



Delegation Register

Adopted by Council 18 October 2023

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Introduction

This delegations register has been prepared in accordance with the *Local Government Act 1995* sections 5.16 to 5.18 and 5.42 to 5.46 and the Administration Regulations r.19.

All delegations require approval by an absolute majority of Council.

It is a requirement that the use of all delegated authority is recorded, but it is not a requirement to report the use of delegated authority to Council.

However, given the number of delegations, and their importance, it is not recommended that Council be advised of use of delegations, for their information. It is open to Council to make a policy direction that this is the case.

The Local Government Act s5.16 places limitations and conditions upon the delegations that may be made to various types of Committee. A Committee with delegated authority is not permitted to further delegate that authority.

The Local Government Act s5.42 places a limitation upon the delegations that may be made to the Chief Executive Officer. The Chief Executive Officer is not permitted to further delegate that authority.

The Local Government Act permits the Chief Executive Officer to delegate the exercise of, or the carrying out of, a function delegated to the Chief Executive Officer.

Head of Power

Unless stated otherwise, the Local Government Act 1995 sections 5.16 and 5.42 constitute the head of power for council to make the delegations.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers. In order to maintain consistency with the concepts of the Local Government Act 1995, all delegations to officer are made to the Chief Executive Officer, who is then responsible for the implementation of the delegated function, either personally or through management of officers and staff.

It is Council's expectation, that the Chief Executive Officer will assign delegations relevant to a specialist or specific position to that person.

Process

It is a requirement of the Local Government Act s5.18 and s5.16 (1) that all delegations be reviewed at least once in each financial year.

In order to ensure that there is clear authority, Council and the appropriate officers will formally review this Delegations Register at the May Meeting each year, and their application confirmed.

In this way, the delegations will be reviewed at a time when there is less time pressure, and after a year of operation, with the formal motion of application made for the commencement of the new financial year.

New Delegations

Council may make new delegations at any time. However, unless specifically stated that the authority is to be included in the Delegations Register, it will be assumed that the authority to act is for a specific matter and is not a general or on-going delegation.

Definitions

The Local Government Act has not defined the term “delegation” or “delegated 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 term “policy” is not defined anywhere in the Local Government Act.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with all enabling legislation referred to within each of the specific delegations.

“Authority” means the permission or requirement for a committee or the Chief Executive Officer to act in accordance with:

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

“Delegation” means the authority for a committee or the Chief Executive Officer to act on behalf of Council where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational responsibility.

“Policy”, as the context requires mean either:

- a procedural direction to officers to implement Council’s wishes or instructions in a particular way;
or
- the authority for officers to act, where that authority is not considered to be a delegation, but more procedural in nature.

Certifications

The delegations contained in this register were formally reviewed by Council on 18 October 2023 and a resolution confirming their application to the 2023/2024 financial year was made.

President

Date

The delegations contained in Part 2 of this Register from the Chief Executive Officer to other officers have been formally reviewed, and their application to the 2023/2024 financial year is confirmed.

Chief Executive Officer

Date

A1 Cheque Signing and Account Authorisation

- Delegation : The Chief Executive Officer the authority to exercise Councils powers in relation to make payments in relation to expenditure from all funds in accordance with Local Government (Financial Management) Regulations 1996 Regulation 13.
- Objectives :
- Conditions : Where a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing:
- (a) the payees name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

The list referred to in sub regulation (2) is to be –

- (a) presented to the council at the next ordinary meeting of the council following the preparation of the list; and
- (b) recorded in the minutes of the meeting at which it is presented.”

This policy and subsequent delegation is apply only to those items of expenditure previously authorised by Council by inclusion I the budget or by virtue of Section 6.8 (1) of the Local Government Act 1995 which reads:

A local government is not to incur expenditure from its municipal find for an additional purpose except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution (Absolute Majority)

Further, a minimum of two signatures are required to make a payment from council’s municipal, trust or reserve funds. Two required signatures shall be from either the Chief Executive Officer, Deputy Chief Executive or Manager of Works and Services Officer.

