



Delegations Register

Adopted by Council	Thursday 17 March 2016
Reviewed	Thursday 16 March 2017
Reviewed	Thursday 15 February 2018
Reviewed	Thursday 21 February 2019
Reviewed	Thursday 20 February 2020

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Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2. Local Government Act 1995, Section 3.18(1)

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Sections 9.1 and 9.4.

Council delegates its authority and power to the Chief Executive Officer, to administer its Local Laws, and initiate legal action if considered necessary,

Subject to -

- 1.0 Compliance with Sections 9.1(1) and 9.4 of the Local Government Act 1995.

3.18. Performing executive functions

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
1. Local Government Act 1995, Section 5.42.
2.

Legal (Subsidiary):
1. Local Government Act 1995, Section 6.49.
2.

Council delegates its authority and power to the Chief Executive Officer to make an agreement with a person for the payment of rates and service charges,

Subject to-

- (a) The requirements of Councils Rates Collection policy; and
- (b) The arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
1. Local Government Act 1995, Section 5.42.
2.

Legal (Subsidiary):
1. Local Government Act 1995, Section 3.51(3)

Council delegates its authority and power to the Chief Executive Officer to give notice of any proposal to-

- 1.0 Fix or alter the level of, or the alignment of, a public thoroughfare; or
- 2.0 Drain water from a public thoroughfare or other public place onto adjoining land;

Subject to –

- (a) the notice being in accordance with Section 3.51(4) of the *Local Government Act 1995*.

3.51. Affected owners to be notified of certain proposals

(1) In this section –

person having an interest, in relation to doing anything, means a person who –

- (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
- (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
- (c) is prescribed for the purposes of this section.

(2) This section applies to –

- (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.
- (3) Before doing anything to which this section applies, a local government is to –
- (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
 - (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (4) The notice is to be given –
- (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
1. Local Government Act 1995, Section 5.42.
2.

Legal (Subsidiary):
1. Local Government Act 1995, Section 6.39(2)(b).

Council delegates its authority and power to the Chief Executive Officer to determine whether to amend the rate record for the preceding five years,

Subject to-

- (a) Compliance with the requirements of Section 6.39 of the *Local Government Act 1995*.

6.39. Rate record

(1) As soon as practicable after a local government has resolved to impose rates in a financial year it is to ensure that a record is compiled, at the time and in the form and manner prescribed, for that financial year of—

- (a) all rateable land in its district; and
 (b) all land in its district on which a service charge is imposed.

(2) A local government—

(a) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and

(b) may amend the rate record for the 5 years preceding the current financial year.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Not Applicable
Chief Executive Instruction/Procedure:	

Legal (Parent):
3. Local Government Act 1995, Section 5.42.
4.

Legal (Subsidiary):
1. Local Government (Functions & General) Regulations 1996, as amended.

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

- 1.0 Seek expressions of interest with respect to the supply of the goods or services before entering the tender process, because the CEO believes that there is good reason to make a preliminary selection from amongst prospective tenderers due to-
 - (i) the nature of the goods or services; or
 - (ii) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,

and the CEO believes it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.
- 2.0 Determine in writing the criteria for the preliminary selection of prospective tenderers, Subject to-
 - (i) Compliance with Regulation 21(1) of the Local Government (Functions and General) Regulations 1996;
 - (ii) The goods or services being listed in the Shires Adopted Annual Budget;
 - (iii) The criteria, once determined, is to be incorporated in the expression of interest documentation.
- 3.0 Consider any submissions of expression of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services, Subject to-
 - (a) Compliance with Regulation 23(3) of the Local Government (Functions and General) Regulations 1996; and
 - (b) Compliance with Regulations 14(2), 15(2), 17(2)(c) and 18(3) of the Local Government (Functions and General) Regulations 1996.

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Not Applicable
Chief Executive Instruction/Procedure:	

Legal (Parent):
5. Local Government Act 1995, Section 3.57.
6. Local Government Act 1995, Section 5.42.

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

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

- 1.0 Call tenders for works or services prior to entering in to contract with others in respect to supply of goods or services exceeding \$150,000;
- 2.0 Call tenders for the provision of works or services not exceeding a value of \$150,000 and to accept what is to be deemed the most advantageous tender;
- 3.0 Determine in writing the criteria for deciding which tender should be accepted, subject to Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996;

Subject to-

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

3.57. Tenders for providing goods or services

(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

(2) Regulations may make provision about tenders.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government (Uniform Provisions) Regulations, Regulations 12, 13 and 14. 2. Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3), 3. Local Government Act, Schedule 9.1(7).

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

- 1.0 Approve or refuse an application from an owner of land, to construct a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, and impose conditions in respect to the approval,
Subject to-
 - (a) The requirements of Regulation 14(2) of the *Local Government (Uniform Provisions) Regulations 1996*.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued
Subject to-
 - (a) Notification being given to Council prior to legal action commencing.
- 5.0 Issue a notice under Regulation 13(1) of the *Local Government (Uniform Provisions) Regulations 1996* to the owner or occupier of private land to construct or repair a crossing from a public thoroughfare to the land, or a private thoroughfare serving the land
Subject to-
 - (a) The requirements of Regulation 14(2) of the *Local Government (Uniform Provisions) Regulations 1996*.

3.25. Notices requiring certain things to be done by owner or occupier of land

- (1) A local government may 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 —
- (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2

3.26. Additional powers when notices given

- (2) If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.
- (3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

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

Legal (Subsidiary):
1. Local Government Act 1995, Section 3.58.
2. Function and General Regulations 1996, Regulation 30.

