

# Register of Delegated Authority 2024/25



## Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No. 17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to 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."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

## Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: The Environmental Protection Act allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

*Planning and Development Act 2005* and associated regulations  
*Dog Act 1976* and regulations;  
*Cat Act 2011* and regulations  
*Bush Fires Act 1954*, regulations and local law created under that Act;  
*Litter Act 1979* and regulations  
*Local Government (Miscellaneous Provisions) 1960* as amended;  
*Caravan Parks and Camping Grounds Act 1995*;  
*Control of Vehicles (Off-Road Areas) Act 1978* and regulations;  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

N.B. – This is not an exhaustive list.

### **\*NOTE\***

**This document is not to be used to replace the adopted Register of Delegated Authority as detailed in Attain. For the most current and up to date version of the City's Delegated Authority Register please see Attain.**

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# 1. Local Government Act 1995 Delegations

## 1.1. Council to CEO/Employees

<b>Delegation</b>	<b>1.1.1 Appoint Authorised Person and Authorise Persons to Perform Specified Functions under the <i>Local Government Act 1995</i></b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing  <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act (i.e. Regulations):             <ol style="list-style-type: none"> <li>(a) <i>Local Government Act 1995</i> and its subsidiary legislation, as well as local laws made under the <i>Local Government Act 1995</i>;</li> <li>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>(c) <i>Cat Act 2011</i>;</li> <li>(d) <i>Cemeteries Act 1986</i>;</li> <li>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>(f) <i>Dog Act 1976</i>;</li> <li>(g) <i>Graffiti Vandalism Act 2016</i>; and</li> <li>(h) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ol> </li> <li>2. Authority to authorise persons for the purposes of Part 3, Division Subdivision 2 – Certain provisions about land to exercise the Local Government’s powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24]</li> <li>3. Authority to authorise persons to enter onto land, premises or a thing without consent of the owner/occupier [s.3.31(2)]</li> <li>4. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)].</li> <li>5. Authority to authorise persons to commence prosecutions for offences under the <i>Local Government Act 1995</i> and any Local Laws made under the <i>Local Government Act 1995</i> [s.9.24(1)(c) and (2)(b)].</li> <li>6. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)].</li> <li>7. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].</li> </ol>
<b>Delegate</b>	Chief Executive Officer

<p><b>Council conditions on this delegation</b></p>	<ol style="list-style-type: none"> <li>1. A register of Authorisations is to be maintained as a Local Government Record.</li> <li>2. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.</li> <li>3. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> <li>4. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004 must first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.</li> <li>5. s9.10 of the <i>Local Government Act 1995</i> cannot be subdelegated</li> </ol>
<p><b>Express power to sub-delegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Director City Development and Sustainability Director City Infrastructure Director City Life</p>
<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<ol style="list-style-type: none"> <li>1. A register of Authorisations is to be maintained as a Local Government Record.</li> <li>2. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.</li> <li>3. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ol> <p>Excludes the following:</p> <ol style="list-style-type: none"> <li>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ul style="list-style-type: none"> <li>(a) <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and local laws made under the Local Government Act 1995;</li> <li>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>(c) <i>Cat Act 2011</i>;</li> <li>(d) <i>Cemeteries Act 1986</i>;</li> <li>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>(f) <i>Dog Act 1976</i>;</li> <li>(g) <i>Graffiti Vandalism Act 2016</i>; and</li> <li>(h) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ul> </li> </ol>
<p><b>Record keeping</b></p>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register;</li> <li>2. A copy of the Certificate of Authorisation for each authorised person to be retained by the City via Attain; and</li> <li>3. Each Certificate of Authorisation is to be reviewed and updated annually.</li> </ol>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

	<b>1.1.2 Removed</b>
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<b>Delegation</b>	<b>1.1.3 Approval of cash advance for reimbursement of expenses</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.5.101(2) Reimbursing an employee for an expense incurred by the employee in relation to a matter affecting the local government s.5.102 Cash advance to a person in respect of an expense for which the person can be reimbursed. <i>Local Government (Administration) Regulations 1996:</i> r.32 Expenses that can be approved for reimbursement
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Approve reimbursing an employee for an expense incurred by the employee in relation to a matter affecting the local government. Making a cash advance to a person in respect of an expense for which the person can be reimbursed.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Subject to Part 5, Division 8 of the <i>Local Government Act 1995</i>; and</li> <li>2. Payment to be occur in accordance with the City's policies and work procedures.</li> </ol>
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Director City Development and Sustainability Director City Infrastructure Director City Life Manager Governance and Legal

<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<ol style="list-style-type: none"> <li>1. Subject to Part 5, Division 8 of the <i>Local Government Act 1995</i>;</li> <li>2. The payment request is submitted and authorised in accordance with the City’s policies and work procedures;</li> <li>3. Wherever possible circumstances in which reimbursement of expenses are required should be limited to occasions where there was no opportunity to utilise standard payment processes;</li> <li>4. No cash advance or reimbursement greater than \$3,000 is to be approved, such requests must be referred to the CEO; and</li> <li>5. Compliance with purchasing policy requirements, including observation of financial interest restrictions.</li> </ol> <p><b>Manager Governance and Legal</b> Limited to cash advance or reimbursement of expenses for elected members, committee members other than elected members and employees who are committee members.</p> <p><b>Directors</b> <b>Chief Financial Officer</b> Limited to cash advance or reimbursement of expenses for others.</p> <p>The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b> Elected Members Allowances, Expenses and Gifts Policy</p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.4 Legal action, notice, proceedings, prosecutions, and withdrawals</b>
<b>Delegator</b> <i>Power / Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO As determined by the Act under which the function is to be performed.
<b>Express power or duty delegated</b>	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under: 1. The <i>Local Government Act 1995</i> and Regulations; 2. Building Act 2011 and Building Regulations 2012 3. City of Kwinana Local Laws; or 4. Any other written law.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The taking of any action, serving of notice or otherwise, commencement of legal proceedings or prosecution on behalf of the City of Kwinana.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	As determined by the Act under which the function is to be performed. A memorandum to Elected Members in the event of intention to enter into prosecution if the amount is over \$50,000.
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Director City Infrastructure Director City Life Manager Building Services Manager Environment and Health Services Manager Essential Services Manager Governance and Legal Manager Planning and Development
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	In relation to: 1. The <i>Local Government Act 1995</i> and Regulations; 2. <i>Building Act 2011</i> and associated Building Regulations 2012 3. City of Kwinana Local Laws; or 4. The commencement of legal proceedings or initiation of a prosecution will not be undertaken without the express approval of the CEO, or where deemed necessary by the CEO, the approval of Council.  In relation to any other written law: a) <b>Directors</b> are authorised to withdraw notices only, they do not have the authority to issue notices. b) <b>Managers</b> are authorised to issue notices only, they do not have the authority to withdraw notices. c) These powers are only to be exercised for legislation which the delegate has been authorised. d) This delegation does not include withdrawals of infringements under the <i>Bush Fires Act 1954</i> .  The exercise of the delegated power does not include the power of delegation.

<b>Policy</b>	<u>City of Kwinana Policies</u> Legal Representation for Elected Members and Officer - Costs Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.5 Administration of Banksia Park Retirement Estate and Callistemon Court Aged Persons Units</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of documents
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to sign documents in relation to the administration of leases and/or tenancy agreement for: <ul style="list-style-type: none"> <li>a) Banksia Park Retirement Estate; and</li> <li>b) Callistemon Court Aged Persons Units</li> </ul> This includes new leases, variations to existing leases and deeds of surrender.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	To be in accordance with: <ul style="list-style-type: none"> <li>1. Department of Housing eligibility requirements; and</li> <li>2. City's Aged Persons Rental Accommodation Policy.</li> </ul>
<b>Express power to sub- delegate</b>	Nil. This authority is not to be sub-delegated.
<b>Policy</b>	Department of Housing eligibility requirements.  <b>City of Kwinana Policies</b> Execution of Documents Aged Person Rental Units Accommodation
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.6 Appointment of proxies</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO Strata Titles Act 1985: s.124 Voting by proxy
<b>Express power or duty delegated</b>	Local Government Act 1995: s.5.41(i) Functions of CEO.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to appoint City of Kwinana employees as Proxies when required to attend: <ul style="list-style-type: none"> <li>• strata meetings; or</li> <li>• meetings of creditors</li> </ul> and vote on behalf of the City of Kwinana.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Proxies must vote in a manner that is consistent with any existing Council decision and must not vote in favour of motions that are outside the budget allocation. If the matter exceeds the budget allocated, then this must be referred to Council for a decision. In relation to strata meetings, must also comply with s.124 of the Strata Titles Act 1985.
<b>Express power to sub- delegate</b>	This Authority is not to be sub-delegated.
<b>Policy</b>	Strata Titles Act 1985 s.124
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.7 Agreements for community funding</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.7 Municipal Fund <i>Local Government (financial management) Regulations 1996:</i> 12. Payments from municipal fund or trust fund, restrictions on making
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To approve an application for funding under the Community Funding Policy.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Must be in accordance with the Community Funding Policy and within budget allocation.
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Director City Life Manager Community Engagement Manager Economic Development and Advocacy
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	To approve an application for funding in accordance with the Community Funding Policy. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Community Funding
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.8 Administration of Leases, licences, and management agreements over City property</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58 Disposing of Property
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authorised to approve and execute any new lease, licence or management agreement up to 5 years duration in respect to a:</p> <ul style="list-style-type: none"> <li>• Community Group or Organisation; or</li> <li>• Sporting Club.</li> </ul> <p>Authorised to approve amendments to a lease, licence or management agreement that are minor in nature:</p> <ul style="list-style-type: none"> <li>• permitting alterations, additions or improvements to the premises;</li> <li>• extensions of a lease, licence and management agreement (up to 12 months).</li> </ul> <p>Authorised to provide consent and execute documents in relation to any assignment or sublease where there is a request by a lessee operating under a lease agreement that Council has approved.</p>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. The sublease must be consistent with the use of the premise permitted by the lease as well as other conditions relating to assignment and sub-letting approved between the City of Kwinana and the lessee.</li> <li>2. Obtain consent from other parties required under the terms of the lease or at law.</li> <li>3. Terms of the sub lease must be consistent with the lease approved by Council.</li> </ol>
<b>Express power to sub-delegate</b>	This authority is not to be sub-delegated.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