- Formal Record : Officer’s report to Council
- Heads of Power : Local Government (Financial Management) Regulations 1996 Regulation 13
- History : Previous Delegation Register A1
Adopted 17 June 1997
Reviewed 16 June 1998
Reviewed 15 June 1999
Amended 21 June 2000
Reviewed 19 July 2000
Reviewed 19 June 2002
Reviewed 18 May 2005
Reviewed 21 November 2007
Reviewed 17 June 2009
Reviewed 18 August 2010

Reviewed 19 June 2013
Reviewed 19 November 2014
Reviewed 17 June 2015
Reviewed 15 June 2016
Reviewed 19 April 2017
Reviewed 16 June 2021
Reviewed 17 August 2022
Reviewed 18 October 2023

A2		Septic Tank Application Approvals
Delegation	:	The Environmental Health Officer the authority to exercise Councils powers in relation to: <i>Exercising and discharging powers and functions conferred on Local Government for the purpose of Regulation 4 of the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974.</i>
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council
Heads of Power	:	Section 26 Health (Miscellaneous Provisions) Act 1911
History	:	<p>Previous Delegation Register A2</p> <p>Adopted 17 February 1998</p> <p>Reviewed 15 June 1999</p> <p>Reviewed 19 July 2000</p> <p>Reviewed 19 June 2002</p> <p>Reviewed 18 May 2005</p> <p>Reviewed 21 November 2007</p> <p>Reviewed 17 June 2009</p> <p>Reviewed 18 August 2010</p> <p>Reviewed 19 June 2013</p> <p>Reviewed 19 November 2014</p> <p>Reviewed 17 June 2015</p> <p>Reviewed 15 June 2016</p> <p>Reviewed 19 April 2017</p> <p>Reviewed 16 June 2021</p> <p>Reviewed 17 August 2022</p> <p>Reviewed 18 October 2023</p>

A3		Building Approvals
Delegation	:	The Building Officer has the authority to exercise Councils powers in relation to: <i>Approving applications for a building permit subject to the requirements of the Local Government Act 1960 Building Provisions, National Construction Code, Local Laws and Council Policy.</i>
Objectives	:	To stream line the approval of building Permits
Conditions	:	
Formal Record	:	Officer's report to Council
Heads of Power	:	Local Government Act 1960 Building Provisions, Building Act 2011 Building Regulations 2012 Building Code of Australia, Local Laws, Council Policy
History	:	Previous Delegation Register A4 Adopted 17 February 1998 Reviewed 15 June 1999 Reviewed 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 23 October 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A4		Roadside Advertising
Delegation	:	The Chief Executive Officer the authority to exercise Councils powers in relation to: <i>Main Roads WA (Control of Advertising) Regulations 1996 and Guide to the Management of Roadside Advertising – authority to approve signs granted by the regulations.</i>
Objectives	:	
Conditions	:	
Formal Record	:	
Heads of Power	:	Main Roads WA (Control of Advertising) Regulations 1996 Guide to the Management of Roadside Advertising
History	:	Reviewed 15 June 1999 Reviewed 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A5		Application for Planning Consent
Delegation	:	The Chief Executive Officer is authorised to issue planning consent for development applications that fully comply with all requirements.
Objectives	:	To permit early approval of development applications submitted.
Conditions	:	Nil
Formal Record	:	Officer's report to Council.
Heads of Power	:	Town Planning Development Act. Town Planning Scheme No 4.
History	:	Adopted 19 July 2000 Amended 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A6 Appointment and Termination of Staff

Delegation : The appointment and termination of Council employees can only be confirmed by:

Position	Office
Chief Executive Officer	Council
Manager of Works and Services	Chief Executive Officer and Council
Administration Staff	Chief Executive Officer
Outside Staff	Chief Executive Officer

Objectives : Clearly define each party's role and level of authority.

