



SHIRE OF  
**WAROONA**  
SEA TO SCARP

**Register of Delegations**  
Council to Committees and Chief Executive  
Officer

## About this document

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

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

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

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## Background

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

## Statutory Framework

### Local Government Act 1995

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

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

*\* Absolute majority required.*

- (2) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

*\* Absolute majority required.*

- (3) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (4) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

- (5) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

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

- (1) A local government can delegate —

- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
  - (i) any power or duty that requires a decision of an absolute majority of the council; and
  - (ii) any other power or duty that is prescribed; and

- (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
- (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
  - (i) the local government's property; or
  - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

#### 5.18. Register of delegations to committees

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

#### 5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

*\* Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

#### 5.43. Limits on delegations to CEO

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

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

#### 5.44. CEO may delegate powers and duties to other employees



- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
  - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
  - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

#### 5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
  - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
  - (b) a CEO from performing any of his or her functions by acting through another person.

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

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

## Local Government (Administration) Regulations 1996

### 18G. Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

### 19. Delegates to keep certain records (Act s.5.46(3))

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

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

## Other Legislation

- *Building Act 2011*
- *Building Regulations 2012*
- *Bush Fires Act 1954*
- *Caravan Parks & Camping Grounds Act 1995*
- *Caravan Parks & Camping Grounds Regulations 1997*
- *Cat Act 2011*
- *Cat Regulations 2012*
- *Control of Vehicle (Off-road Areas) Act 1978*
- *Control of Vehicle (Off-road Areas) Regulations 1979*
- *Criminal Procedures Act 2004*
- *Criminal Procedures Regulations 2005*
- *Dog Act 1976*
- *Food Act 2008*
- *Food Regulations 2009*
- *Health (Miscellaneous Provisions) Act 1911*
- *Liquor Control Act 1988*
- *Litter Act 1979*
- *Litter Regulations 1981*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Local Government (Parking for People with Disabilities) Regulations 2014*
- *Planning & Development (Local Planning Schemes) Regulations 2015*
- *Road Traffic Act 1974*

- *Shire of Waroona Activities on Thoroughfares & Trading in Thoroughfares and Public Places Local Law 2001*
- *Shire of Waroona Cat Local Law 2023*
- *Shire of Waroona Dog Local Law 2023*
- *Shire of Waroona Drakesbrook Cemetery Local Law 2021*
- *Shire of Waroona Extractive Industries Local Law 2021*
- *Shire of Waroona Fencing Local Law 2014*
- *Shire of Waroona Health Local Law 2021*
- *Shire of Waroona Local Government Property Local Law 2014*
- *Strata Titles Act 1985*
- *Strata Titles General Regulations 1996*

## Definitions

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

- s.5.16 refers to “...the exercise of any of its powers and duties...”
- s.5.42 refers to “...the exercise of any of its powers or the discharge of any of its duties...”

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

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

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

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

“Policy” as the context requires, means either:

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

“Instruction” means the requirement for a staff member to act in accordance with a direction given by the CEO, senior officer or supervisor.

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

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

Guideline No. 17 can be found on the Department website [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au)

### Delegations to a Temporarily Employed or Appointed Chief Executive Officer

In accordance with Shire of Waroona policy CGP018 – Temporary Employment or Appointment of a Chief Executive Officer, an Acting CEO shall exercise the powers, including delegations, and discharge the duties of the CEO for those periods when the CEO is:

- a. on planned or unplanned leave for a period exceeding 48 hours;
- b. not within the State of Western Australia for a period of more than one week;
- c. during other absences, as determined necessary by the Chief Executive Officer;

but in any case, not for a period exceeding 6 weeks in any one occasion.

## 1. Delegations from Council to Committees

Nil.

## 2. Delegations from Council to Chief Executive Officer

### 2.1 Building Act 2011

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

#### 2.1.1 Uncertified Application to be Considered by Building Surveyor

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	s.17(1) Uncertified application to be considered by building surveyor
<b>Function</b>	Authority to refer to a building surveyor an uncertified application if the application complies with section 16 [s.17(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.2 Building Permits

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<p>s.18 Further information  s.20 Grant of building permit  s.22 Further grounds for not granting an application  s.23 Time for deciding an application for building or demolition permit  s.24 Notice of decision not to grant building or demolition permit  s.27(1) &amp; (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i>  r.23 Application to extend time during which permit has effect [s.32]  r.24 Extension of time during which permit has effect [s.32(3)]  r.26 Approval of new responsible persons [s.35(c)]</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to refuse to consider an application [s.18(2)].</li> <li>3. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>4. Authority to refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in s.23(1) and (2) [s.23(4)].</li> <li>5. Record the grounds on which a decision to refuse to grant a building permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].</li> <li>6. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>7. Authority to determine an application to extend time during which a building permit has effect [r.23 and r.24].</li> <li>8. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Regulation 5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

### 2.1.3 Demolition Permits

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<p>s.18 Further information  s.21 Grant of demolition permit  s.22 Further grounds for not granting an application  s.23 Time for deciding an application for building or demolition permit  s.24 Notice of decision not to grant building or demolition permit  s.27(1) &amp; (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i>  r.23 Application to extend time during which permit has effect [s.32]  r.24 Extension of time during which permit has effect [s.32(3)]  r.26 Approval of new responsible persons [s.35(c)]</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to refuse to consider an application [s.18(2)].</li> <li>3. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.21(1) &amp; (2) and s.22].</li> <li>4. Authority to refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in s.23(1) and (2) [s.23(4)].</li> <li>5. Record the grounds on which a decision to refuse to grant a demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].</li> <li>6. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>7. Authority to determine an application to extend time during which a demolition permit has effect [r.23 and r.24].</li> <li>8. Authority to approve, or refuse to approve, an application for a new responsible person for a responsible permit [r.26].</li> </ol>
<b>Delegates</b>	CEO



<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.4 Occupancy Permits or Building Approval Certificates