<b>Delegation</b>	<b>1.1.9 Administration of a Corporate Discount Agreement</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of documents
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to enter into, make variations and execute documents in relation to the administration of a Corporate Discount Agreement on behalf of the City of Kwinana.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Any agreement must; 1. Result in no cost to the City of Kwinana; 2. to align with the Health Lifestyles Council Policy where relevant; and 3. requires adequate reasons for the decision to be recorded.
<b>Express power to sub- delegate</b>	Nil. This authority is not to be sub-delegated.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>
<b>Record keeping</b>	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and 2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.10 Make variation and execute legal agreements in accordance with Local Planning Policy (LPP) No 2 – Streetscapes</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of documents
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to make variations and execute legal agreements in accordance with Local Planning Policy (LPP) No 2 - Streetscapes.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Any variations can be delegated to the Chief Executive Officer if the variation is consistent with the overall intent of LPP No 2 – Streetscapes and achieves good amenity in the area.
<b>Express power to sub- delegate</b>	Nil. This authority is not to be sub-delegated.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Local Planning Policy No 2 - Streetscapes
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register; and</li> <li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.11 Appointment of Acting Chief Executive Officer</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.5.36 Local government employees
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to appoint an Acting Chief Executive Officer for a period not exceeding six weeks and in accordance with Council Policy.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<p><i>Local Government Act 1995:</i> 5.36. Local government employees</p> <ol style="list-style-type: none"> <li>1. A local government is to employ — <ol style="list-style-type: none"> <li>a) a person to be the CEO of the local government.</li> </ol> </li> <li>2. A person is not to be employed in the position of CEO unless the council — <ol style="list-style-type: none"> <li>b) believes that the person is suitably qualified for the position.</li> </ol> </li> </ol> <p>To satisfy the requirement of sub-clause 5.36(2)(a), Council considers those persons employed in the following positions suitable:  <b>Director City Life</b>  <b>Director City Infrastructure</b>  <b>Director City Development and Sustainability</b></p> <p>The Chief Executive Officer may appoint one or more of those Officers listed above to the role of Acting Chief Executive Officer either singularly or consecutively for a period not exceeding six weeks at his or her discretion, to ensure and provide for best business continuity during the required period(s).</p>
<b>Express power to sub- delegate</b>	Nil. This Authority is not to be sub-delegated.
<b>Policy</b>	<b><u>City of Kwinana Procedure</u></b> Temporary Employment or Appointment of CEO
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.12 Objections to the rates record</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Objection to be received within the required timeframe identifying all relevant information as required by s.6.76(2), unless an application for extension has been granted;</li> <li>2. Objection is to be considered promptly;</li> <li>3. Written notice of the decision, including a statement of the reasons for the decision to be promptly served on the person who has made the objection; and</li> <li>4. Objections that are allowed must not exceed \$50,000 in lost revenue per property per financial year. Amounts greater than this must be referred to Council for determination.</li> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	<ol style="list-style-type: none"> <li>1. Promptly consider any objection;</li> <li>2. Objections that are allowed must not exceed \$5,000 in lost revenue per assessment per financial year; and</li> <li>3. After making a decision on the objection, promptly serve upon the person by whom the objection was made, written notice of the decision on the objection and a statement of the reasons for that decision – 6.76 (5) and (6).</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>

<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain;</li> <li>2. The full details of the decision made under this delegation are to be recorded in the rate record; and</li> <li>3. Notice to be provided to the person of the decision made.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.13 Recovery of rates and services charges from lessee</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.56(1) Rates or service charges recoverable in court s.6.60 Local government may require lessee to pay rent
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authorises the recovery of rent to offset an unpaid rate or service charge from the lessee of land, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. 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 City of Kwinana [s.6.60(2)].</li> <li>3. 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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Recovery action is in accordance with s.6.60 of the <i>Local Government Act 1995</i>;</li> <li>2. Recovery action is in accordance with the City's policies and work procedures.</li> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Manager Governance and Legal Rates Coordinator
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	<p><b>Chief Financial Officer</b> <b>Rates Coordinator</b></p> <ol style="list-style-type: none"> <li>1. Recovery action is in accordance with s.6.56 of the <i>Local Government Act 1995</i>;</li> <li>2. Recovery action is in accordance with the City's policies and work procedures; and</li> <li>3. Recovery action must not commence without the matter being reviewed by the Chief Financial Officer</li> </ol> <p><b>Manager Governance and Legal</b></p> <ol style="list-style-type: none"> <li>1. Recovery action is in accordance with s.6.60 of the <i>Local Government Act 1995</i>;</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<u><a href="#">City of Kwinana Policies</a></u> Debtors Management

<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. The full details of the decision and actions taken under this delegation to be recorded on the rate record.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.14 Recovery and actions against land where rates or service charges are unpaid</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Rates and service charges s.6.56 Rates or service charges recoverable in court s.6.64 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> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to represent the City in the recovery of rates or service charges, as well as to seek costs of proceedings for their recovery, in a court of competent jurisdiction [s.6.56 (1)].</li> <li>2. 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)].</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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Recovery action to be taken in accordance with: <ol style="list-style-type: none"> <li>a) sections 6.64(3), 6.69(2), 6.71(1) (subject to conditions set out in the disposal of property delegations limits), and 6.74 of the <i>Local Government Act 1995</i>;</li> <li>b) regulation 77(3) of the <i>Local Government (Financial Management) Regulations 1996</i>; and</li> <li>c) City policies and procedures.</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> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Rates Coordinator Senior Finance Officer – Rates



<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Limited to the following:</p> <ol style="list-style-type: none"> <li>1. Authority to represent the City in the recovery of rates or service charges, as well as to seek costs of proceedings for their recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. The recovery action is taken in accordance with sections 6.64(3), 6.69(2), 6.71(1) (subject to conditions set out in the disposal of property delegations limits), and 6.74 of the <i>Local Government Act 1995</i>;</li> <li>3. The recovery action is taken in accordance with r.77(3) of the <i>Local Government (Financial Management) Regulations 1996</i>; and</li> <li>4. Recovery and actions are in accordance with the City's policies and work procedures.</li> </ol>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b>  Debtors Management</p>
<p><b>Record keeping</b></p>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. The full details of the decision made under this delegation are to be recorded in the rate record.</li> </ol>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.15 Payments from municipal and trust funds</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<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 <i>Local Government Act 1995: s.6.7(2)</i> Municipal Fund s.6.9(4) Trust Fund
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payment from the municipal or trust funds [r.12(1)(a)].
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Authority to make payments is subject to annual budget limitations.</li> <li>2. May transfer money held in trust for 10 years to its municipal fund. Authorised to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment - 6.9(4) Trust Fund.</li> <li>3. In relation to financial assistance for legal expenses by Elected Members and Officers in an emergency: <ol style="list-style-type: none"> <li>a. The delegation is only applicable where a delay in the approval of an application would be detrimental to the legal rights of the applicant;</li> <li>b. The amount approved is to a maximum of \$10,000 in respect of each application;</li> <li>c. All approved applications are to be presented to the next Ordinary Council Meeting; and</li> <li>d. The delegation is exercised in conjunction with the Legal Representation for Elected Members and Officers – Costs Indemnification and Liability Policy.</li> </ol> </li> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Coordinator Finance Director City Development and Sustainability Director City Infrastructure Director City Life