Council delegates its authority and power to the Chief Executive Officer to dispose of property by way of lease,

Subject to-

- 1.0 Compliance with the requirements of Section 3.58 of the Local Government Act 1995 and Regulation 30 of the *Local Government (Functions and General) Regulations 1996*.
- 2.0 The lease fee being in accordance with Council's Schedule of Fees and Charges; and
- 3.0 Any lease term not to exceed five years.

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

This section does not apply to —

(d) *any other disposition that is excluded by regulations from the application of this section.*

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Managers – Corporate Services, Infrastructure, Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Sections 3.58 2. Local Government (Functions and General) Regulations, Regulation 30.

Council delegate its authority and power to the Chief Executive Officer to dispose of surplus equipment, materials, tools, etc with a market value of less than \$2,000 by-

- 1.0 Calling a request for proposals; or
- 2.0 Holding of a surplus goods sale at the Council depot; or
- 3.0 Any other fair means;

Subject to-

- (a) The items not being listed on Councils Asset Register; and
- (b) The items being either no longer required, no longer serviceable or are outmoded.

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

This section does not apply to —

(d) any other disposition that is excluded by regulations from the application of this section.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 6.50(1) and (2).

Council delegates its authority and power to the Chief Executive Officer to determine the date a rate or service charge becomes due and payable,

Subject to-

- (a) the date to be determined is not to be earlier than 35 days after the date of issue on the rate notice.

6.50. Rates or service charges due and payable

(1) Subject to —

(a) subsections (2) and (3); and

(b) any concession granted under section 6.47; and

(c) the Rates and Charges (Rebates and Deferments) Act 1992,

a rate or service charge becomes due and payable on such date as is determined by the local government.

(2) The date determined by a local government under subsection (1) is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Managers – Infrastructure, Regulatory Services

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

Legal (Subsidiary):
1. Local Government Act 1995, Section 3.34.

Council delegates its authority and power to the Chief Executive Officer to enter any land in an emergency and perform any of the local governments functions considered appropriate to deal with the emergency subject to the following conditions-

- 1.0 The CEO is to give notice of intended entry of land where it is practicable to do so, as required by Section 3.34(5).

3.34. Entry in an emergency

(1) In an emergency a local government may 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.

(2) For the purposes of this section, an emergency exists where the local government or its CEO is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or unreasonable because of, or because of the imminent risk of—

(a) injury or illness to any person; or

(b) a natural or other disaster or emergency; or

(c) such other occurrence as is prescribed for the purposes of this section.

(3) A local government may use reasonable force to exercise the power of entry given by subsection (1).

(4) A local government may exercise the power of entry given by subsection (1) at any time while the emergency exists and for so long subsequently as is reasonably required.

(5) Although notice of an intended entry under this section is not generally required, a local government is to give notice of an intended entry of land under this section to the owner or occupier of the land where it is practicable to do so.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3), 2. Local Government Act, Schedule 9.1(6) 3. Local Government (Uniform Provisions) Regulations, Regulation 11.

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

- 1.0 Grant permission to a person to make or make and leave, an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare, and impose conditions in respect to the permission,
Subject to-
 - (a) The requirements of Regulation 11 of the *Local Government (Uniform Provisions) Regulations 1996*;
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

Schedule 9.1(6) Dangerous excavation in or near public thoroughfare

Regulations may be made about dangerous excavations in public thoroughfares or land adjoining public thoroughfares.

Regulation 11. Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6

(1) If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous, the local government may —

(a) fill in or fence the excavation; or

(b) in writing request the owner or occupier of the land to fill in or securely fence the excavation.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	President and CEO Jointly where required
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

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

Legal (Subsidiary):
1. Local Government Act, Section 9.49A(4)

- 1.0 Council delegate its authority and power to the President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:
- 1.1 Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended).
 - 1.2 Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended).
 - 1.3 In respect of leases of land and licence to occupy municipal property where approved by the Council.
 - 1.4 In respect of leases for the purchase of plant and equipment approved by the Council.
 - 1.5 In respect of borrowings approved by the Council.
 - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
 - 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that the Council's interests have been satisfied.
 - 1.8 In respect of contracts of employment approved by the Council.
 - 1.9 In respect of agreements required for funding of Council works and services considered with the resolution of the Council or requiring renewal of the agreement for funding currently provided.
 - 1.10 In respect of the final adoption of local laws by the Council.

Subject to-

- (a) Meeting the requirements detailed in Councils Policy on Use of the Shire Common Seal; and
- (b) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal.

9.49A. Execution of documents

(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3), 2. Local Government Act, Schedule 9.1(5) 3. Local Government Act, Schedule 3.1 3. Local Government (Uniform Provisions) Regulations, Regulation 9.

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

- 1.0 Grant permission to a person to have a gate or other device across a public thoroughfare under the care, control and management of the Shire, and impose conditions in respect to the permission,
Subject to-
 - (a) The requirements of Regulation 9 of the *Local Government (Uniform Provisions) Regulations 1996*; and
 - (b) A register of gates and other devices being kept in accordance with Clause 9(8) of the *Local Government (Uniform Provisions) Regulations 1996*.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

Schedule 9.1(5) Gates across public thoroughfares

(1) Regulations may be made under which a local government may authorise a person to have across a public thoroughfare that is under its control or management a gate or other device that enables motor traffic to pass and prevents the straying of livestock.