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<p>s.55 Further information  s.58 Grant of occupancy permit, building approval certificate  s.59 Time for granting occupancy permit or building approval certificate  s.60 Notice of decision not to grant occupancy permit or grant building approval certificate  s.62(1) and (3) Conditions imposed by permit authority  s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i>  r.40 Extension of period of duration of time limited occupancy permit or building approval certificate [s.65]</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application and to verify the information by statutory declaration [s.55(1)].</li> <li>2. Authority to refuse to consider an application [s.55(2)].</li> <li>3. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>4. Authority to record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60].</li> <li>5. Authority to impose, add, vary or revoke conditions on an occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1) and (3)].</li> <li>6. Authority to give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62 (4) and (5)].</li> <li>7. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>

	8. Authority to refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40 (2)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.5 Designate Employees as Authorised Persons

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.6 Building Orders

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<p>s.88 Finishes of walls close to boundaries</p> <p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1) &amp; (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2) &amp; (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>building work;</li> <li>demolition work; and</li> <li>an existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>Authority to specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)].</li> <li>Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>Authority to revoke a building order [s.117].</li> <li>Authority to decide on whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)].</li> <li>If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>take any action specified in the order; or</li> <li>commence or complete any work specified in the order; or</li> <li>if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> </ol>

	8. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.7 Inspection and Copies of Building Records

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	s.131(2) Inspection, copies of building records
<b>Function</b>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.1.8 Referrals and Issuing Certificates

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	s.145A Local Government functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a Certificate of Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Waroona's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference



### 2.1.9 Private Pool Barrier – Alternative and Performance Solutions

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant problems of a structural nature or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)].</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

### 2.1.10 Smoke Alarms – Alternative Solutions

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.55 Terms used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

### 2.1.11 Appointment of Approved Officers and Authorised Officers

<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> r.70 Approved officers and authorised officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(1) &amp; (1A) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></li> <li>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)

Amendments		
Date	Details of Amendment	Reference

## 2.2 Bush Fires Act 1954

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

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

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.13(4) Duties and powers of bush fire liaison officers
<b>Function</b>	Authority to request on behalf of the Shire of Waroona that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
27/09/22	Removed Shire President from list of Delegates.	27/09/127

## 2.2.2 Prohibited Burning Times – Vary

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) & (8))
<b>Express power or duty delegated</b>	s.17(7) Prohibited burning times may be declared by Minister  <i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
<b>Delegates</b>	Shire President Chief Bush Fire Control Officer
<b>Conditions</b>	Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) & (8).
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
27/09/2022	Removed s.48 Delegation by Local Government from Express Power to Delegate.	OCM22/09/127

### 2.2.3 Prohibited Burning Times – Control Activities

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions  s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i>  r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.  r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times  r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of Waroona or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures</li> </ol>

	to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
	Removed s.17(7) from Express Power or Duty Delegated list.	
27/09/2022	Removed reference to Decisions made under S.17(7), from Conditions.	OCM22/09/127

## 2.2.4 Restricted Burning Times – Vary and Control Activities

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p>s.18(5) &amp; (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) &amp; (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) &amp; (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) &amp; (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]: <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> </ol>



	<ol style="list-style-type: none"> <li>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>9. Authority to recover the cost of measures taken by the Shire of Waroona or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

## 2.2.5 Control of Operations Likely to Create Bush Fire Danger

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p>s.27D Requirements for carriage and deposit of incendiary material</p> <p><i>Bush Fires Regulations 1954</i></p> <p>r.39C Welding and cutting apparatus, use of in open air</p> <p>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</p> <p>r.39D Explosives, use of</p> <p>r.39E Fireworks, use of</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>b. a person operating a bee smoker device during a prescribed period [r.39CA(5)];</li> <li>c. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)];</li> <li>d. a person using explosives [r.39D(2)]; and</li> <li>e. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D].</li> </ol> <p>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

## 2.2.6 Burning Garden Refuse / Open Air Fires

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p>s.24F Burning garden refuse during limited burning times  s.24G Minister or local government may further restrict burning of garden refuse  s.25 No fire to be lit in open air unless certain precautions taken  s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954</i>  r.27(3) Permit, issue of</p>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: <ol style="list-style-type: none"> <li>a. authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]; and</li> <li>b. authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)]; and</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in</li> </ol>

	open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

## 2.2.7 Firebreaks

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.33 Local government may require occupier of land to plough or clear firebreaks
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Waroona: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]: <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

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

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.38(1), (2A), (2C), (5A), (8), (9), (10) and (13) Local government may require occupier of land to plough or clear firebreaks
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> <li>of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li> <li>determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>Authority to cause a notice of an appointment made under the provisions of section 38(1) of the Act to be published in accordance with the Act [s.38(2A)].</li> <li>To fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush fire Control Officer within one month after the vacancy occurs [s.38(2C)].</li> <li>Authority to issue directions to a Bush Fire Control Officer or to an officer of a bush fire brigade registered to the local government, to burn on or at the margins of a road reserve under the care, control and management of the Shire of Waroona [s.38(5A)].</li> <li>Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]: <ol style="list-style-type: none"> <li>authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> <li>Authority to give notice of an appointment made under s.38(8) or s.38(10) to the FES Commissioner and to publish the appointments of fire weather officers made under the <i>Bush Fires Act 1954</i> in a newspaper circulating in the district [s.38(13)].</li> </ol>

<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

<b>Amendments</b>		
<b>Date</b>	<b>Details of Amendment</b>	<b>Reference</b>



## 2.2.9 Control and Extinguishment of Bush Fires

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.46(1A) and (1B) Bush fire control officer or forest officer may postpone lighting fire
<b>Function</b>	Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

### 2.2.10 Apply for Declaration as an Approved Area

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.52(1) Approved area may be declared
<b>Function</b>	Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)]. (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area [s.53].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

### 2.2.11 Recovery of Expenses Incurred through Contraventions of the Act

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government
<b>Express power or duty delegated</b>	s.58 General penalty and recovery of expenses incurred
<b>Function</b>	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Waroona or those on behalf on the Shire of Waroona to do so [s.58].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