<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Delegates must comply with the Procedures approved by the CEO in accordance with <i>Local Government (Financial Management) Regulations 1996 r.5.</i></p> <p>This delegation does not include the transfer of money held in trust funds for 10 years to the municipal fund, which must be approved by the Chief Executive Officer.</p> <p>The exercise of the delegated power does not include the power of delegation.</p> <p>Sub Delegation does not include s.3, In relation to financial assistance for legal expenses by Elected Members and Officers in an emergency.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b></p> <p>Use of Corporate Credit Cards  Elected Members Allowances, Expenses and Gifts  Charitable Rate Exemptions  Legal Representation for Elected Members and Officers - Cost Indemnification and Liability</p>
<p><b>Record keeping</b></p>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. A list of accounts paid by the CEO from the municipal fund and trust fund under this delegation is to be presented to Council each month.</li> </ol>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.16 Power to invest</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.14(1) Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. Must establish, document, and adhere to internal control procedures and the relevant Council policies to ensure control over investments; and</li> <li>2. Must have regard to the matters referred to at s.20 of the <i>Trustees Act 1962</i>.</li> </ol> <p>All investment activity must comply with the Financial Management Regulation 19C and Council Policies.</p> <ol style="list-style-type: none"> <li>a) A report detailing the investment portfolio's performance, exposures and changes since the last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>b) Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>c) Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years.</li> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Director City Development and Sustainability Director City Infrastructure Director City Life

<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>This delegation is to be exercised:</p> <ol style="list-style-type: none"> <li>1. In accordance with r.19 of the <i>Local Government (Financial Management) Regulations 1996</i>;</li> <li>2. In accordance with s.20 of the <i>Trustees Act 1962</i>; and</li> <li>3. So that any decision to invest must be co-authorised by two delegated officers.</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b>  Investment Policy and Strategy</p>
<p><b>Record keeping</b></p>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. An investment report must be presented to each monthly Council meeting including the details of investments in accordance with the investment control procedures that have been established.</li> </ol>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.17 Expressions of interest, panels of pre-qualified suppliers and tenders for supply of goods and services</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> 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(2a) & (5) Requirements for publicly inviting tenders r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply good or services r.21 Procedure for limiting who can tender r.23 Rejecting and accepting expressions of interest to be an acceptable tenderer r.24 AB Establish Panels of Pre-Qualified Suppliers r.24 AD (3) and (6) Requirements when inviting Panels of Pre-Qualified Suppliers r.24 AH Rejecting and accepting Panels of Pre-Qualified Suppliers r.24 AJ Contracts with Pre-Qualified Suppliers
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA) [F&amp;G r.11(2)(b) &amp; (e)].</li> <li>3. 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 to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> <li>4. Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise [F&amp;G r.11(2)(h)].</li> <li>5. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</li> <li>6. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>7. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>8. 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>9. 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>10. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>11. Authority to seek clarification from tenderers in relation to</li> </ol>

	<p>information contained in their tender submission [F&amp;G r.18(4a)].</p> <ol style="list-style-type: none"> <li>12. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:</li> <li>13. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>14. To accept the tender that is most advantageous within the conditions of this Delegation [F&amp;G r.18(4)].</li> <li>15. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>16. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>17. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>18. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>19. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract</li> <li>20. 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>21. 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> <li>22. Authority to establish a panel of pre-qualified suppliers (r.24 AB)</li> <li>23. Authority to determine in writing, before a panel of pre-qualified suppliers is called, the criteria for acceptance of applications [F&amp;G r.24AD(3)].</li> <li>24. Authority to vary information after public notice of invitation to the proposed panel and before the close of applications, taking reasonable steps to ensure each person who has sought copies of the proposed panel information is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>25. Authority to assess, by written evaluation, applications that have not been rejected, to determine:</li> <li>26. The extent to which each application satisfies the criteria for deciding which application to accept [F&amp;G r.24AH (3)].; and</li> <li>27. To accept the applications that are most advantageous to the City [F&amp;G r.24AH(3)].</li> <li>28. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>29. Authority to enter into a contract or contracts under a panel of pre-qualified suppliers [F&amp;G r.24AJ(1)].</li> </ol>
<b>Delegate</b>	Chief Executive Officer

<p><b>Council conditions on this delegation</b></p>	<ol style="list-style-type: none"> <li>1. Panels of pre-qualified suppliers, expressions of interest &amp; tenders may only be awarded by the CEO where: <ol style="list-style-type: none"> <li>a) the total consideration under the resulting contract is \$1,000,000 or less; or</li> <li>b) it is a multiple year contract (including extension thereof) up to a total value of \$1,875,000.</li> </ol> </li> <li>2. In accordance with the requirements of the: <ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i>;</li> <li>• <i>Local Government (Financial Management) Regulations 1996</i>; and</li> <li>• Council's policies and work procedures.</li> </ul> </li> <li>3. Where the budget has not been adopted, the Chief Executive Officer can perform all functions outlined in this delegation with the exception of determining a tender, so long as in the specifications of the invitation to tender, it includes a provision that states that this tender will only be awarded subject to the budget being adopted by Council.</li> <li>4. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</li> <li>5. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must comply with the appropriate adopted council policies and must include evidence that the variation is necessary and does not change the scope of the contract.</li> <li>6. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <b>and</b> that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</li> </ol>
<p><b>Express power to sub- delegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>



<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Chief Financial Officer Coordinator Building Services Coordinator Procurement and Contracts Customer Experience Analyst and Team Leader Director City Development and Sustainability Director City Infrastructure Director City Life Fitness Programs and Member Engagement Team Leader Kwinana Recquatic Manager Library Operations Coordinator Manager Asset Management Services Manager Building Services Manager City Operations Manager Community Engagement Manager Community Services Manager Customer and Communication Manager Engineering Services Manager Environment and Health Services Manager Essential Services Manager Human Resources Manager Information Technology Manager Planning and Development Manager Retirement Village Procurement and Contracts Officer Fitness and Customer Experience Coordinator Senior Procurement and Contracts Officer Senior Environmental Planner</p>
<p><b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<ol style="list-style-type: none"> <li>1. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent’s position role and responsibilities.</li> <li>2. Only the CEO and Directors have Authority to negotiate, execute and vary related contracts including minor variations and extensions as per their financial Authorisation.</li> <li>3. In accordance with the requirements of the <i>Local Government Act 1995</i>. <ul style="list-style-type: none"> <li>• Local Government (Financial Management) Regulations 1996; and</li> <li>• Council’s policies and work procedures.</li> </ul> </li> <li>4. Function 5 and Function 19 may only be preformed by the CEO, Director, Manager or the Coordinator Procurement and Contracts</li> <li>5. Function 10a and 20a can be performed by any officer authorised to do so by their Manager or Director</li> <li>6. Any evaluation or assessment panel established to consider a tender, Expression of Interest or Panel or Pre-Qualified Suppliers must comprise of at least one Director or Manager.</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b> Tender Management Procurement</p>
<p><b>Record keeping</b></p>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. Details recorded in the Tender Register.</li> </ol>

<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.18 Disposing of property</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a) the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with s.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>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> <li>a) disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&amp;G.r.30(2)(a)].</li> <li>b) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&amp;G.r.30(2)(d)].</li> <li>c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease dose not give the lessee the exclusive use of the land. [F&amp;G.r.30(2)(e)].</li> <li>d) disposal of land, by lease, of a residential property to a person for residential purposes [F&amp;G.r.30(2)(f)].</li> <li>e) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&amp;G.r.(2A)].</li> <li>f) disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&amp;G r.30(3)(a)]</li> <li>g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&amp;G.r.30(3)(b)]</li> </ol> </li> </ol>
<b>Delegate</b>	Chief Executive Officer

<p><b>Council conditions on this delegation</b></p>	<ol style="list-style-type: none"> <li>1. Disposal of land or building is to be within a 5% variance of on the valuation;</li> <li>2. The disposal must be in accordance with s.3.58 of the <i>Local Government Act 1995</i> and r.30 of the <i>Local Government (Functions and General) Regulations 1996</i> (where applicable);</li> <li>3. For the purposes of the administration of leases, exercise any option(s) available under the lease for established leases; and</li> <li>4. Where the market value of the property (other than land) is determined as being less than \$10,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• in any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> </li> </ol>
<p><b>Express power to sub-delegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Chief Financial Officer Director City Development and Sustainability Director City Infrastructure Director City Life Manager City Operations Manager Information Technology Manager Asset Management Services Technical Officer Fleet Operations</p>
<p><b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Limited to;</p> <ol style="list-style-type: none"> <li>1. The disposal is included in the City’s Annual Budget or by Council Resolution.</li> <li>2. The disposal must be in accordance with s.3.58 of the <i>Local Government Act 1995</i>.</li> <li>3. The disposal must be in accordance with r.30 of the <i>Local Government (Functions and General) Regulations 1996</i>.</li> <li>4. Does not include the disposal of land, delegated to the Chief Executive Officer only;</li> <li>5. For the purposes of the administration of leases, exercise any option(s) available under the lease for established leases.</li> <li>6. Plant and equipment, not identified in the City’s Annual Budget, with a written down value of less than \$2,000 that has been lost, or is no longer used or serves no other purpose, may be removed from the asset register and disposed of.</li> </ol> <p>Any disposal of property must also comply with the reporting requirements of Council’s Policy – Related Party Disclosures. (D17/44327) The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b> Recognition and Depreciation of Assets Related Party Disclosures</p>