(2) Regulations may include provisions for ensuring that a gate that has been placed across a public thoroughfare with the authority of a local government is not left open.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 6.14. 2. Local Government (Financial Management Regulations) 1996, Regulation 19. 3. Trustees Act 1962, Part III

Council delegates its authority and power to the Chief Executive Officer to invest money held in the municipal or trust funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962,

Subject to-

- 1.0 Compliance with the established and documented internal control procedures to ensure control over the investments; and
- 2.0 Compliance with Regulation 19(2) of the *Local Government (Financial Management) Regulations 1996*; and
- 3.0 Compliance with Council Policy – Surplus Funds Investments.

6.14. Power to invest

(1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.

(2A) A local government is to comply with the regulations when investing money referred to in subsection (1).

(2) Regulations in relation to investments by local governments may —

(a) make provision in respect of the investment of money referred to in subsection (1); and

[(b) deleted]

(c) prescribe circumstances in which a local government is required to invest money held by it; and

(d) provide for the application of investment earnings; and

(e) generally provide for the management of those investments.

Regulation 19. Investments, control procedures for

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —

(a) the nature and location of all investments; and

(b) the transactions related to each investment.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government (Functions and General) Regulations, Regulation 20. 2.

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

- 1.0 Make a minor variation to a contract for goods or services before the Shire enters the contract with the successful tenderer,
 - subject to-
 - (a) the tenderer agreeing to the minor variations; and
 - (b) the variation is minor having regard to the total goods or services that tenderers were invited to supply (deliverables and price).
- 2.0 Select the next most advantageous tender if the successful tenderer does not want to accept the contract with the variation, or the local government and the tenderer cannot reach agreement, subject to Regulation 20(2) of the Local Government (Functions and General) Regulations 1996.

20. Variation of requirements before entry into contract

(1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

(2) If —

(a) the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or
(b) the local government and the chosen tenderer cannot agree on any other variation to be included in the contract as a result of the varied requirement, that tenderer ceases to be the chosen tenderer and the local government may, instead of again inviting tenders, choose the tenderer, if any, whose tender the local government considered it would be the next most advantageous to it to accept.

(3) In subregulation (1) —

minor variation means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Not Applicable
Chief Executive Instruction/Procedure:	

Legal (Parent):
7. Local Government Act 1995 (As Amended) – Sections 3.24, 9.10 and 9.23.
8. Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):
1. Shire of Yilgarn Local Laws.

1.0 Council delegate its authority and power to the Chief Executive Officer to appoint authorised persons to exercise the-

1.1 Powers and duties set out in the *Local Government Act 1995* in respect of-

- (a) Section 3.25(1) – Notices requiring certain things to be done by owner or occupier of land.
- (b) Section 3.27 – Things local government can do on land that is not local government property.
- (c) Section 3.31 – Entering property.
- (d) Section 3.39 – Power to remove and impound.
- (e) Section 3.40A (1) – Abandoned vehicle wreck may be taken.
- (f) Section 9.11 – Person found commit breach of Act to give name on demand.
- (g) Section 9.13 – Onus of proof in vehicle offences may be shifted.
- (h) Section 9.16 – Giving a Notice.
- (i) Section 9.17 – Content of Notice.
- (j) Section 9.19 – Extension of Time.
- (k) Section 9.20 – Withdrawal of Notice.
- (l) Section 9.24(1), (2) – Enforcement and legal proceedings – Commencing prosecutions – Offence against the Act or Shire's Local Laws.
- (m) Section 9.29(2) – Enforcement and legal proceedings – Representing local government in court.

1.2 Duties and functions set out in the Shire's local laws.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
1. Local Government Act 1995, Section 5.42.
2.

Legal (Subsidiary):
1. Local Government Act 1995, Section 6.76(4) and (5).
2.

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

- 1.0 Determine applications by a person for an extension of time to make an objection to the rate record,
Subject to-
 - (a) Any extension granted being no longer than 30 days.
- 2.0 Consider any objection to the rate record and either disallow it or allow it, wholly or in part,
Subject to –
 - (a) Giving written notice of the decision made under (2) above in accordance with Section 6.76(6) of the *Local Government Act 1995*.

6.76. Grounds of objection

(1) A person may, in accordance with this section, object to the rate record of a local government on the ground –

(a) that there is an error in the rate record –

(i) with respect to the identity of the owner or occupier of any land; or

(ii) on the basis that the land or part of the land is not rateable land; or

(b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.

(2) An objection under subsection (1) is to –

(a) be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and

(b) identify the relevant land; and

(c) set out fully and in detail the grounds of objection.

(3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.

(4) The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.

(5) The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.

(6) After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.

Date Adopted:	17 March 2016	Delegate:	CEO
Date Last Reviewed:	20 February 2020	Sub-Delegated:	Yes
Policy Reference:		Chief Executive Instruction/Procedure:	The following staff authorised to issue purchase orders: Exec Mngr Corporate Services to \$150,000; Exec Mngr Infrastructure to \$150,000; Exec Mngr Regulatory Services to \$150,000; Finance Mngr to \$10,000; Mechanic to \$10,000; Build Mtce Officer to \$5,000; Assets Officer to \$5,000 Authority to make payments in accordance with Council Policy

Legal (Parent):	Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2. 	<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 6.7(2) 2. Local Government Act 1995, Section 6.8 3. Local Government Act 1995, Section 6.10 4. Local Government Act 1995, Section 3.1 5. Local Government (Financial Management) Regulations, Regulations 5, 11, 12 and 13.