## 2.2.12 Prosecution of Offences

<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.48 Delegation by local government s.59(3) Delegation of prosecution of offences
<b>Express power or duty delegated</b>	s.59 Prosecution of offences s.59A(2) Alternative procedure - infringement notices
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against the <i>Bush Fires Act 1954</i> [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i> [s.59A(2)].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services Director Corporate & Community Services Manager Ranger & Emergency Services Manager Governance Rangers
<b>Conditions</b>	Prior to the persons appointed as Rangers instigating proceedings in a court of competent jurisdiction, the section Manager is to be consulted.
<b>Express power to subdelegate</b>	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
	Added s.59(3) Delegation of prosecution of offences under Express power to delegate.	
	Changed Director Corporate Services to Director Corporate & Community Services.	
27/09/2022	Added Director Infrastructure & Development Services under Delegates.	OCM22/09/127
20/12/22	Added Manager Governance under Delegates	OCM22/12/191

## 2.3 Cat Act 2011

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

### 2.3.1 Cat Registration

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags  <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to record in the register the information prescribed in respect of each cat registered by the local government [s.12(3)].</li> <li>6. Authority to cause any error in, or omission from, the register to be corrected [s.12(4)].</li> <li>7. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Waroona's District [Regs. Sch. 3 cl.1 (4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .

<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.1 to 2.3.1.	OCM21/05/059

### 2.3.2 Cat Control Notices

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	s.26 Cat control notice may be given to cat owner
<b>Function</b>	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Waroona's District [s.26].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.2 to 2.3.2.	OCM21/05/059

### 2.3.3 Approval to Breed Cats

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	s.37 Approval to breed cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.3 to 2.3.3.	OCM21/05/059



### 2.3.4 Recovery of Costs – Destruction of Cats

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	s.49(3) Authorised person may cause cat to be destroyed
<b>Function</b>	Authority to recover the amount of costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.4 to 2.3.4.	OCM21/05/059

### 2.3.5 Applications to Keep Additional Cats

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)].</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Notices of decision must include advice as to Review rights in accordance with Regulation 11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.5 to 2.3.5.	OCM21/05/059

### 2.3.6 Reduce or Waiver Registration Fees

<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012</i> Sch.3 Fees, cl.1(4)
<b>Function</b>	Authority to reduce or waiver a fee payable under Schedule 3, clauses (2) or (3) in respect to any individual cat.
<b>Delegates</b>	CEO
<b>Conditions</b>	This Delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
<b>Express power to subdelegate</b>	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.6 to 2.3.6.	OCM21/05/059

## 2.4 Dog Act 1976

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

### 2.4.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$10 [s.10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.1 to 2.4.1.	OCM21/05/059

## 2.4.2 Registration of Dogs

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.14(1), (3) & (4) Register of dogs s.16(1), (2), (3A), (3C) & (6) Registration Procedure s.45(2) Evidentiary provisions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to keep an accurate and up-to-date register of dogs registered by the local government [s.14(1)].</li> <li>2. Authority to record in the register the information prescribed in respect of each dog registered by the local government [s.14(3)].</li> <li>3. Authority to cause any error in, or omission from, the register to be corrected [s.14(4)].</li> <li>4. Authority to register a dog in the district in which <ol style="list-style-type: none"> <li>(a) the dog is ordinarily kept; or</li> <li>(b) the dog is deemed to be ordinarily kept pursuant to section 9 or section 10(2),</li> </ol> if the owner of the dog or some person on his behalf delivers an application in the prescribed form, signed by or on behalf of the owner and accompanied by the prescribed fee, if any, to the office of the local government or some other place within the district appointed by the local government for the purpose [s.16(1)]. </li> <li>5. Authority to, on receipt of an application duly made under subsection (1) shall — <ol style="list-style-type: none"> <li>(a) effect the registration in accordance with this Act; or</li> <li>(b) where the local government so directs, refuse the application and refund the fee, if any,</li> </ol> and in either event shall as soon as is practicable thereafter enter the prescribed particulars in the record maintained by the local government pursuant to section 14 [s.16(2)]. </li> <li>6. Authority to cancel the registration of a dog in accordance with section 16(3A) and (3C).</li> <li>7. Authority to, on effecting or renewing any registration, deliver to the applicant — <ol style="list-style-type: none"> <li>(a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the</li> </ol> </li> </ol>

	<p>relevant registration period, and a description of each dog so registered; and</p> <p>(b) in respect of each dog so registered, a registration tag of the prescribed kind [s.16(6)].</p> <p>8. Authority to certify entries in the register of dogs in accordance with s.45(2) [s.45(2)].</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to sub-delegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference

### 2.4.3 Refuse or Cancel Registration

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

<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.2 to 2.4.3.	OCM21/05/059



#### 2.4.4 Kennel Establishments

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

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.3 to 2.4.4.	OCM21/05/059

## 2.4.5 Recovery of Monies Due Under this Act

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

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.4 to 2.4.5.	OCM21/05/059

## 2.4.6 Dispose or Sell Dogs Liable to be Destroyed

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.29(11) Power to seize dogs
<b>Function</b>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> </ol>
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.5 to 2.4.6.	OCM21/05/059

### 2.4.7 Declare Dangerous Dog

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

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.6 to 2.4.7.	OCM21/05/059

## 2.4.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) & (5) Local government may revoke declaration or proposal to destroy
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]: <ol style="list-style-type: none"> <li>(a) Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.7 to 2.4.8.	OCM21/05/059

## 2.4.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

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

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.8 to 2.4.9.	OCM21/05/059

#### 2.4.10 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.33M(1)(a) Local government expenses to be recoverable
<b>Function</b>	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the local government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33M(1)(a)].
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.5.9 to 2.4.10.	OCM21/05/059

### 2.4.11 Applications to Keep More than the Prescribed Number of Dogs

<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	s.26 Approval to keep more than the prescribed number of dogs
<b>Function</b>	<p>To consider and determine written applications seeking approval to keep more than the prescribed number of dogs, (not exceeding 6 dogs) where Council have set a limit of the number of dogs that may be kept on certain land in the district.</p> <p>Conditions may be applied, as necessary to any approval granted.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation)