<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain;</li> <li>2. Update the Tender Register accordingly; and</li> <li>3. Any disposal requiring a declaration under the Related Party Disclosure Policy must be done so via the Related Party Disclosure Form. located in Attain.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.19 Write off, grant a concession or authorise a waiver for monies owing</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.12(1) Power to defer, grant discounts, waive or write off debts
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City of Kwinana [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the City of Kwinana [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the City of Kwinana [s.6.12(1)(c)]</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<p>This delegation is subject to s.6.12(2) of the <i>Local Government Act 1995</i>, which specifies that a local government <b>cannot grant a waiver or concession for a rate or service charge</b>.</p> <p>The CEO's delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> <li>1. A write off of the debt incurred as a result of an administrative error on behalf of the City not exceeding \$10,000;</li> <li>2. Any grant of concession or waiver not exceeding \$1,500 per occurrence; and</li> <li>3. Any write off of a debt, not being due to an administrative error, for debts not exceeding \$1,500.</li> </ol> <p>A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the City of Kwinana.</p>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Aquatic Programs Team Leader  Chief Financial Officer  Community Facilities Team Leader  Coordinator Community Facilities Planning  Coordinator Library Services  Customer Experience Team Leader  Director City Development and Sustainability  Director City Infrastructure  Director City Life  Sports and Programs Team Leader  Recquatic Duty Officer  Kwinana Recquatic Manager  Library Services Senior Team Leader  Library Programs Senior Team Leader  Library Operations Team Leader  Manager Community Facilities  Manager Environment and Health Services  Rates Coordinator</p> <p>Fitness and Customer Experience Coordinator  Aquatics and Centre Operations Team Leader</p>
<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>This delegation is subject to s.6.12(2) of the <i>Local Government Act 1995</i>, which specifies that <b>a local government cannot grant a waiver or concession for a rate or service charge.</b></p> <p><b>All Directors</b>  <b>Manager Economic Development and Advocacy</b>  <b>Chief Financial Officer</b>  <b>Manager Community Facilities</b>  Delegated authority is subject to City policies, procedures, budget and the following limitations:</p> <ol style="list-style-type: none"> <li>1. A write off of the debt incurred as a result of an administrative error on behalf of the City not exceeding \$2,000;</li> <li>2. Any grant of concession or waiver not exceeding \$1,200 per occurrence; and</li> <li>3. Any write off of a debt, not being due to an administrative error, for debts not exceeding \$500.</li> </ol> <p><b>Manager Environment and Health Services</b>  Delegated authority is subject to the following limitations:</p> <ol style="list-style-type: none"> <li>1. Annual Fees – Registered Food Businesses <ul style="list-style-type: none"> <li>• Medium and Low Risk Food Business – Premises/Vehicle conducted by community, charitable and educational organisations may have their annual fee waived in the interest of community development except where they are the holder of any class of liquor licence to generate an income stream;</li> <li>• Grant of a waiver is not to exceed the applicable annual registration fee as set in the City’s Schedule of Fees and Charges.</li> </ul> </li> <li>2. Special Discretionary Food Business Fee <ul style="list-style-type: none"> <li>• For a food business within any of the three risk categories detailed in the City’s annual Schedule of Fees and Charges. A reduction in the registration fee based on a low volume business, extenuating social needs and valid community development circumstances may be granted.</li> <li>• A reduction is not to exceed the applicable annual registration fee as set in the City’s Schedule of Fees</li> </ul> </li> </ol>

	<p>and Charges.</p> <p><b>Manager Community Facilities</b>  <b>Kwinana Recquatic Manager</b>  <b>Fitness and Customer Experience Coordinator</b>  <b>Recquatic Duty Officers</b>  <b>Aquatics and Centre Operations Team Leader</b>  <b>Aquatic Programs Team Leader</b>  <b>Sports and Programs Team Leader Customer Experience Team Leader</b>  <b>Community Facilities Team Leader</b>  <b>Library Services Team Leader</b>  <b>Coordinator Library Services</b>  <b>Library Programs Senior Team Leader</b>  <b>Library Operations Team Leader</b>  <b>Coordinator Community Facilities Planning</b></p> <p>Delegated authority is subject to the following limitation:</p> <ol style="list-style-type: none"> <li>1. Waiver of fees or service charges related to their operational responsibilities limited to \$160.00 per customer within a financial year (or \$300.00 for Managers).</li> </ol> <p><b>Kwinana Recquatic Manager</b>  Issue refund of recquatic membership within accordance with membership terms and condition (7 day cooling off period) up to \$1200.</p> <p><b>Rates Coordinator</b>  Delegated authority is subject to the following limitation:  A write off, of the debt incurred as a result of an administrative error on behalf of the City not exceeding \$50.00 or other charges below \$50.00.</p> <p>The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Policies</u></b>  Debtors Management</p>
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain;</li> <li>2. The full details of the waiver, concession or write off to be recorded on the appropriate financial record; and</li> <li>3. Annual Fees – Registered Food Businesses</li> <li>4. The fee value shall be reported and debited as a donation of Services to the community and credited to the Health –Food Act fees from Community Services Donation Account.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



<b>Delegation</b>	<b>1.1.20 Authorised to negotiate and sign Consent Orders for recovery of rates on behalf of the local government</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Rates and service charges s.6.56 Rates or service charges recoverable in court s.6.64 Actions to be taken
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to negotiate and sign Consent Orders on behalf of the local government in relation to court proceedings for recovery of rates in arrears.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	A Consent Order on behalf of the local government may be signed to - 1. dismiss a claim if there was an administration error and claim was invalid, or 2. settle a claim by consent where all outstanding amounts are paid in full and the fee, as set out in the City's Fees and Charges. This delegation is subject to s.6.12(2) of the <i>Local Government Act 1995</i> , which specifies that a local government <b>cannot grant a waiver or concession for a rate or service charge.</b>
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	A Consent Order on behalf of the local government may be signed to - 1. dismiss a claim if there was an administration error and claim was invalid, or 2. settle a claim by consent where all outstanding amounts are paid in full and the fee, as set out in the City's Fees and Charges. This delegation is subject to s.6.12(2) of the <i>Local Government Act 1995</i> , which specifies that a local government <b>cannot grant a waiver or concession for a rate or service charge.</b>
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Rates Collection Debtors Collection
<b>Record keeping</b>	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and 2. The full details of the decision made under this delegation are to be recorded in the rate record.

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<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.21 Make alternative arrangements for payment of rates and services charges</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make an alternative agreement with a person for the payment of rates and services charges [s.6.49].
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	This delegation is subject to s.6.47 of the <i>Local Government Act 1995</i> . The CEO's delegated authority is subject to the following limitations: 1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year; or 2. Allow extended instalment arrangements, which will be finalised outside the current financial year. Subject to <i>Rates and Charges (Rebates and Deferments) Act 1992</i> . Must comply with relevant Council policies.
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Finance Officer – Debt Collection Finance Officer – Rates Rates Coordinator Senior Finance Officer - Rates
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	This delegation is subject to s.6.47 of the <i>Local Government Act 1995</i> . Officers delegated authority is subject to the following limitations: 1. Make arrangements with ratepayers wishing to make application for alternative instalment arrangements and extensions which will be completed within the current financial year; 2. Subject to <i>Rates and Charges (Rebates and Deferments) Act 1992; and</i> 3. must comply with relevant Council policies. The exercise of the delegated power does not include the power of delegation.

<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Rates Collection Policy Debtors Collection Policy
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. The full details of the payment arrangement to be recorded on the appropriate financial record.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.22 Amendment to Rates Record</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with the <i>Local Government Act 1995</i> , as well as the power to determine whether to amend the rate record for the preceding five years.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Chief Financial Officer Rates Coordinator
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	Delegation extends to amending the rate record to increase the rates due by up to \$10,000 per assessment per year or amend the rate record to provide a refund of up to \$10,000 per assessment per year. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Rates Collection Policy Debtor Collection Policy
<b>Record keeping</b>	1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and 2. The full details of the payment arrangement to be recorded on the appropriate financial record.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.23 Entering into legal agreements in accordance with Local Planning Policy (LPP) No 4 – Administration of development contribution plans</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of documents
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to enter into legal agreements on behalf of the City of Kwinana, in accordance with Local Planning Policy (LPP) No 4 - Administration of development contribution plans.
<b>Delegate</b>	Chief Executive Officer Director City Development and Sustainability
<b>Council conditions on this delegation</b>	In accordance with Local Planning Policy (LPP) No 4 - Administration of development contribution plans. Authorised to vary or waive agreements in accordance with LPP No 4 sections 4.2.1, 4.2.2 and 4.2.3.
<b>Express power to sub- delegate</b>	<i>This authority is not to be sub-delegated</i>
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Execution of Documents Local Planning Policy No 4 – Administration of Developer Contribution Plans
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.24 Planning, building and other development related applications where the City is the applicant</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49A(4) Execution of documents
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to sign planning, building and other development related applications where the City is the applicant on its own City land.
<b>Delegate</b>	Chief Executive Officer Director City Life Director City Infrastructure
<b>Council conditions on this delegation</b>	Must be in accordance with works identified in the budget.
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Execution of Documents
<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>2. Where the common seal is affixed the details are to be recorded in the common seal register in accordance with the City's policies and work procedures.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.25 Notices requiring certain things to be done by property owner/occupier</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.25 Notices requiring things to be done by owner or occupier of land s.3.26 Additional powers when giving notices
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to: 1. Serve notices requiring certain things to be done, including but not restricted to the removal of overgrown vegetation, rubbish or disused material from land considered untidy 2. Recover the cost of anything the City has done to achieve the purpose for which notice is given as a debt due from the person who failed to comply with the notice
<b>Delegates</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Schedule 3.1 of the <i>Local Government Act 1995</i> .
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Assistant Building Surveyor Building Surveyor Ranger Compliance Officer  Coordinator Rangers and Compliance Coordinator Environment and Waste Coordinator Environmental Health Coordinator Building Services Director City Development and Sustainability Director City Infrastructure Environmental Health Officer Environmental Health Technical Officer Senior Environmental Health Officer Manager Building Services Manager Engineering Services Manager Environment and Health Services Manager Essential Services Senior Compliance Officer Senior Environmental Planner Senior Building Surveyor Team Leader Rangers