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

1. Sign and issue purchase orders to incur liabilities from the Municipal Fund or the Trust Fund on behalf of the Shire,

Subject to-

- (a) Compliance with Council Purchasing Policy & Council Signing of Cheques Policy; and
- (b) Purchase orders only being issued for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency.

2. Authorise and make payments by cheque or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund,

Subject to-

- (a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the President in an emergency; and
- (b) Compliance with the requirements of Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and (b) petty cash systems.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2. Local Government Act 1995, Section 3.20

Legal (Subsidiary):
<ol style="list-style-type: none"> 1.

Council delegates its authority and power to the Chief Executive Officer to determine whether things done by the Shire in performing its executive function will be done outside its own district,

Subject to-

- 1.0 Compliance with the requirements of Section 3.20 of the Local Government Act 1995; and
- 2.0 Details of the actions taken are to be recorded on the appropriate file and a report on the actions taken is to be presented to Council at its next ordinary meeting.

3.20. Performing functions outside district

(1) Things done by a local government in performing its executive functions may be done outside its own district but before it can do anything on land outside its own district that is not local government property of that local government it is required to have obtained the consent of —

(a) the owner of the land; and

(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.

(2) This section does not apply to anything that a local government does in the district of another local government if it is done on behalf of the local government of that district.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3), 2. Local Government Act, Schedule 9.1(8) 3. Local Government (Uniform Provisions) Regulations, Regulation 17. 4. Shire's Thoroughfares Local Laws.

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

- 1.0 Grant permission to a person to construct anything on, over, or under a public thoroughfare or other public place that is Local Government property, and impose conditions in respect to the permission,
Subject to-
 - (a) The requirements of Regulation 17 of the *Local Government (Uniform Provisions) Regulations 1996*; and
 - (b) Having regard for the requirements contained in the Shires Thoroughfares Local Laws.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

17. Private works on, over, or under public places — Sch. 9.1 cl. 8

(1) A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.

Penalty: a fine of \$5 000.

(2) Subregulation (1) does not apply to the construction of things by or on behalf of the Crown.

(3) A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Sections 3.52(4), 5.94 and 5.96

Council delegates its authority and power to the Chief Executive Officer to keep plans of levels and alignments of public thoroughfares under the care, control and management of the Council and to ensure those plans are available for public inspection during office hours,

Subject to-

- 1.0 Compliance with the requirements of Sections 3.52(4), 5.94 and 5.96 of the *Local Government Act 1995*.

3.52. Public access to be maintained and plans kept

(1) This section applies in respect of a thoroughfare only if it is in the metropolitan area or on land that has been constituted a townsite under section 10 of the Land Act 1933 5.

(2) Except to the extent that it is authorised by law to close them or restrict their use, a local government is to ensure that public thoroughfares are kept open for public use.

(3) In fixing or altering the level of, or the alignment of, a public thoroughfare, a local government is to ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided.

(4) A local government is to keep plans of the levels and alignments of public thoroughfares that are under its control or management, and make those plans available for public inspection.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 9.68(5) 2. 3.

Council delegates its authority and power to the CEO to recover rates accruing on land, from a person, whether principal or agent, until such time the required notice of the sale or disposal of the land is given.

9.68. Local government to be notified of disposal of land

(1) When a person, whether as principal or agent, sells or otherwise disposes of rateable land in the district of a local government, the principal or the agent, is required to give to the local government, within 21 days after the sale or disposal, written notice of the sale or disposal.

(2) The notice is to include a plan or description of the land and the name and address of the person to whom the person giving the notice disposed of the land.

(3) If the sale or disposal is effected by an agent, the principal is not required to give notice under subsection (1) if the agent has done so, but the principal is to ensure that the notice is given.

(4) A person who does not comply with the requirements of this section commits an offence.

(5) If the notice is not given as required by this section, the local government may recover rates accruing until the required notice is given as if the sale or disposal had not taken place but this subsection does not affect —

(a) the principal's liability to be punished for an offence against this section; or

(b) the liability of the principal or of the new owner for rates under section 6.55.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Corporate Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 6.56(1). 2. Local Government Act 1995, Section 6.60(2).

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

1.0 Court action should be taken to recover an unpaid rate or service charge that is due and payable,

Subject to-

(a) Recovery action having been taken in accordance with Council's Rates and Charges Recovery Policy.

2.0 Notice should be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

6.56. Rates or service charges recoverable in court

(1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

(2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

6.60. Local government may require lessee to pay rent

(1) In this section —

lease includes an agreement whether made orally or in writing for the leasing or subleasing of land and includes a licence or arrangement for the use of land;

lessor and lessee mean the parties to a lease and their respective successors in title.

(2) If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

(3) The local government is to give to the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.

(4) The local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.

(5) Where an amount is paid under this section to the local government —

(a) the payment discharges the payer from any liability to any person to pay that amount as rent; and

(b) where as between a lessor and lessee the lessor is liable to pay the rate or service charge, the amount paid may be set off by the lessee against the rent payable to the lessor; and

(c) if the amount exceeds the rent due, or if there is no rent due, the amount may be set off by the lessee against accruing rent, or the balance recovered from the lessor in a court of competent jurisdiction.

(6) To the extent that an agreement purports to preclude a lessee from setting off or recovering payments made to a local government under this section, the agreement is of no effect.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Executive Manager Infrastructure, Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995 (As Amended) – Sections 3.39, 3.40, 3.40A, 3.46, 3.47, 3.47A and 3.48. 2. Local Government (Functions and General) Regulations 1996 – Regulations 29 and 29A.