Amendments		
Date	Details of Amendment	Reference



## 2.5 Food Act 2008

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

### 2.5.1 Determine Compensation

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	s.56(2) Compensation to be paid in certain circumstances s.70(2) & (3) Compensation
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services Development Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500,000. Compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.1 to 2.5.1.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

## 2.5.2 Prohibition Orders

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.2 to 2.5.2.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

### 2.5.3 Food Business Registrations

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	s.110(1) & (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA; Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1; WA Priority Classification System; and Verification of Food Safety Program Guideline.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.3 to 2.5.3.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

## 2.5.4 Appoint Authorised Officers and Delegated Officers

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	s.122(1) Appointment of authorised officers s.126(6), (7) & (13) Infringement officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: Appointment of Authorised Officers as Meat Inspectors; Appointment of Authorised Officers; Appointment of Authorised Officers – Designated Officers only; and Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.4 to 2.5.4.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012



## 2.5.5 Debt Recovery and Prosecutions

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.5 to 2.5.5.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates	OCM22/12/191



## 2.5.6 Abattoir Inspections and Fees

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Regulations 2009</i> r.43 Local government may require security r.45 Withdrawal of inspection services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, relevant to the payment of abattoir meat inspection fees under Regulation 41, to: <ol style="list-style-type: none"> <li>(a) require a person to provide security,</li> <li>(b) determine the form that security is to be provided, and</li> <li>(c) discharge a security held by the Shire of Waroona [r.43].</li> </ol> </li> <li>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].</li> </ol>
<b>Delegates</b>	CEO Director Infrastructure & Development Services
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.6 to 2.5.6.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

## 2.5.7 Food Business List – Public Access

<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.118 (2), (3) & (4) Functions of enforcement agencies and delegation
<b>Express power or duty delegated</b>	<i>Food Regulations 2009</i> r.51 Enforcement agency may make list of food businesses publicly available
<b>Function</b>	Authority to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	CEO Director Infrastructure & Development Services Environmental Health Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	Sub-delegation not provided for in <i>Food Regulations 2009</i>

<b>Amendments</b>		
<b>Date</b>	<b>Details of Amendment</b>	<b>Reference</b>
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.7 to 2.5.7.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

## 2.6 Graffiti Vandalism Act 2016

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

### 2.6.1 Giving Notice Requiring Obliteration of Graffiti

<b>Head of power</b>	Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.16 Delegation by local government
<b>Express power or duty delegated</b>	s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Function</b>	<ol style="list-style-type: none"><li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li><li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li></ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.1 to 2.6.1.	OCM21/05/059

## 2.6.2 Notices – Deal with Objections and Give Effect to Notices

<b>Head of power</b>	Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.16 Delegation by local government
<b>Express power or duty delegated</b>	s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>b. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.2 to 2.6.2.	OCM21/05/059

### 2.6.3 Obliterate Graffiti on Private Property

<b>Head of power</b>	Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.16 Delegation by local government
<b>Express power or duty delegated</b>	s.25(1) Local government graffiti powers on land not local government property
<b>Function</b>	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.3 to 2.6.3.	OCM21/05/059

## 2.6.4 Powers of Entry

<b>Head of power</b>	Graffiti Vandalism Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.16 Delegation by local government
<b>Express power or duty delegated</b>	s.28 Notice of entry s.29 Entry under warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.4 to 2.6.4.	OCM21/05/059



## 2.7 Liquor Control Act 1988

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

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

<b>Head of power</b>	Liquor Control Act 1988
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	s.39 Certificate of local government as to whether premises comply with laws s.40 Certificate of planning authority as to whether use of premises complies with planning laws
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to enforce all local authority responsibilities under the <i>Liquor Control Act 1988</i> and <i>Liquor Licensing Act 1988</i>.</li> <li>2. To issue certificates of Local Health Authority and Local Planning Authority.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.8.1 to 2.7.1.	OCM21/05/059

## 2.8 Local Government Act 1995

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

### 2.8.1 Performing Functions Outside the District

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.20(1) Performing functions outside district
<b>Function</b>	Authority to determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of that function [s.3.20(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the function does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.1 to 2.8.1.	OCM21/05/059

## 2.8.2 Compensation for Damage Incurred when Performing Executive Functions

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.22(1) Compensation s.3.23 Arbitration
<b>Function</b>	<ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegation is limited to settlements which do not exceed a material value of \$500,000.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.2 to 2.8.2.	OCM21/05/059

### 2.8.3 Notice Requiring Certain Things to be done by Owner or Occupier of Land and Additional Powers when Notice is Given

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.25(1) Notices requiring certain things to be done by owner or occupier of land s.3.26(2) & (3) Additional powers when notices given
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that <ol style="list-style-type: none"> <li>a. is prescribed for in Schedule 3.1, Division 1; or</li> <li>b. is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 [s.3.25(1)].</li> </ol> </li> <li>2. If the person who is given the notice fails to comply with it, authority to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice is given [s.3.26(2)].</li> <li>3. Authority to recover the cost of anything that is done under subsection (2) as a debt due from the person who failed to comply with the notice [s.3.26(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.3 to 2.8.3	OCM21/05/059

## 2.8.4 Powers of Entry

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry or enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.4 to 2.8.4.	OCM21/05/059

## 2.8.5 Declare Vehicle is Abandoned Vehicle Wreck

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	Authority to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 2.8.6 Confiscated or Uncollected Goods, or alternatively, referred for Council decision.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.5 to 2.8.5.	OCM21/05/059
20/12/22	Corrected delegated authority number 2.9.6 to 2.8.6, under conditions	OCM22/12/191

## 2.8.6 Confiscated or Uncollected Goods

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>  <b>Function</b>	s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of  <ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46].</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> , be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.6 to 2.8.6	OCM21/05/059