<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Statutory Power sub-delegated to:  <i>Local Government Act 1995:</i></p> <ol style="list-style-type: none"> <li>s.3.25 Notices requiring things to be done by owner or occupier of land;        Serve notices requiring certain things to be done, including but not restricted to the removal of overgrown vegetation, rubbish or disused material from land considered untidy that is prescribed in Schedule 3.1 Division 1, of the <i>Local Government Act 1995</i>:  <b>Building Surveyor</b>  <b>Assistant Building Surveyor</b>  <b>Senior Building Surveyor</b>  <b>Ranger</b>  <b>Team Leader Rangers</b></li> </ol> <p><b>Coordinator Rangers and Compliance</b>  <b>Coordinator Environment and Waste</b>  <b>Coordinator Environmental Health</b>  <b>Coordinator Building Services</b>  <b>Director City Development and Sustainability</b>  <b>Director City Infrastructure</b>  <b>Environmental Health Officer</b>  <b>Environmental Health Technical Officer</b>  <b>Senior Environmental Health Officer</b>  <b>Manager Building Services</b>  <b>Manager Engineering Services</b>  <b>Manager Essential Services</b>  <b>Senior Compliance Officer</b>  <b>Compliance Officer</b>  <b>Senior Environmental Planner</b>  <b>Manager Environment and Health Services</b></p> <ol style="list-style-type: none"> <li>Additional powers when giving notices.        Recover the cost of anything the City has done to achieve the purpose for which notice is given as a debt due from the person who failed to comply with the notice applicable to s.3.25(1):  <b>Coordinator Building Services</b>  <b>Director City Development and Sustainability</b>  <b>Director City Infrastructure</b>  <b>Manager Building Services</b>  <b>Manager Environment and Health Services</b>  <b>Manager Essential Services</b>  <b>Manager Engineering Services</b>  <b>Senior Environmental Planner</b></li> <li>That due process be followed for the issuing of a notice under s.3.25 of the <i>Local Government Act 1995</i>.</li> </ol> <p><b>Conditions and Exceptions:</b></p> <ol style="list-style-type: none"> <li><i>Local Government Act 1995</i>        Schedule 3.1, Division 1 Things a notice may require to be done.        Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done.</li> <li>Council and City policies and procedures in relation to debt recovery. The exercise of the delegated power does not include the power of delegation.</li> </ol>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b></p>

<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.26 Particular things local government can do on land that is not local government property</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> on land which is not local government property.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Schedule 3.2 of the <i>Local Government Act 1995</i> .
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Director City Infrastructure Manager City Operations Manager Engineering Services Manager Essential Services Senior Environmental Planner
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	<i>Local Government Act 1995:</i> Schedule 3.2 Particular things local governments can do on land even though it is not local government property.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	The exercise of this delegated power does not include the power of delegation. Any exercise of this delegation is to be recorded in the Delegated Authority Register
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.27 Crossing – Construction, Repair and Removal</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Infrastructure Manager Engineering Services
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> . The exercise of this delegated power does not include the power of delegation.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.28 Requirement to construct and repair crossing</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.13(1) and (2) Requirement to construct or repair crossover
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare.</li> <li>2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice.</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	In accordance with <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.14(2)(b) Role of Commissioner of Main Roads. That due process be followed for the issuing of a notice under s.3.25 of the <i>Local Government Act 1995</i> for a notice served under r.14(3).
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Ranger Compliance Officer Coordinator Rangers and Compliance Director City Infrastructure Director City Development and Sustainability Manager Engineering Services Senior Compliance Officer Team Leader Rangers
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	In accordance with <i>Local Government (Uniform Local Provisions) Regulations 1996</i> , r.14(2)(b) Role of Commissioner of Main Roads  That due process be followed for the issuing of a notice under s 3.25 of the <i>Local Government Act 1995</i> . The exercise of this delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Crossovers
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509

<b>Last reviewed</b>	June 2024
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<b>Delegation</b>	<b>1.1.29 Private works, on, over or under public places</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<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> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<p>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</p> <p>Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> <li>i. 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>ii. 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>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	<p>Coordinator Building Services  Coordinator Statutory Planning  Director City Development and Sustainability  Director City Infrastructure  Manager Building Services  Manager City Operations  Manager Engineering Services  Manager Planning and Development</p>
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	<p>Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>The exercise of this delegated power does not include the power of delegation.</p>

<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Street Trees and Verge Treatments
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



<b>Delegation</b>	<b>1.1.30 Powers of entry</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.28 When the 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> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to 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 execute the opening a fence [s.3.36].</li> </ol> <p><b>(See conditions in regard to s.3.33 – Entry under warrant)</b></p>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<p>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. When exercising authority to authorise persons under s.3.31(2):</p> <ul style="list-style-type: none"> <li>• A register of Authorisations is to be maintained as a Local Government Record.</li> <li>• Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>• Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ul>
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Assistant Building Surveyor Building Surveyor Coordinator Rangers and Compliance Coordinator Building Services Compliance Officer Coordinator Environmental Health Coordinator Environment and Waste Director City Development and Sustainability Director City Infrastructure Director City Life Environmental Health Officer Environmental Health Technical Officer

	<p>Manager Environment and Health Services  Manager Essential Services  Manager Building Services  Senior Building Services  Senior Compliance Officer  Senior Environmental Health Officer</p>
<p><b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p><i>Local Government Act 1995:</i>  3.31(1)(a) Consent obtained from the owner or occupier. 3.31(1)(b) Notice has been given under 3.32.  3.34(2) Entry in emergency. 3.36(3) Opening fences.  s.3.33 Entry under warrant  <b>Any proposed entry under warrant is to be referred to the Chief Executive Officer for approval prior to the seeking of the warrant from a justice.</b>  The exercise of this delegated power does not include the power of delegation.</p>
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.31 Road Traffic Administration Act 2008 – Damage to road infrastructure</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Road Traffic Administration Act 2008:</i> s.124(2) A compensation order may be made on the application of the prosecutor, the road authority or the CEO. s.126(2) Service of certificates - If a road authority proposes to use a certificate, the road authority must serve a copy of the certificate on the accused at least 28 days before the day on which the matter is set down for hearing. s.132(2) Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Recover by proceedings in a court of competent jurisdiction damage caused to road infrastructure due to an MLDR offence (Mass, Dimensions, or Loading Requirements).</li> <li>2. Service any certificate(s) as detailed in s.125 in regard to the local government’s authority to maintain the road and the estimating of road values and repairs.</li> <li>3. Recover expenses of damage caused by heavy traffic.</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Compensation orders made under s.124 may only be made for an MDLR offence as defined ins.28 of the Act. All proceedings for the recovery of expenses or compensation for damage to be made in accordance with Part 7 of the Act.
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Infrastructure
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Compensation orders made under s.124 may only be made for an MDLR offence as defined ins.28 of the Act. All proceedings for the recovery of expenses or compensation for damage to be made in accordance with Part 7 of the Act.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>