Council delegates its authority and power to the Chief Executive Officer to undertake the functions and duties required under Subdivision 4 of Division 3 of Part 3 of the Local Government Act 1995, in respect to-

- | | | | |
|-----|---------------|---|---|
| 1.0 | Section 3.40 | - | Removal of Vehicle and Impounding of Goods. |
| 2.0 | Section 3.40A | - | Removal of Abandoned Vehicles. |
| 3.0 | Section 3.46 | - | Withholding of goods pending payment of costs. |
| 4.0 | Section 3.47 | - | The disposal of confiscated goods. |
| 5.0 | Section 3.47A | - | Disposal of sick or injured animals. |
| 6.0 | Section 3.48 | - | Recovery of costs incurred in the impounding exercise |

Subject to-

- (a) Compliance with the requirements of Regulations 29 and 29A of the *Local Government (Functions and General) Regulations 1996*.

3.39. Power to remove and impound

(1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.

29. Contraventions that may lead to impounding of goods

(1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if—

(a) it occurs in a public place; and

(b) either—

(i) the presence of the goods—

(I) presents a hazard to public safety; or

(II) obstructs the lawful use of any place; or

(ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

29A. Abandoned vehicle wrecks, value etc. prescribed for

For the purposes of the definition of abandoned vehicle wreck in section 3.40A(5)(c) of the Act—

(a) the prescribed value is “\$200”; and (b) the prescribed manner in which that value is to be

calculated is that the value is to be based on the local private sale value of a vehicle of the same, or a similar, model, year and condition.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Exec Manager Infrastructure,

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Sections 3.50, 3.50A and 3.51. 2. Local Government Functions and General Regulations 1996, Regulations 4, 5 and 6. 3. Road Traffic (Events on Roads) Regulations 1991.

Council delegate its authority and power to the Chief Executive Officer to determine applications for the temporary closure of a thoroughfare, and to undertake the necessary action for the closure of thoroughfares to vehicles -

- 1.0 In cases of emergency; or
- 2.0 Where in the opinion of the CEO that due to heavy rain a thoroughfare is likely to be damaged by the passage of traffic of a particular class, or by the passage of traffic generally; or
- 3.0 For the conduct of an Event in accordance with the *Road Traffic (Events on Roads) Regulations 1991*;
- 4.0 Where the Council is undertaking repair and maintenance works to a thoroughfare;

Subject to-

- (a) Having regard for the requirements of Sections 3.50 and 3.50A of the *Local Government Act 1995*, and Clauses 4, 5 and 6 of the *Local Government (Functions and General) Regulations 1996*.

3.50. Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) is for the purpose of carrying out repairs or maintenance; and*
- (b) is unlikely to have a significant adverse effect on users of the thoroughfare.*

3.51. Affected owners to be notified of certain proposals

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 5.42. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Local Government Act 1995, Section 3.25. 2. Local Government Act 1995, Section 3.26

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

- 1.0 Issue a notice in writing to the owner or occupier of land requiring them to do anything specified in Division 1 of Schedule 3.1 of the Local Government Act 1995.
- 2.0 Do anything that is considered necessary to achieve, so far as practicable, the purpose for which the notice was given, including recovering the cost of anything done as a debt due from the person who failed to comply with the notice.

3.25. Notices requiring certain things to be done by owner or occupier of land

(1) A local government may 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 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.

3.26. Additional powers when notices given

(1) This section applies when a notice is given under section 3.25(1).

(2) If the person who is given the notice (notice recipient) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

(3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
9. Local Government Act 1995, Section 5.42.
10.

Legal (Subsidiary):
1. Local Government Act 1995, Sections 6.12
2.

Council delegates its authority and power to the Chief Executive Officer to write-off of a debt other than rates or a service charge,

Subject to-

- (a) the amount of the request or application not exceeding \$300.00
- (b) the debt being irrecoverable or uneconomical to recover

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
11. Local Government Act 1995, Section 5.42.
12.

Legal (Subsidiary):
1. Local Government Act 1995, Sections 6.12
2.

Council delegates its authority and power to the Chief Executive Officer to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
 - a. less than \$500
 - b. for a non-profit group that is located in the Shire of Yilgarn
 - c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 65 2.

Council delegates its authority and power to the Chief Executive Officer to approve or refuse to approve applications submitted under Section 65 of the Building Act.

65. Extension of period of duration

(1) A person may apply to extend the time in which the following can have effect —

- (a) an occupancy permit that has been granted or modified to have effect for a limited period only; or*
(b) a building approval certificate that has been granted to have effect for a limited period only.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 58 2. Building Act 2011, Section 62

Council delegates its authority and power to the Chief Executive Officer to approve, modify or refuse to approve applications submitted under Section 58 of the Act, and may impose conditions in accordance with Section 62 of the Building Act.

58. Grant of occupancy permit, building approval certificate

(1) A permit authority to which an application is made must grant or modify the occupancy permit or grant the building approval certificate applied for if it is satisfied —

(a) that the applicant has complied with section 54; and

(b) that the building surveyor who signed the certificate of construction compliance or certificate of building compliance —

(i) is entitled under the Registration Act to sign certificates of construction compliance or certificates of building compliance for buildings or incidental structures of a kind that is the subject of the application;

62. Conditions imposed by permit authority

(1) A permit authority that, on an application, grants or modifies an occupancy permit or grants a building approval certificate, may impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the regulations.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2. Building Regulations 2012, Regulation 61

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. 2.