## 2.8.7 Disposal of Sick or Injured Animals

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of sick or injured animals [s.3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.7 to 2.8.7.	OCM21/05/059



## 2.8.8 Close Thoroughfares to Vehicles

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfares for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals  <i>Local Government (Functions and General) Regulations 1996</i> r.6(3) Transitional provisions about road closures
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to (a) give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and (b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare [s.3.50A].</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or training water from a thoroughfare to private land [s.3.51].</li> <li>6. Authority to, by local public notice, order that the closure be revoked or that it be varied in such a way as to be less restrictive [r.6(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as</li> </ol>

	<p>soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>2. Maintain access to adjoining land [s.3.52(3)].</p>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

<b>Amendments</b>		
<b>Date</b>	<b>Details of Amendment</b>	<b>Reference</b>
25/05/21	Renumbered from 2.9.8 to 2.8.8.	OCM21/05/059

## 2.8.9 Control Reserves and Certain Unvested Facilities

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Waroona that the Shire of Waroona could do under s.5 of the <i>Parks and Reserves Act 1895</i> [s.3.54(1)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.9 to 2.8.9.	OCM21/05/059

## 2.8.10 Obstruction of Footpaths and Thoroughfares

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch.9.1, cl.3(1)(a) r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1, cl.3(1)(b) r.7 Encroaching on public thoroughfare - Sch.9.1, cl.3(2)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local</i></li> </ol>

	<p><i>Government (Uniform Local Provisions) Regulations 1996.</i></p> <p>2. Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> <li>where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction;</li> <li>provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works;</li> <li>provided evidence of sufficient Public Liability Insurance; and</li> <li>provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.10 to 2.8.10.	OCM21/05/059

## 2.8.11 Gates Across Public Thoroughfares

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare - Sch.9.1, cl.5(1)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Each approval provided must be recorded in the Shire of Waroona's statutory Register of Gates in accordance with Regulation 8 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.11 to 2.8.11.	OCM21/05/059

## 2.8.12 Public Thoroughfare – Dangerous Excavations

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions_ Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare - Sch.9.1, cl.6
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>a. where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works;</li> <li>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works;</li> <li>c. provided evidence of sufficient Public Liability Insurance; and</li> </ol> </li> </ol>



	d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

<b>Amendments</b>		
<b>Date</b>	<b>Details of Amendment</b>	<b>Reference</b>
25/05/21	Renumbered from 2.9.12 to 2.8.12.	OCM21/05/059

### 2.8.13 Crossing – Construction, Repair and Removal

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1, cl.7.2 r.13(1) Requirement to construct or repair crossing - Sch.9.1, cl.7(3)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Actions under this Delegation must comply with procedural requirements details in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.13 to 2.8.13.	OCM21/05/059

## 2.8.14 Private Works on, over or under Public Places

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over or under public places - Sch.9.1, cl.8
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>a. where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works;</li> <li>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works;</li> <li>c. provided evidence of sufficient Public Liability Insurance; and</li> <li>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.14 to 2.8.14.	OCM21/05/059

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

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.21(1) Wind erosion and sand drifts – Sch.9.1, cl.12
<b>Function</b>	Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.15 to 2.8.15.	OCM21/05/059

## 2.8.16 Expressions of Interest for Goods and Services

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.16 to 2.8.16.	OCM21/05/059

## 2.8.17 Tenders for Goods and Services

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.57 Tenders for providing goods or services  <i>Local Government (Functions and General) Regulations 1996</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject tenders, only within the \$500,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</li> </ol>

	<ol style="list-style-type: none"> <li>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$500,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>12. Authority to decline any tender [F&amp;G r.18(5)].</li> <li>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</li> <li>14. Authority to: <ol style="list-style-type: none"> <li>a. vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</li> <li>b. exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ol> </li> <li>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> <li>a. a detailed specification;</li> <li>b. the outcomes of market testing of the specification;</li> <li>c. the reasons why market testing has not met the requirements of the specification' and</li> <li>d. rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ol> </li> <li>2. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> <li>• proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government;</li> <li>• current supply contract expiry is imminent;</li> </ul> </li> </ol>



<p><b>Express power to subdelegate</b></p>	<ul style="list-style-type: none"> <li>• value of the proposed new contract has been included in the draft Annual Budget proposed for adoption.</li> </ul> <ol style="list-style-type: none"> <li>3. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget.</li> <li>4. Authority to enter into a variation [F&amp;G r.20(1) and r.20(2)] subject to: <ul style="list-style-type: none"> <li>• that the variation is minor having regard to the total goods or services that tenderers were invited to supply and shall be consistent with the intended purpose of the contract.</li> </ul> </li> <li>5. Compliance with Council's Purchasing and Procurement Policy and Regional Price Preference Policy.</li> </ol> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.17 to 2.8.17	OCM21/05/059

## 2.8.18 Application of Regional Price Preference Policy

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulations 1996</i> r.24G Adopted regional price preference policy, effect of
<b>Function</b>	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.18 to 2.8.18.	OCM21/05/059

### 2.8.19 Disposing of Property

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.3.58(2) & (3) Disposing of Property
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to dispose of property to: <ol style="list-style-type: none"> <li>the highest bidder at public auction [s.3.58(2)(a)];</li> <li>to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)].</li> </ol> </li> <li>Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> <li>Authority to dispose of property under Regulation 30(3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>Value of property that may be disposed under this Delegation shall not exceed \$500,000 including plant and assets with a depreciated value not exceeding \$500,000, in accordance with the provisions of section 5.43(d) of the <i>Local Government Act 1995</i>.</li> <li>Section 3.58(4) - where the market value of the lease is less than \$15,000 per annum.</li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.19 to 2.8.19.	OCM21/05/059

## 2.8.20 Payments from the Municipal or Trust Funds

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	CEO Shire President
<b>Conditions</b>	Make payments for procurement provided for in Budgets approved by Council, or otherwise approved by Council resolution, and undertaken in accordance with Council's Purchasing and Procurement. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the <i>Local Government Act 1995</i> .
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.20 to 2.8.20.	OCM21/05/059