<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.32 Disposal of sick or injured animals</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.47A Dispose of sick or injured animals s.3.48 Impounding expenses, recovery of
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Coordinator Rangers and Compliance Manager Essential Services Senior Compliance Officer
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.33 Closure of beaches and reserves in the interest of public safety</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18 Performing executive functions
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Approve the temporary closure of beaches and reserves in the district, wholly or partially, in the interest of maintaining public safety.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Must be for the purposes of enforcing a Western Australian Declaration of State of Emergency, Public Health Emergency, or for the purpose of maintaining safety of the public.
<b>Express power to sub-delegate</b>	This Authority is not to be sub-delegated.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.34 Commencement of legal proceedings or prosecutions under the Local Government Act 1995</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.24 Prosecutions, commencing
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The commencement of legal proceedings or prosecution on behalf of the City of Kwinana under the <i>Local Government Act 1995</i> and Regulations and the City of Kwinana Local Laws.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate powers and duties to other employees.
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Coordinator Building Services Director City Development and Sustainability Director City Infrastructure Director City Life Manager Building Services Manager Engineering Services Manager Environment and Health Services Manager Essential Services Manager Governance and Legal Manager Planning and Development Senior Environmental Planner
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<b>The commencement of legal proceedings or initiation of a prosecution will not be undertaken without the express approval of the CEO, or where deemed necessary by the CEO, the approval of Council.</b> Refer to Governance Work Instruction WI54 – Procedure for commencement of legal proceedings. – D16/4719*. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Cost Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024

<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



<b>Delegation</b>	<b>1.1.35 Destruction of local government election parcels</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Election) Regulations 1997:</i> r.82(4) Destruction of election papers
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>Delegates</b>	Manager Governance and Legal
<b>CEO conditions on this delegation</b>	Destruction to be undertaken in accordance with the requirements of sub-regulation 82(4) and 82(5): r.82(4) If, after the period mentioned in sub-regulation (3), the parcels are to be destroyed — a) the destruction is to be carried out by or under the supervision of the delegate in the presence of at least 2 employees; or b) the parcels are to be conveyed securely to a secure paper destruction company, or placed in a locked bin provided by such a company, by or under the supervision of the delegate in the presence of at least 2 employees. r.82(5) In sub-regulation (4): <b>destroy</b> , in relation to a parcel of ballot papers, means to deal with the parcel so that all of the information recorded or stored on the papers in the parcel are obliterated or rendered illegible or irrecoverable; <b>secure paper destruction company</b> means a person or body that under contract or agreement with the local government is to destroy papers for the local government. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	1. Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain. 2. A Witness Statement in regard to the destruction of electoral materials is to be completed in accordance with the requirements of the Work Instruction – Destruction of Electoral Material (D10/5469[v3] or later version if applicable).
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.1.36 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.40A(2) Give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice. s.3.40A(4) Abandoned vehicle wreck may be taken.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. Declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1).
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Ranger Team Leader Rangers  Coordinator Rangers and Compliance Manager Essential Services

<p><b>CEO conditions on this sub-delegation</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p><b>Manager Essential Services</b>  Limited to s.3.40A(2) Give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.  s.3.40A(4) Declare that a vehicle is an abandoned vehicle wreck.</p> <p><b>Coordinator Rangers and Compliance  Team Leader Rangers  Ranger</b>  Limited to s.3.40A(2) Give notice to that person advising that the vehicle may be collected from a place specified during such hours as are specified in the notice.</p> <p><b>Conditions and Exceptions:</b>  In accordance with the requirements of the <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i>.  Abandoned vehicle wreck means a vehicle:  a) that is not operational;  b) the owner of which has not been identified by the local government after using all reasonable avenues to do so; and  c) that has a value that is less than the prescribed value calculated in the prescribed manner.  The exercise of the delegated power does not include the power of delegation</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b></p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Register of Delegation of Authority via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.37 Confiscated or Uncollected Goods</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.42 Impounded non-perishable goods s.3.44 Notice to collect goods if not confiscated 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
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give an alleged offender notice that the goods may be collected from a place specified during such hours as are specified [s.3.44].</li> <li>2. Authority to refuse to allow goods removed under section 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid to the local government [s.3.56].</li> <li>3. 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>4. 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>5. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub- delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Ranger Compliance Officer Team Leader Rangers Coordinator Rangers and Compliance Manager Essential Services Senior Compliance Officer

<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with <i>Local Government (Functions and General) Regulation r.30</i>, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</p>
<p><b>Policy</b></p>	<p><a href="#"><u>City of Kwinana Policies</u></a></p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.38 Obstruction of Footpaths and Thoroughfares</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<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.6(4)(d) 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> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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> <li>6. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>7. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>8. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>Delegate</b>	Chief Executive Officer

<p><b>Council conditions on this delegation</b></p>	<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 each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>(b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>(c) Provided evidence of sufficient Public Liability Insurance.</li> <li>(d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<p><b>Express power to sub-delegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Director City Development and Sustainability Director City Infrastructure Director City Life Manager Building Services Manager Engineering Services Manager Environment and Health Services Manager Essential Services Manager Governance and Legal Manager Planning and Development Senior Environmental Planner Senior Compliance Officer</p>
<p><b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Conditions on the original delegation also apply to the sub-delegations</p>
<p><b>Policy</b></p>	<p><a href="#"><u>City of Kwinana Policies</u></a></p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>1.1.39 Close Thoroughfares to Vehicles</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> Certain Provisions about thoroughfares 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
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authorised to close (wholly or partially), revoke or vary the closure of a thoroughfare 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: <ul style="list-style-type: none"> <li>• notify Council of the intended closure;</li> <li>• give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land;</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)];</li> </ul> </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 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 draining water from a thoroughfare to private land [s3.51].</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. Maintain access to adjoining land [s.3.52(3)].
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Director City Infrastructure Manager Engineering Services



<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p><b>Director City Infrastructure</b>  <b>Director City Development and Sustainability</b>  Limited to:</p> <ol style="list-style-type: none"> <li>1. Authorised to close (wholly or partially), revoke or vary the closure of a thoroughfare 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: <ul style="list-style-type: none"> <li>• notify Council of the intended closure;</li> <li>• give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land;</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)];</li> </ul> </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 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 draining water from a thoroughfare to private land [s3.51].</li> </ol> <p><b>Manager Engineering Services</b>  Limited to:</p> <ol style="list-style-type: none"> <li>1. Authorised to close (wholly or partially), revoke or vary the closure of a thoroughfare to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)].</li> <li>2. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>3. 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 draining water from a thoroughfare to private land [s3.51].</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b></p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

## 1.2. CEO to Employees

<b>Delegation</b>	<b>1.2.1 Responsible for employment and dismissal of employees</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.5.41(g) Functions of CEO.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Responsible for the employment and dismissal of employees.
<b>Delegates</b>	Director City Development and Sustainability Director City Infrastructure Director City Life Manager Human Resources Chief Financial Officer
<b>CEO conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. The exercise of this delegation is in accordance with: <ol style="list-style-type: none"> <li>a) the approved budget and adopted business case for the position;</li> <li>b) internal HR Policies, relevant employment instruments and associated legislation;</li> <li>c) Corporate Business Plans, Team Plans and Position Descriptions and in compliance with provisions of the;</li> <li>d) <i>Local Government Act 1995</i> s.5.36(3) in relation to qualifications, arrangements relating to employment;</li> <li>e) <i>Local Government Act 1995</i> s.5.40 in relation to selection, and promotion in accordance with principles of merit and equity; and free from favouritism and nepotism; and in accordance with;</li> <li>f) <i>Equal Opportunity Act 1984</i>; and</li> <li>g) <i>Work Health and Safety Act 2020</i>.</li> </ol> </li> <li>2. The exercise of the delegated power does NOT include the appointment of any manager or director position or the extension of any manager or director position. All manager and director contracts or letters of offer must only be approved or extended by the CEO.</li> <li>3. Subject to s.5.37(2) of the <i>Local Government Act 1995</i> in relation to senior employees.</li> <li>4. The exercise of the delegated power does not include the power of delegation.</li> </ol>
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509

<b>Last reviewed</b>	June 2024
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<b>Delegation</b>	<b>1.2.2 Electoral Enrolment Eligibility Claims</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995 – Part 4, Division 8</i> s.4.32 Eligibility to enrol under s.4.30. s.4.35 Decision that eligibility to enrol under s.4.30 has ended.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)] Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].
<b>Delegates</b>	Manager Governance and Legal
<b>CEO conditions on this delegation</b>	<i>Local Government Act 1995:</i> 1. Enrolments and eligibility to be determined in accordance with: s.4.30 Eligibility of non-resident owners and occupiers to be enrolled. s.4.32 Eligibility to enrol; how to claim. 2. The delegate is to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form. s.4.34 Accuracy of enrolment details to be maintained. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	1. Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain; and 2. The delegate is to record the decision in a register kept for that purpose in accordance with regulations and is to give written notice of the decision to the claimant without delay, s.4.32(6).
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.2.3 Extension of time or withdrawal of infringement notice under the Local Government Act 1995</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>Delegates</b>	Director City Development and Sustainability Director City Infrastructure Director City Life Manager Essential Services
<b>CEO conditions on this delegation</b>	<p><b>Manager Essential Services</b> May only provide an extension of time or withdraw a notice under this delegation provided the Director City Development and Sustainability is notified in writing. <i>Local Government Act 1995</i></p> <p><b>Extension of time</b> The period for which a modified penalty may be paid, may be extended the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p> <p><b>Withdrawal of infringement notice</b></p> <ol style="list-style-type: none"> <li>1) Within one year after the notice was given the delegate may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</li> <li>2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</li> </ol> <p>A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. The exercise of the delegated power does not include the power of delegation</p>

