the provisions of the Cat Act 2011 is delegated to the CEO</p> <p>Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.</p> <p>The CEO is to make such arrangements as is considered necessary for staff, temporary, part-time or otherwise, to effectively administer the Cat Act, within the limitations of the Budget.</p>
	<b>Power or Duty Assigned:</b>	Council
	<b>Delegation to:</b>	Chief Executive Officer
	<b>Reference:</b>	Cat Act 2011