### 2.8.21 Defer, Grant Discounts, Waive or Write Off Debts

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Waroona [s.6.12(1)(b)].</li> <li>2. Waive or grant concessions in relation to any amount of money [s.6.12(1)(b)].</li> <li>3. Write off any amount of money which is owed to the Shire of Waroona [s.6.12(1)(c)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Write-off fees and charges and interest on rates up to \$1,000 [s.6.12(1)(c) &amp; (2)].</li> <li>2. A debt may only be waived in accordance with Policy CP005 – Donations, Sponsorships and Waivers.</li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.21 to 2.8.21.	OCM21/05/059
27/06/2023	Condition No. 2 added to align with delegated authority under new council policy CP005 - Donations, Sponsorships and Waivers.	OCM23/07/076

## 2.8.22 Power to Invest and Manage Investments

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.14 Power to invest  <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. All investment activity must comply with Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policy FIN019 - Investment of Surplus Funds.</li> <li>2. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>3. Procedures are to be documented.</li> <li>4. Procedures are to be administratively reviewed as per Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>.</li> </ol>
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.22 to 2.8.22.	OCM21/05/059

### 2.8.23 Rate Record Amendment

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.39(2)(b) Rate records
<b>Function</b>	Authority to determine any requirement to amend the rate record for the 5 years preceding the current financial year [s.6.39(2)(b)].
<b>Delegates</b>	CEO
<b>Conditions</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.23 to 2.8.23.	OCM21/05/059

### 2.8.24 Agreement as to Payment of Rates and Service Charges

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	Authority to make an agreement with a person for the payment of rates or service charges [6.49].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.24 to 2.8.24.	OCM21/05/059



### 2.8.25 Determine Due Date for Rates or Service Charges

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.50 Rates or service charges due and payable
<b>Function</b>	Authority to determine the date on which rates or service charges become due and payable to the Shire of Waroona [s.6.50].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.25 to 2.8.25.	OCM21/05/059

## 2.8.26 Recovery of Rates or Service Charges

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.26 to 2.8.26.	OCM21/05/059

### 2.8.27 Recovery of Rates Debt – Require Lessee to Pay Rent

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.60 Local government may require lessee to pay rent
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Waroona [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.27 to 2.8.27.	OCM21/05/059

## 2.8.28 Recovery of Rates Debt – Actions to Take Possession of the Land

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>a. lease the land, or</li> <li>b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>ii. cause the land to be transferred to the Shire of Waroona [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> <li>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.28 to 2.8.28.	OCM21/05/059

## 2.8.29 Rate Record – Objections

<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	s.6.76 Grounds of objection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
<b>Express power to subdelegate</b>	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.29 to 2.8.29.	OCM21/05/059

## 2.9 Local Government (Miscellaneous Provisions) Act 1960

An Act to deal with certain matters concerning local government.

### 2.9.1 Appointment of Rangers, Poundkeepers and the Establishment of Public Pounds

<b>Head of power</b>	Local Government (Miscellaneous Provisions) Act 1960
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	s.449 Pounds, establishing: poundkeepers and rangers, appointing
<b>Function</b>	Authority to establish and maintain one or more public pounds, and appoint fit and proper persons to be keepers of those pounds and appoint a ranger or rangers.
<b>Delegates</b>	CEO
<b>Conditions</b>  <b>Express power to subdelegate</b>	Nil.  <i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.10.1 to 2.9.1.	OCM21/05/059

## 2.10 Planning & Development Act 2005

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

### 2.10.1 Illegal Development

<b>Head of power</b>	Planning & Development Act 2005
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	s.214(2), (3) & (5) Illegal development, responsible authority's powers as to s.215 Illegal development, responsible authority's powers to remove etc.
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority;</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to executive work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> <li>4. If — <ol style="list-style-type: none"> <li>a. a notice is served on a person under section 214(2), (3) or (5) and that person fails to — <ol style="list-style-type: none"> <li>i. carry out the directions within the time specified in the notice; or</li> <li>ii. apply under section 255 for a review of any direction contained in the notice; or</li> </ol> </li> </ol> </li> </ol>



	<p>b. on an application by that person for a review of any direction contained in the notice, the direction is confirmed or varied and the owner fails to carry out the direction as confirmed or varied within the time specified by the State Administrative Tribunal in the notice given under section 255(2), the responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.</p> <p>5. Any expenses incurred by a responsible authority under section 215(1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.11.1 to 2.10.1.	OCM21/05/059

## 2.11 Planning & Development (Local Planning Schemes) Regulations 2015

### 2.11.1 Planning Approvals and Associated Decisions

<b>Head of power</b>	Planning & Development (Local Planning Schemes) Regulations 2015
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Planning &amp; Development (Local Planning Schemes) Regulations 2015</i> Sch.2 cl.82 Delegations by local government
<b>Express power or duty delegated</b>	Exercise of all of the local government's powers and discharge of all of the local government's duties under the Scheme other than the power of delegation
<b>Function</b>	Powers and duties under the Shire of Waroona Local Planning Scheme No. 7 and Regulations, including authority to determine applications for development approval, including applications for land use, home occupations, building envelope variations, the exercise of discretion under the Scheme and the Residential Design Codes, authority to amend or cancel development approval, authority to determine the period in any 12 month period which temporary uses and development do not require development approval, all decisions arising from the imposition of conditions and in relation to Local Planning Policies, Structure Plans, Activity Centre Plans; Local Development Plans and authority to enter and inspect buildings or land.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>3. Decisions relating to Local Planning Policies, Structure Plans, Activity Centre Plans and Local Area Plans may only be determined by the Chief Executive Officer.</li> <li>4. Decisions to proceed with a Local Planning Policy are to be made by the Council.</li> <li>5. Where a public objection has been received after the application has been advertised for comment the application may only be determined by the Chief Executive Officer.</li> <li>6. Where a Councillor has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council.</li> </ol>
<b>Express power to subdelegate</b>	<i>Planning &amp; Development (Local Planning Schemes) Regulations 2015</i>

	cl.83 Local government CEO may delegate powers
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Amendments		
Date	Details of Amendment	Reference