Council delegates its authority and power to the Chief Executive Officer to approve or refuse to approve an application for the use of battery powered smoke alarms within a dwelling, or a part of a dwelling,

Subject to –

- 1.0 The CEO being satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —
 - (a) a sufficient problem of a structural nature; or
 - (b) a sufficient problem of any other nature, the cause of which is not within the control of the owner.

127. Delegation: special permit authorities and local governments

(1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.

61. Local government approval of battery powered smoke alarms

(1) The local government of the district in which a dwelling is located may approve of the use, in the dwelling or a part of the dwelling, of a battery powered smoke alarm (rather than one that is connected to the mains power supply) if satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —

- (a) a sufficient problem of a structural nature; or*
- (b) a sufficient problem of any other nature, the cause of which is not within the control of the owner.*

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 21 2. Building Act 2011, Section 22 3. Building Act 2011, Section 119 4. Building Regulations 2012

Council delegates its authority and power to the Chief Executive Officer to approve or refuse plans, specifications and an application for a demolition permit submitted under the Building Act 2011,

Subject to-

- (a) Compliance with Sections 21 and 22 of the *Building Act 2011*.
- (b) Notice being given to the applicant informing of their review rights under Section 119 of the *Building Act 2011*.

21. Grant of demolition permit

(1) *The permit authority to which an application for a demolition permit is made must grant the demolition permit if it is satisfied —*

22. Further grounds for not granting an application

(1) *A permit authority to which an application is made may refuse to grant the building permit or demolition permit applied for if it appears to the permit authority that there is an error in the information provided for the application or in a document that accompanied the application.*

119. Building and demolition permits

A person who applies for a building permit or demolition permit may apply to the State Administrative Tribunal for a review of the decision of the permit authority —

- (a) *to refuse to grant a building permit or demolition permit; or*
- (b) *in relation to a condition imposed on the grant of a building permit or demolition permit; or*
- (c) *in relation to a condition added or varied under section 27(3).*

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2. Building Act 2011, Section 96

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Regulations 2012. 2.

Council delegates its authority and power to the Chief Executive Officer to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012,

Subject to-

- 1.0 Any appointment being in writing to the employee so appointed;
- 2.0 The employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power or the discharge of the duty.

96. Authorised persons

(3) A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.

127. Delegation: special permit authorities and local governments

(1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.

(2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.

(3) A delegation of a local government's powers or duties may be only to a local government employee.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 133. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 96. 2. Building Regulations 2012

Council delegates its authority and power to the Chief Executive Officer to commence proceedings for an alleged offence under the Building Act 2011 and Building Regulations 2012.

133. Prosecutions

- (1) A prosecution for an offence against this Act may be commenced by, and only by —*
- (a) a permit authority or a person authorised to do so by a permit authority; or*
 - (b) a local government or a person authorised to do so by a local government.*

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 127. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Building Act 2011, Section 110 2. Building Act 2011, Section 117 2. Building Regulations 2012

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

1.0 Make a building order in respect of one or more of the following-

- (a) Particular building work;
- (b) Particular demolition work; or
- (c) A particular building or incidental structure.

2.0 Revoke a building order,

Subject to compliance with Section 117(1) of the Building Act 2011 by serving written notice to each person to whom the order is directed.

110. Building orders

(1) A permit authority may make an order (a building order) in respect of one or more of the following —

- (a) particular building work;*
- (b) particular demolition work;*
- (c) a particular building or incidental structure, whether completed before or after commencement day.*

117. Revocation of building order

(1) A permit authority may, by notice in writing, revoke a building order at any time and must serve each person to whom the order is directed with a copy of the notice.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO and CBFCO Jointly
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Bushfires Act 1954, Sections 59(3), 59(5), 59A(2). 2. Bushfires Infringement Regulations, Regulation 4.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. . 2.

Council delegates its authority and power to the Chief Executive Officer and Chief Bush Fire Control Officer jointly to carry out enforcement proceedings and to perform the specified duties under the Bushfires Act.

59. Prosecution of offences

(3) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

(5) Notwithstanding that a local government has under subsection (3) conferred authority on a delegate, the local government is not precluded from exercising but may itself exercise the authority.

4. Prescribed officers

For the purposes of section 59A(5) of the Act a prescribed officer is —

(a) in the case of an infringement notice issued by a local government, or at the request of a local government, or by a person acting pursuant to a delegation made by a local government pursuant to section 59(3) of the Act —

the chief executive officer, mayor or president of the local government;

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Bushfires Act 1954, Section 48. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. 2.

Council delegates its authority and power to the Chief Executive Officer to perform all the functions and duties of the local government under the Bushfires Act 1954,

Subject to-

- (a) This power and authority cannot be sub-delegated by virtue of Section 48(3) of the Bushfires Act.
- (b) The exclusion of powers and duties prescribed in the Act including those that require a resolution by the local government.
- (c) where the exercise of authority relates to the determination of firebreaks in alternative positions, or alternative action to abate fire hazards, the CEO shall liaise with the Chief Bushfire Control Officer on each specific variation request.

48. Delegation by local governments

(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

(2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —

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

(b) is to be treated as performance by the local government.

(3) A delegation under this section does not include the power to subdelegate.

(4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	President and Chief Bushfire Control Officer Jointly
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Bushfires Act 1954, Section 17(10). 2. Bushfires Act 1954, Section 18(5C)

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Bushfires Act 1954, Section 17(7) and (8) 2. Bushfires Act 1954, Section 18(5) and (5C)

Council delegates its authority and power to the Shire President and Chief Bushfire Control Officer jointly to-

1.0 Vary the prohibited burning times within the district of the Shire of Yilgarn,
Subject to-

(a) The appropriate notice being given as required by Section 17(8) of the *Bushfires Act 1954*.