<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

### 1.3. Local Law Delegations to the CEO/Employees

<b>Delegation</b>	<b>1.3.1 Activities on Thoroughfares and Public Places and Trading Local Law 2011</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws The exercise of the following provisions of the Activities in Thoroughfares and Public Places and Trading Local Law 2011: c2.1(1)(e) Permit a person to damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government. c2.2(2) Exempting persons from a compliance of activities that require a permit under sub- clause 2.2(1). c2.4(3) Approval of application for a permit for the purposes of a temporary crossing. c2.5(2) Give a written notice requiring removal of a crossing which does not give access to a lot and reinstating part of thoroughfare affected by removal. c2.10(1) Give a written notice to an owner or occupier to make good a verge abutting a lot. c2.14(1) Assign a number to a lot. c2.15(1) Give a notice to the owner of land that adjoins a public place or thoroughfare to enclose the land to prevent sand or other matter from the land entering the public place or thoroughfare. c2.15(2) Determine whether a fence needs to be built, repaired or maintained. c2.16(1) Erect a sign on a public place specifying any conditions of use which apply to that place. c3.2(3)(d) Determine whether a sign is likely to obstruct a line of sight. c3.3 Determine an application for a permit for an advertising sign. c3.4 Approval or refusal of an application for a permit of a portable sign. c3.5 Approval or refusal of an application for a permit of an election sign on a thoroughfare. c4.7(1) Advise verbally or in writing a retailer whose name appears on a shopping trolley, of the location of the trolley and to remove the trolley within 24 hours, unless the retailer requests the local government collect and deliver the trolley to the retailer and that the retailer pay for the collection and delivery. c5.4(1) Signpost roads with standard MRWA 'flora road' sign. c5.5(2)(c) Provide exemption for a person driving or riding a vehicle on a flora road other than the carriageway. c5.9(1) Approval of application for a permit to plant or sow seeds on a thoroughfare. c5.10(1) Approval of application to clear a thoroughfare and maintain in a cleared state within one metre of a person's land. c5.12(1) Approve an application to burn part of a thoroughfare. c5.17(2) Approval of application for permit to construct firebreak on thoroughfare

	<p>c5.19 Approval of application for permit to collect seed from native flora on a thoroughfare for a revegetation projects.</p> <p>c6.2 Refuse or approve an application for a stallholder's permit.</p> <p>c6.3 Refuse or approve an application for a trader's permit.</p> <p>c6.7(3) Exempt a person from the requirement to pay fee or obtain a stallholders or traders permit.</p> <p>c6.10 Refuse or approve an application for a street entertainer's permit.</p> <p>c6.11 Variation of permitted area and permitted time for street performers.</p> <p>c6.16(1) Refuse or approve an application to establish or conduct an outdoor eating facility on a public place.</p> <p>c6.18(2) Give notice to permit holder of an outdoor eating facility to carry out work.</p> <p>c6.21(2) May carry out things requested of a person and recover from that person, as a debt, the costs incurred in doing so.</p> <p>c7.1(2)(a) Determine the form of an application for a permit.</p>
<p><b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	To perform the functions of the local government for the <i>Activities in Thoroughfares and Public Places and Trading Local Law 2011</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Assistant Building Surveyor</p> <p>Building Surveyor</p> <p>Community Facilities Officer</p> <p>Compliance Officer</p> <p>Coordinator Building Services</p> <p>Coordinator Environment and Waste</p> <p>Coordinator Environmental Health</p> <p>Coordinator Rangers and Compliance</p> <p>Director City Development and Sustainability</p> <p>Director City Infrastructure</p> <p>Emergency Services Coordinator</p> <p>Environmental Health Cadet</p> <p>Environmental Health Officer</p> <p>Environmental Health Technical Officer</p> <p>Environmental Planner</p> <p>Manager Building Services</p> <p>Manager City Operations</p> <p>Manager Engineering Services</p> <p>Manager Environment and Health Services</p> <p>Manager Essential Services</p> <p>Ranger</p> <p>Team Leader Rangers</p> <p>Senior Building Surveyor</p>



	Senior Compliance Officer Senior Environmental Health Officer Senior Environmental Planner
<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p><i>Activities in Thoroughfares and Public Places and Trading Local Law 2011.</i> Note: The clauses listed below may not be listed in strictly numerical order.</p> <p>1. The following clauses are only to be performed by the officers as listed:</p> <p>a) c2.1(e) Permit a person to damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government.          c2.2(2) Exempting persons from a compliance of activities that require a permit under sub- clause 2.2(1).          c2.16(1) Erect a sign on a public place specifying any conditions of use which apply to that place.  <b>Director City Development and Sustainability</b>  <b>Director City Infrastructure</b>  <b>Manager City Operations</b>  <b>Manager Engineering Services</b></p> <p>b) c2.4(3) Approval of application for a permit for the purposes of a temporary crossing.          c2.14(1) Assign a number to a lot.  <b>Director City Development and Sustainability</b>  <b>Director City Infrastructure</b>  <b>Manager Engineering Services</b></p> <p>c) c2.5(2) Give a written notice requiring removal of a crossing which does not give access to a lot and reinstating part of thoroughfare affected by removal.          c2.10(1) Give a written notice to an owner or occupier to make good a verge abutting a lot.          c2.15(1) Give a notice to the owner of land that adjoins a public place or thoroughfare to enclose the land to prevent sand or other matter from the land entering the public place or thoroughfare.          c2.15(2) Determine whether a fence needs to be built, repaired or maintained.          c3.2(3)(d) Determine whether a sign is likely to obstruct a line of sight.  <b>Assistant Building Surveyor</b>  <b>Building Surveyor</b>  <b>Compliance Officer</b>  <b>Coordinator Building Services</b>  <b>Coordinator Environment and Waste</b>  <b>Coordinator Environmental Health</b>  <b>Coordinator Rangers and Compliance</b>  <b>Environmental Health Officer</b>  <b>Environmental Health Technical Officer</b>  <b>Manager Building Services</b>  <b>Manager Engineering Services</b>  <b>Manager Essential Services</b>  <b>Ranger</b></p>

**Team Leader Rangers**  
**Senior Building Surveyor**  
**Senior Compliance Officer**  
**Senior Environmental Planner**  
**Senior Environmental Health Officer**

d) c3.3 Determine an application for a permit for an advertising sign. c3.4 Approval or refusal of an application for a permit of a portable sign.

c3.5 Approval or refusal of an application for a permit of an election sign on a thoroughfare.

**Assistant Building Surveyor**  
**Building Surveyor**  
**Compliance Officer**  
**Coordinator Building Services**  
**Manager Building Services**  
**Manager Engineering Services**  
**Manager Essential Services**  
**Senior Building Surveyor**  
**Senior Compliance Officer**

e) c4.7(1) Advise verbally or in writing a retailer whose name appears on a shopping trolley, of the location of the trolley and to remove the trolley within 24 hours, unless the retailer requests the local government collect and deliver the trolley to the retailer and that the retailer pay for the collection and delivery.

**Assistant Building Surveyor**  
**Building Surveyor**  
**Compliance Officer**  
**Coordinator Building Services**  
**Coordinator Environment and Waste**  
**Waste Management Officer**  
**Waste Projects Officer**  
**Coordinator Environmental Health**

**Coordinator Rangers and Compliance**  
**Environmental Health Officer**  
**Environmental Health Technical Officer**  
**Manager Building Services**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Ranger**  
**Team Leader Rangers**  
**Senior Building Surveyor**  
**Senior Compliance Officer**  
**Senior Environmental Health Officer**

- f) c5.4(1) Signpost roads with standard MRWA 'flora road' sign.  
 c5.5(2)(c) Provide exemption for a person driving or riding a vehicle on a flora road other than the carriageway.  
 c5.9(1) Approval of application for permit to plant or sow seeds on a thoroughfare.  
 c5.10(1) Approval of application to clear a thoroughfare and maintain in a cleared state within one metre of a person's land.  
**Director City Development and Sustainability**  
**Senior Environmental Planner**
- g) c5.12(1) Approve an application for a permit to burn part of a thoroughfare. c5.17(2) Approval of application for permit to construct firebreak on thoroughfare.  
 Note: An approval to burn part of a thoroughfare under clause 5.12(1) may only be given if it complies with clause 5.14(1).  
**Emergency Services Coordinator**
- h) c5.19 Approval of application for permit to collect seed from native flora on a thoroughfare for a revegetation projects.  
**Director City Development and Sustainability**  
**Senior Environmental Planner**
- i) c6.2 Refuse or approve an application for a stallholder's permit.  
 c6.3 Refuse or approve an application for a trader's permit.  
**Community Facilities Officer**  
**Coordinator Environment and Waste**  
**Coordinator Environmental Health**  
**Environmental Health Cadet**  
**Environmental Health Officer**  
**Environmental Health Technical Officer**  
**Manager Environment and Health Services**  
**Senior Environmental Health Officer**
- Condition**  
**Community Facilities Officer delegation excludes food businesses and events approvals and is limited to low-risk events applications.**
- j) c6.16(1) Refuse or approve an application to establish or conduct an outdoor eating facility on a public place.  
 c6.18(2) Give notice to permit holder of an outdoor eating facility to carry out work.  
**Coordinator Environment and Waste**  
**Coordinator Environmental Health**  
**Environmental Health Officer**  
**Environmental Health Technical Officer**  
**Manager Environment and Health Services**  
**Senior Environmental Health Officer**