Conditions :

Formal Record : Officer's report to Council.

Heads of Power : Local Government Act 1995, Section 5.37(1)(2)

History :
Adopted 19 July 2000
Amended 19 June 2002
Reviewed 18 May 2005
Amended 21 November 2007
Reviewed 17 June 2009
Reviewed 18 August 2010
Reviewed 19 June 2013
Reviewed 19 November 2014
Reviewed 17 June 2015
Reviewed 15 June 2016
Reviewed 19 April 2017
Reviewed 16 June 2021
Reviewed 17 August 2022
Reviewed 18 October 2023

A7		Rates Recovery – Instalment Payments
Delegation	:	The Chief Executive Officer to provide Ratepayers experiencing financial difficulty, the opportunity to make acceptable instalment payments to extinguish their rate debts.
Objectives	:	To assist Ratepayers who are experiencing difficulty in meeting their rate payments and alleviate the need to bring each individual application to Council’s attention.
Conditions	:	Letters confirming an instalment procedure program should accompany each application. Rates personnel to ensure that Ratepayers meet their commitments to instalment programs.
Formal Record	:	Officer’s report to Council.
Heads of Power	:	
History	:	<p>Adopted 19 July 2000</p> <p>Amended 19 June 2002</p> <p>Reviewed 18 May 2005</p> <p>Reviewed 21 November 2007</p> <p>Reviewed 17 June 2009</p> <p>Reviewed 18 August 2010</p> <p>Reviewed 19 June 2013</p> <p>Reviewed 19 November 2014</p> <p>Reviewed 17 June 2015</p> <p>Reviewed 15 June 2016</p> <p>Reviewed 19 April 2017</p> <p>Reviewed 16 June 2021</p> <p>Reviewed 17 August 2022</p> <p>Reviewed 18 October 2023</p>

A8	Issue of Orders
Delegation	: The Chief Executive Officer its powers and duties under the Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960, in relation to the issue of orders.
Objectives	: To facilitate service of notices at appropriate times.
Conditions	:
Formal Record	: Officer's report to Council.
Heads of Power	: Local Government Act 1995 Local Government Act (Miscellaneous Provisions) Act 1960
History	: Adopted 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A9**Legal Advice**

Delegation	:	The Chief Executive Officer is authorised to obtain from the Council's Solicitor such legal advice and opinion as is deemed by him to be necessary to enable the proper legal administration of the Council's business; conditional upon the Chief Executive Officer; <ol style="list-style-type: none">1. Briefing the Shire President and Deputy Shire President on the matter in which legal advice is sought;2. Obtaining the approval, verbal or written from the Shire President and Deputy Shire President to obtain the relevant legal advice
Objectives	:	To ensure that Council is briefed adequately in relation to legal matters which may impact on the governing obligations of Council.
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 19 July 2000 Reviewed 19 June 2002 Amended 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A10**Permits to use Explosives**

Delegation	:	The Chief Executive Officer is authorised to issue letters approving the use of explosives within the district, without reference to the Council.
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A11**Street Stalls**

Delegation	:	The Chief Executive Officer is authorised to issue letters approving the street stalls within the district, without reference to the Council.
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 16 May 2001 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A12**Liquor Consumption on Shire Owned Property**

Delegation	:	The Chief Executive Officer is authorised to issue letters approving the serving or liquor consumption on Shire owned property within the district, without reference to the Council.
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 16 May 2001 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A13**Hire of Community Halls/Community Centre**

Delegation	:	The Chief Executive Officer is authorised to waive/grant concessions in respect of hire of council's halls and community centres.
Objectives	:	The purpose of this is to encourage expediency in respect of requests that may be forthcoming from community organisations and groups that bring broad base community interaction and support (not for profit) for hall/community centre hire charges to be waived.
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023 Amended 21 February 2024