2.0 Vary the restricted burning times within the district of the Shire of Yilgarn –

(a) The appropriate notice being given as required by Section 18(5C) of the *Bushfires Act 1954*.

NB: Where agreement cannot be reached, then the matter shall be presented to Council for determination

17. Prohibited burning times may be declared by Minister

(7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by –

(a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
(b) imposing a further period of prohibited burning times.

(7B) A variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

18. Restricted burning times may be declared by FES Commissioner

(5) Subject to subsection (5B) in any year in which a local government considers that seasonal conditions so warrant the local government may, after consultation with an authorised CALM Act officer if forest land is situated in its district –

(a) vary the restricted burning times in respect of that year in the district or a part of the district by –
(i) shortening, extending, suspending or reimposing a period of restricted burning times; or
(ii) imposing a further period of restricted burning times; or
(b) vary the prescribed conditions by modifying or suspending all or any of those conditions.

(5B) A variation shall not be made under subsection (5) if that variation would have the effect of –

(a) shortening the restricted burning times by; or
(b) suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Caravan Park and Camping Grounds Act 1995, Section 17(1). 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Caravan Park and Camping Grounds Regulations 1997. 2.

Council delegates its authority and power to the Chief Executive Officer to perform the duties of an authorised person under the Caravan Park and Camping Grounds Act 1995 and the Caravan Park and Camping Ground Regulations 1997,

17. Appointment of authorised person

(1) The chief executive officer of the Department or a local government —

(a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and

(b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Infrastructure Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Control of Vehicles (Off-road Areas) Act 1978, Section 38(3). 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Control of Vehicles (Off-road Areas) Regulations 1979. 2.

Council delegates its authority and power to the Chief Executive Officer to perform the duties of an authorised officer under the Control of Vehicles (Off-road Areas) Act 1978, for the whole of the district of the Shire of Yilgarn,

38. Authorised officers, who are, functions of etc.

(3) A local government may by resolution appoint —

(a) any employee of the local government; and

(b) where the Minister by notice published in the Government Gazette authorises the local government to do so, any member of the council of that local government, to be an authorised officer for the purposes of this Act either in respect of the whole of its district or any part thereof defined in the appointment.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Executive Manager Regulatory Services and Shire Ranger

Legal (Parent):
<ol style="list-style-type: none"> 1. Dog Act 1976, Section 10AA. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Dog Act 1976, Sections 11, 12, 29(1) and 44(2) 2. Dog Regulations 2013.

Council delegates its authority and power to the Chief Executive Officer to appoint persons as Registration Officers and Authorised Officers under the Dog Act 1976,

Subject to -

- 1.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

10AA. Delegation of local government powers and duties

(1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.

11. Staff and services

(1) For the purposes of this Act a local government may establish and maintain one or more dog management facilities and may appoint, under and subject to the provisions of the Local Government Act 1995, fit and proper persons to administer those facilities and otherwise to carry out the objects of this Act.

29. Power to seize dogs

(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.

44. Enforcement proceedings

(2) Any proceedings under this Act, whether civil or penal, may be taken —

- (a) by any police officer, in the name of the Crown; or
- (b) by any employee of a local government authorised in that behalf by the local government, in the name of the local government; or
- (c) by any person aggrieved.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub delegated to Executive Manager Regulatory Services and Shire Ranger

Legal (Parent):
<ol style="list-style-type: none"> 1. Cat Act 2011, Section 44. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Cat Act 2011, Sections 45(1) and 48(1)

Council delegates its authority and power to the Chief Executive Officer to appoint persons as Authorised Persons under the Cat Act 2011,

Subject to -

- 1.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

44. Delegation by local government

(1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

45. Delegation by CEO of local government

(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 another provision of this Act.

48. Authorised persons

(1) A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	Environmental Health Officers
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Food Act 2008, Section 122. 2. Food Act 2008, Section 126.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Food Regulations 2009. 2. Food Act 2008, Sections 38, 62, 65, 66, 67.

Council delegates authority to and appoints -

- 1.0 Nic Warren, Executive Manager Regulatory Services, as a Designated Officer for the purposes of sections 126(3), (6) and (7) of the *Food Act 2008* and the *Food Regulations 2009*.
- 2.0 Nic Warren, Executive Manager Regulatory Services (Environmental Health Officer), as Designated Officer for the purposes of sections 126(2) of the *Food Act 2008* and the *Food Regulations 2009*, and
- 3.0 Nic Warren, Executive Manager Regulatory Services (Environmental Health Officer), as Authorised Officers for the purposes of sections 38 and 62, 65, 66 and 67 of the *Food Act 2008* and *Food Regulations 2009*, for all food premise types.

38. Powers of authorised officers

62. Grounds for serving improvement notice

65. Prohibition order

66. Certificate of clearance to be given in certain circumstance

67. Request for re-inspection

122. Appointment of authorised officers

(1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if

(a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or

(b) the person holds office as an environmental health officer under the *Health Act 1911*.

126. Infringement notices

(1) In this section —

designated officer means an authorised officer designated by an enforcement agency under subsection (13) to be a designated officer;

prescribed means prescribed by the regulations.