## 2.12 Public Health Act 2016

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

### 2.12.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

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

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.13.2 to 2.12.1.	OCM21/05/059

## 2.12.2 Enforcement Agency Reports to the Chief Health Officer

<b>Head of power</b>	Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	s.22 Reports by and about enforcement agencies
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Waroona [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Delegates</b>	CEO Designated Authorised Officer – Environmental Health Officer
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

### 2.12.3 Designate Authorised Officers

<b>Head of power</b>	Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	s.24(1) & (3) Designation of authorised officers
<b>Function</b>	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> <li>The <i>Public Health Act 2016</i> or other specified Act;</li> <li>Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>an environmental health officer or environmental health officers as a class; OR</li> <li>a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>a mixture of the two. [s.24(1) and (3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>Subject to each person so appointed being; <ul style="list-style-type: none"> <li>Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ol>
<b>Express power to subdelegate</b>	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

#### 2.12.4 Determine Compensation for Seized Items

<b>Head of power</b>	Public Health Act 2016
<b>Delegator</b>	Council
<b>Express power to delegate</b>	s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	s.264 Compensation
<b>Function</b>	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

## 2.13 Shire of Waroona Local Laws

Local Laws made under the powers conferred by the *Local Government Act 1995* and respective Acts.

### 2.13.1 Application of Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001

<b>Head of power</b>	Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	<ul style="list-style-type: none"> <li>cl.2.1 General prohibitions</li> <li>cl.2.2 Activities allowed with a permit – general</li> <li>cl.2.4 Permit required</li> <li>cl.2.5 Removal of redundant crossing</li> <li>cl.2.11 Notice to owner or occupier</li> <li>cl.2.15 Assignment of numbers</li> <li>cl.2.17 Signs</li> <li>cl.3.2 Advertising signs and portable direction signs</li> <li>cl.3.3 Matters to be considered in determining application for permit</li> <li>cl.3.4 Conditions on portable sign</li> <li>c.3.5 Conditions on election sign</li> <li>cl.4.6 Retailer to remove abandoned trolley</li> <li>cl.5.3 Declaration of flora road</li> <li>cl.5.5 Signposting of flora roads</li> <li>cl.5.6 Driving only on carriageway of flora roads</li> <li>cl.5.7 Designation of special environmental areas</li> <li>cl.5.8 Marking of special environmental areas</li> <li>cl.5.10 Relevant considerations in determining application</li> <li>cl.5.15 When application for permit can be approved</li> <li>cl.5.16 Prohibition on burning</li> <li>cl.5.18 When application for permit cannot be approved</li> <li>cl.5.20 Permit for revegetation projects</li> <li>cl.6.3 Trader's permit</li> <li>cl.6.5 Relevant considerations in determining application for permit</li> <li>cl.6.6 Conditions of permit</li> <li>cl.6.17 Matters to be considered in determining application</li> <li>cl.6.18 Obligations of permit holder</li> <li>cl.7.1 Application for permit</li> <li>cl.7.2 Decision on application for permit</li> <li>cl.7.3 Conditions which may be imposed on a permit</li> <li>cl.7.4 Imposing conditions under a policy</li> </ul>



	cl.7.5 Compliance with and variance of conditions cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.8.1 Application of Part 9 Division 1 of Act cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference

### 2.13.2 Application of Shire of Waroona Cat Local Law 2023

<b>Head of power</b>	Shire of Waroona Cat Local Law 2023
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government s.45. Delegation by CEO of local government
<b>Express power or duty delegated</b>	cl.2.3 Direction to abate the nuisance of a cat cl.4.4 Application for permit cl.4.5 Refusal to determine application cl.4.6 Factors relevant to determination of application cl.4.7 Decision on application cl.4.8 Conditions cl.4.10 Revocation cl.5.1 Cat management facility cl.5.3 Charges and costs – imposition cl.6.2 Content of a notice Schedule 1 Additional Conditions Applicable to Particular Permits A. Permit to use premises as a cattery
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19 Dec 23	Added following adoption of Shire of Waroona Cat Local Law 2023	OCM23/12/180

### 2.13.3 Application of Shire of Waroona Dog Local Law 2023

<b>Head of power</b>	Shire of Waroona Dog Local Law 2023
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.2.1 Fees and charges – imposition of cl.4.2 Application for licence for approved kennel establishment cl.4.3 Notice of proposed use cl.4.4 Exemption from notice requirements cl.4.5 When application can be determined cl.4.6 Determination of application cl.4.7 Where application cannot be approved cl.4.8 Conditions of approval cl.4.10 Fees cl.4.11 Form of licence cl.4.13 Variation or cancellation of licence cl.4.14 Transfer cl.4.15 Notification cl.6.5 Payment of modified penalty cl.6.7 Service
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19/12/2023	Updated to reflect new Shire of Waroona Dog Local Law 2023	OCM23/12/180

## 2.13.4 Application of Shire of Waroona Drakesbrook Cemetery Local Law 2021

<b>Head of power</b>	Shire of Waroona Drakesbrook Cemetery Local Law 2021
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.3.1 Applications for burial cl.3.2 Application for cremation cl.3.4 Certificate of identification cl.3.5 Minimum notice required cl.4.3 Application refusal cl.5.1 Requirements for funerals and coffins cl.5.2 Funeral processions cl.5.6 Conduct of funeral by Board cl.5.9 Depositing the coffin cl.5.10 Removal of the name plate and lead strip cl.5.11 Removal of metal fittings cl.5.12 Disposal of ashes cl.5.14 Ashes held by the Board cl.7.1 Application for monumental work cl.7.5 Removal of sand, soil or loam cl.7.6 Hours of work cl.7.8 Use of wood cl.7.11 Australian war graves cl.7.13 Specification of monuments cl.7.15 Requirements of a memorial plaque cl..16 Monumental mason's licence cl.7.18 Carrying out monumental work cl.8.2 Damaging and removing objects cl.8.5 Advertising cl.8.7 Removal from the cemetery
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Amendments</b>	