A14**The Food Act 2008 and the Food Regulations 2009**

Delegation	:	The Chief Executive Officer is authorised to implement the provisions of the Food Act 2008 and the Food Regulations 2009.
Objectives	:	To ensure food for sale is both safe and suitable for human consumption. To prevent misleading conduct in connection with the sale of food and to provide for the application in this State of the food standards code.
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	Food Act 2008 Food Regulations 2009 Public Health Act 2016 Section 17 of the new Public Health Act 2016 Section 21(1)(b)(i) Part 2 of the new Public Health Act 2016 Health (Miscellaneous Provisions) Act 1911
History	:	Adopted 16 February 2011 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 23 October 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A15**The Public Health Act 2016**

Delegation	:	The Environmental Health Officer and the Authorised Officers are authorised to implement the provisions of the Public Health Act 2016. Authorised person must be either <ul style="list-style-type: none">a) An EHO in the employ or under contract of the Shire at the time of the Public Health Act coming into forceb) Hold an appropriate
Objectives	:	To ensure the provisions of the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 are implemented.
Conditions	:	Commencement of prosecutions is restricted to the CEO who instigate action where the offence <ul style="list-style-type: none">a) Is of such severity that the action is appropriateb) An infringement notice remains unpaid after reasonable attempts to obtain payment
Formal Record	:	Officer's report to Council.
Heads of Power	:	Public Health Act 2016 Section 17 of the new Public Health Act 2016 Section 21(1)(b)(i) Part 2 of the new Public Health Act 2016 Health (Miscellaneous Provisions) Act 1911
History	:	Adopted 19 April 2017 Reviewed 23 October 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A16**Sponsorship, Contributions and Donations to Sporting and Community Groups**

Delegation	:	The Chief Executive Officer is authorised approve Community grants under \$500 up to \$3,000 in the financial year.
Objectives	:	To assist the distribution of Community Grants under \$500 during the financial year.
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A17**Prohibited and Restricted Burning Times _ Vary**

Delegation	:	President and Chief Bushfire Control Officer (jointly)
Objectives	:	To enable the variation of Prohibited and Restricted burning times where seasonal conditions warrant
Conditions	:	Decisions under s,17(7) must be undertaken jointly by both the President and Chief Bushfire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)
Formal Record	:	All exercises of delegated authority to be recorded in Shire of Wickpin Records System
Heads of Power	:	Bushfires Act 1954 s.48 - Delegation by a Local Government Bushfires Act 1954 s17 (10) – Prohibited and Restricted burning times may be declared by Minister (power of delegation to Mayor or President and Chief Bushfire Control Officer ONLY powers under s17(7) and (8)
History	:	Adopted 18 October 2023

Delegation	A18 – Disposal of Property
Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. 2. 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 value of less than \$75,000 or less. 3. When determining the method of disposal: <ol style="list-style-type: none"> a) Where a public auction is determined as the method of disposal: <ol style="list-style-type: none"> i. Reserve price has been set by independent valuation. ii. 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. b) Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. c) Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ol style="list-style-type: none"> i. Negotiate the sale of the property up to a -10% variance on the valuation; and ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.

	<p>d) Where the market value of the assets/property (other than land) is determined as being less than \$20,000 [r.30(3)] disposal may be undertaken –</p> <ul style="list-style-type: none"> i. Without reference to Council for resolution; ii. In any case, be undertaken to ensure the best value return is achieved by gifting, donating or destruction, including recycling or reusing the asset/property where the market value is not expected to exceed \$5,000; iii. Where the property is determined as having a \$nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<p>Sub-Delegate/s: <i>Appointed by CEO</i></p>	<p>Deputy Chief Executive Officer Manager Works & Services</p>
<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>Conditions on the Delegate also apply to the subdelegates.</p>

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p> <p>Council Policy - Disposal of Property (Other than Land)</p>
<p>Record Keeping:</p>	<p>Delegations exercised are to be recorded in the CEO Officer's report to Council on a monthly basis.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>

Version Control:

1	New Delegation Adopted – OCM 15.05.2024
2	