Date Adopted:	16 March 2017	Delegate:	Executive Manager Regulatory Services
Date Last Reviewed:	20 February 2020	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent):	Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Public Health Act 2016 2. Health (Miscellaneous Provisions) Act 1911 	<ol style="list-style-type: none"> 1.

As per Section 312 of the Public Health Act 2016, Executive Manager Regulatory Services Nic Warren is designated as an Authorised Officer

312. Environmental health officers to be authorised officers for certain purposes

(1) If, immediately before this section comes into operation, a person holds an appointment as an environmental health officer under the Health Act, then, on this section coming into operation, the person is to be taken —

- (a) to have been designated as an authorised officer under section 24(1) by the local government that appointed the person as an environmental health officer; and*
- (b) to have been so designated for the purposes of —*
 - (i) Parts 8, 9, 14 and 16; and*
 - (ii) the Health Act sections 145(1), 157(2), 173 (paragraph (a) of the definition of authorised person), 181, 183, 184(1), 257, 262(3), 265(1), 267(1)(c), 268(a), 277(1)(b) and (3), 280(2), 349(1), 351(1), (2) and (5), 352(1) and (2), 358(2) and 375; and*
 - (iii) the Dog Act 1976; and*
 - (iv) the Tobacco Products Control Act 2006; and*
 - (v) the Food Act 2008; and*
 - (vi) the Cat Act 2011.*

Date Adopted:	16 March 2017
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO and Executive Manager Regulatory Services
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Health (Miscellaneous Provisions) Act 1911, Part IV, V, VI and VII. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1.

Council delegates its authority, powers and functions under-

- 1.0 The *Health (Miscellaneous Provisions) Act 1911* (as amended) to the Chief Executive Officer and Nic Warren, Executive Manager Regulatory Services (Environmental Health Officer), relating to:
 - (i) Part IV - Division 2, Division 4 and Division 7;
 - (ii) Part V – Divisions 1, 2 and 3;
 - (iii) Part VI; and
 - (iv) Part VII – Division 1
 Subject to the conditions of-
 - (a) With respect to Part IV – Divisions 2, 4 and 7, authority is limited to the approval of applications under Section 107; the forming of opinions; the issuing of notices, requisitions, directions and orders, subject to prior consultation with and agreement of the Council; the carrying out or causing to be carried out, works in default of duly served notices, but does not include the undertaking or contracting of works, the provision of sanitary conveniences or receptacles, the making of charges for works or the supply of pans or receptacles for refuse.
 - (b) With respect to Part V – Division 1 and 2, authority is limited to the forming of opinions and issuing of notices and directions subject to prior consultation with and agreement of the Council, but does not include the carrying out of works in default of duly served notices.
 - (c) With respect to Part VII Division 1, authority extends to the issuing of requisitions and, in the case of default, the causing of requisite work to be done, subject to prior discussion with and agreement of the Council.
- (v) *The Health (Miscellaneous Provisions) Act 1911* and the Regulations, Local-Laws and orders made thereunder relating to issue such notices as are deemed necessary for breaches of the Act,
Subject to the conditions of-
 - (a) Any non-compliance with any notice will be referred to the Council before proceeding with legal action.
- 2.0 Section 107 of the *Health (Miscellaneous Provisions) Act 1911* (as amended) to Nic Warren, Executive Manager Regulatory Services (Environmental Health Officer), relating to the approval of applications for effluent disposal systems.
- 3.0 *The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* to Peter Clarke, Chief Executive Officer, and Nic Warren, Executive Manager Regulatory Services (Environmental Health Officer).

Date Adopted:	16 March 2017
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO and Executive Manager Regulatory Services
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. Health (Miscellaneous Provisions) Act 1911 2. Criminal Procedure Act 2004

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Health (Asbestos) Regulations 1992 2.

Council delegates its authority and power to the Executive Manager Regulatory Services as an Authorised Officer to issue infringements.

Council delegates its authority and power to the Chief Executive Officer as an Approved Officer to withdraw infringements.

Health (Asbestos) Regulations 1992

15D. Infringement notices

(5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
1. Litter Act 1979, Section 30(4a).
2.

Legal (Subsidiary):
1. Litter Regulations 1981.
2.

Council delegates its authority and power to the Chief Executive Officer to withdraw infringement notices under the Litter Act.

26. Authorised officers, appointment and jurisdiction of etc.

(1) For the purposes of this Act an authorised officer is —

(a) any member of the Police Force;

(b) any person appointed as such pursuant to subsection (2) within the area of jurisdiction entrusted to him by the appointment;

(c) within the district of a local government, any person who is —

(i) a member of the council of the local government; or

(ii) an employee of the local government; or

(iii) an honorary inspector appointed by the local government under section 27AA.

30. Infringement notices

(4) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 28 days after the service of the notice, by the sending of a notice, in the prescribed form, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.

(4a) A withdrawal notice sent under subsection (4) shall be signed by a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served.

Date Adopted:	17 March 2016
Date Last Reviewed:	20 February 2020
Policy Reference:	

Delegate:	Chief Executive Officer
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-Delegated to Executive Manager Regulatory Services

Legal (Parent):
<ol style="list-style-type: none"> 1. Town Planning Scheme 2. 2.

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Planning and Development Act 2005

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

Advertise in a newspaper circulating within the district and by other means deemed appropriate, applications for developments or approval under "SA" conditions of the Shire of Yilgarn Town Planning Scheme No.2.

Shire of Yilgarn Town Planning Scheme No.2

3.2.2 "SA" means that the use is not permitted unless the Council has granted planning approval after giving notice in accordance with clause 6.3