Date	Details of Amendment	Reference
19/12/23	Renumbered from 2.13.3 to 2.13.4	OCM23/12/180

### 2.13.5 Application of Shire of Waroona Extractive Industries Local Law 2021

<b>Head of power</b>	Shire of Waroona Extractive Industries Local Law 2021
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.3.1 Determination of application cl.4.1 Transfer of licence cl.4.2 Cancellation of licence cl.4.3 Renewal of licence cl.6.3 Prohibitions cl.7.4 Works to be carried out prior to cessation of operation
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.3 to 2.13.4.	OCM21/07/093
20/12/22	Corrected clause numbers under Express power or duty delegated to align with updated Head of Power: Shire of Waroona Extractive Industries Local Law 2021. Removed Clause 22 – Stop work orders.	OCM22/12/191
19/12/23	Renumbered from 2.13.4 to 2.13.5.	OCM23/12/180

### 2.13.6 Application of Shire of Waroona Fencing Local Law 2014

<b>Head of power</b>	Shire of Waroona Fencing Local Law 2014
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.2.1 Sufficient fences cl.2.4 Depositing fencing material on public place cl.2.5 Alteration of ground levels cl.2.8 Fences across rights-of-way, public access ways or thoroughfares cl.2.9 General discretion of the local government cl.2.10 Pre-used fencing materials c.2.11 Barbed wire fences and spiked or jagged materials cl.2.12 Electrified and razor wire fences cl.2.14 Tennis court fencing cl.2.15 Estate fencing cl.3.1 Application for approval cl.3.2 Decision on application for approval cl.3.4 Duration of approval cl.5.1 Notices of breach Sch.2 Residential lot Sch.3 Commercial lot Sch.3A Industrial lot Sch.4 Rural lot Sch.5 Electrified fence licence Sch.6 Razor wire fence licence
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093

27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093
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### 2.13.7 Application of Shire of Waroona Health Local Law 2021

<b>Head of power</b>	Shire of Waroona Health Local Law 2021
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.4.9 Burning of rubbish or refuse cl.4.14 Removal of refuse and disused materials cl.4.15 Removal of unsightly overgrowth of vegetation cl.5.5 Dust management cl.5.6 Emission or reflection of light cl.5.7 Car parks cl.5.13 Bird scaring devices cl.5.19 Keeping of approved animals and provision of stables cl.6.10 Local government may execute work and recover costs cl.7.4 Authorised Officer may disinfect or disinfect the premises cl.7.5 Insanitary houses, premises and things cl.7.7 Persons in contact with an infectious disease sufferer cl.7.8 Declaration of infected house or premises cl.7.11 Local government may carry out work and recover costs cl.8.4 Certificate of Registration of Accommodation cl.8.7 Revocation of registration cl.8.21 Furnishing etc. of sleeping apartments cl.8.26 Keeper report cl.9.5 Certificate of Registration of Premises for Offensive Trade cl.10.3 Other enforcement actions
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.5 to 2.13.6.	OCM21/07/093

24/08/21	Updated to reflect new Health Local Law	OCM21/08/122
19/12/23	Renumbered from 2.13.6 to 2.13.7. Updated to remove clauses which do not include express power or duty delegated to Local Government.	OCM23/12/180

## 2.13.8 Application of Shire of Waroona Local Government Property Local Law 2014

<b>Head of power</b>	Shire of Waroona Local Government Property Local Law 2014
<b>Delegator</b>	Council
<b>Express power to delegate</b>	<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
<b>Express power or duty delegated</b>	cl.1.7 Overriding power to hire or agree cl.2.9 Outright prohibition of specific activities on any local government property cl.3.2 Application for permit cl.3.3 Decision on application for permit cl.3.4 Condition which may be imposed on a permit cl.3.5 Imposing conditions under a policy cl.3.7 Agreement for building cl.3.10 Transfer of permit cl.3.12 Cancellation of permit cl.3.13 Activities needing a permit cl.3.14 Permit required to camp outside a facility cl.4.9 Signs cl.5.1 When entry must be refused cl.6.1 No unauthorised entry to function cl.8.5 Disposal of lost property cl.8.6 Liability for damage to local government property cl.9.1 Offence to fail to comply with notice cl.9.2 Local government may undertake requirements of notice
<b>Function</b>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.6 to 2.13.7.	OCM21/07/093

### 3. History Summary

Date / Reference	Amendments
24 November 2020 OCM20/11/196	Major review – all previous delegations revoked and new delegations created.
25 May 2021 OCM21/05/059	Removed Section 2.3 Caravan Parks & Camping Grounds Act 1995 and Delegation 2.4.7 Infringement Notices – Extensions and Withdrawals.
	Amended Delegations 2.6.1 to 2.6.7, inclusive.
	Renumbered Delegations 2.4.1 to 2.13.2, inclusive.
	Added Delegations 2.12.2, 2.12.3 and 2.12.4.
22 June 2021 OCM21/06/070	Added Delegations 2.13.1 to 2.13.6, inclusive.
27 July 2021 OCM21/07/093	Added Delegation 2.13.3.
24 August 2021 OCM21/08/122	Amended Delegation 2.13.6.
23 November 2021 OCM21/11/181	Annual statutory review – no amendments made.
14 December 2021 OCM21/12/204	Added Delegation 2.4.11.
22 February 2022 OCM22/02/012	Amended Delegations 2.5.1 to 2.5.7, inclusive.
27 September 2022 OCM22/09/127	Amended Delegations 2.2.1, 2.2.2, 2.2.3, and 2.2.12.
20 December 2022 OCM22/12/191	Amended Background and Delegations 2.2.12, 2.5.2, 2.5.3, 2.5.5, 2.5.7, 2.8.5 and 2.13.4.
27 June 2023 OCM23/07/076	Amended Delegation 8.2.21.
19 December 2023	Amended Background and Delegations 2.13.2, 2.13.3 and 2.13.7.





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