- k) c6.7(3) Exempt a person from the requirement to pay fee or obtain a stallholders or traders permit.
- c6.10 Refuse or approve an application for a street entertainer's permit.
- c6.11 Variation of permitted area and permitted time for street performers.
- c6.21(2) May carry out things requested of a person and recover from that person, as a debt, the costs incurred in doing so.
- c7.1(2)(a) Determine the form of an application for a permit.
- c7.1(3) Require an applicant to provide additional information.
- c7.1(4) Require an applicant to give local public notice.
- c7.2(1) Approve an application for a permit unconditionally or subject to conditions or refuse a permit.
- c7.2(2) Issue a permit to an applicant and determine the form of the permit.
- c7.2(3) Give written notice of refusal of a permit to the applicant.
- c7.3(1) Place conditions on a permit.
- c7.5(2) Vary the conditions on a permit.
- c7.7 Refuse or approve an application for the renewal of a permit.
- c7.8 Refuse or approve an application for the transfer of a permit.
- c7.10(1) Cancel a permit if a permit holder has not complied with the conditions, the permit or any written law with relate to the activity regulated by the permit.

**Coordinator Environmental Heath  
 Director City Development and Sustainability  
 Manager Environment and Health Services  
 Senior Environmental Health Officer**

- l) c9.1(1) Give a written notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.
- c9.2(1) Give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- c9.3(1) Give notice to a person who caused damage to a thoroughfare, ordering the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.
- c9.4(1) Give notice in writing to an owner or occupier of a property which abuts a portion of the thoroughfare where a thing has been placed, or such other person who may be responsible for the thing being so placed, requiring the relevant person to remove the thing.

**Assistant Building Surveyor  
 Building Surveyor  
 Compliance Officer  
 Coordinator Building Services  
 Coordinator Environment and Waste  
 Coordinator Environmental Health**

**Coordinator Rangers and Compliance  
 Environmental Health Officer**

**Environmental Health Technical Officer**  
**Manager Building Services**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Ranger**  
**Team Leader Rangers**  
**Senior Compliance Officer**  
**Senior Environmental Planner**  
**Senior Environmental Health Officer**

- m) c10.2 Undertake requirements of a notice and recover as a due debt, the costs incurred in doing so.

**Coordinator Building Services**  
**Director City Development and Sustainability**  
**Director City Infrastructure**  
**Manager Building Services**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Senior Environmental Planner**

2. c10.4 Prescribed offences

The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the *Local Government Act 1995* as authorised persons and permitted by s.9.16(1) of the *Local Government Act 1995* and does not form part of this delegation.

**Exception:**

The officer who has issued the infringement notice cannot withdraw the infringement.

The exercise of the delegated power does not include the power of delegation.

<b>Policy</b>	<p><b><u>City of Kwinana Local Laws</u></b>  Activities in Thoroughfares and Public Places and Trading Local Law 2011</p> <p><b><u>City of Kwinana Policies</u></b>  Street Trees and Verge Treatments  Legal Representation for Elected Members and Officers - Cost Indemnification and Liability</p>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.2 Bee Keeping Local Law 2002</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the <i>Bee Keeping Local Law 2002</i> : c5 Determine form required and such details as maybe required when assessing application for permit. c6(1) Refuse or approve an application for a permit. c7 Impose conditions for the approval of a permit. c7(1)(b)(i) Determine the distance from any thoroughfare, public place or boundary of land. c7(1)(e) Specify how many bee hives are allowed to be kept on land in excess of 20,000m2 in area. c8(1) Vary conditions of a permit once it has been issued. c8(2) Cancel a permit if requested to do so by the permit holder. c12(1) Determine whether a person has contravened a provision of this local law and give a permit holder a written notice requiring that the bees and/or beehives be removed from the land and specify a time by which it must be done. c12(3) Dispose of bees or beehives or both in such a manner as see fits and recover from the permit holder or an owner or an occupier, as the case may be, the costs of doing so as a due debt.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the <i>Bee Keeping Local Law 2002</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Compliance Officer</p> <p>Coordinator Rangers and Compliance Coordinator Environment and Waste Coordinator Environmental Health Director City Development and Sustainability Environmental Health Officer Environmental Health Technical Officer Manager Environment and Health Services Senior Compliance Officer Senior Environmental Health Officer</p>
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**CEO conditions on this sub-delegation** *Conditions on the original delegation also apply to the sub-delegations.*

*Bee Keeping Local Law 2002:*

**Note: The clauses listed below may not be listed in strictly numerical order.**

1. The following clauses are only to be performed by the officers as listed:

- a) c5 Determine form required and such details as may be required when assessing application for permit.  
c6(1) Refuse or approve an application for a permit.  
c7 Impose conditions for the approval of a permit. c7(1)(b)(i) Determine the distance from any thoroughfare, public place or boundary of land. c7(1)(e) Specify how many bee hives are allowed to be kept on land in excess of 20,000m<sup>2</sup> in area.  
c8(1) Vary conditions of a permit once it has been issued.  
c8(2) Cancel a permit if requested to do so by the permit holder.  
c12(3) Dispose of bees or beehives or both in such a manner as see fits and recover from the permit holder or an owner or an occupier, as the case may be, the costs of doing so as a due debt.

**Coordinator Environment and Waste  
Coordinator Environmental Health  
Environmental Health Officer  
Environmental Health Technical Officer  
Director City Development and Sustainability  
Manager Environment and Health Services  
Senior Environmental Health Officer**

- b) c12(1) Determine whether a person has contravened a provision of this local law and give a permit holder a written notice requiring that the bees and/or beehives be removed from the land and specify a time by which it must be done.

**Coordinator Environment and Waste  
Coordinator Environmental Health  
Director City Development and Sustainability  
Environmental Health Officer  
Environmental Health Technical Officer  
Manager Environment and Health Services Senior  
Compliance Officer**

2. c13(3) Infringement Notices

The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the *Local Government Act 1995* as authorised persons and permitted by s.9.16(1) of the *Local Government Act 1995* and does not form part of this delegation.

**Exception:**

The officer who has issued the infringement notice cannot withdraw the infringement.

The exercise of the delegated power does not include the power of delegation.

<b>Policy</b>	<u><b>City of Kwinana Local Law</b></u> Bee Keeping Local Law 2002 <u><b>City of Kwinana Policies</b></u> Legal Representation for Elected Members and Officer - Cost Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.3 Bush Fire Brigades Local Law</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the <i>Bush Fire Local Law 2011</i> : c2.2(1)(c) Appointment of Brigade Officers. c2.2(5) Appointment of Brigade Officer to fill vacancy. c3.2 Officers to be supplied with Act, Regulations, Bushfire Operating Procedures, this local law and other written law and any amendments, that may be relevant to the performance of the Brigade Office's function. c3.3 Appointment of Training Coordinator. c3.12 Determine the number of nominees of a bush fire brigade for the Bush Fire Advisory Committee. First Schedule 2.4 Determine form of membership application. 7.6(3) Resolve disagreements between bush fire brigade members.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the <i>Bush Fire Local Law 2004</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees <i>Bush Fire Local Law 2004:</i> c2.2(2) When considering the appointment of persons to the positions listed in clause 2.2(1)(c), regard must be given to the qualifications and experience which may be required to fill each role.
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Emergency Services Coordinator
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
<b>Policy</b>	<b><u>City of Kwinana Local Law</u></b> Bush Fire Local Law 2011
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.

<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.4 Extractive Industries Local Law</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Extractive Industries Local Law: c2.2(2) Applicant to advertise proposal determined by the local government. c2.3(1) Determination of the form of application. c2.3(1)(d) Approve a of datum point. c2.3(1)(l) Requirement for additional information. c2.3(3) Exemption from providing certain data. c3.1(1) Refuse an application that does not comply with clause 2.3. c3.1(2) Refusal of an application, or approve an application over whole or part of the land and on such terms and conditions as it see fits. c3.1(3)(a) Determination the licence period. c3.1(5) Imposing of conditions in respect to matters. c4.1(2) Determination of application to transfer a licence. c4.2 Cancellation of a licence and advising the licensee in writing. c4.3(2) Waiving requirements for renewal of licence specified in clause 4.3 c4.3(3) Waiving requirements to submit details of any of the things referred to in clause 2.3 and 3.1. c4.3(4) Determination of an application for renewal of a licence. c5.1 Determination of the security amount and type of security (bond, bank guarantee or other) for restoration and reinstatement of local government assets. c5.2(1)(c) Carry out or cause to be carried out, the required restoration and reinstatement work. c5.2(2) Apply the proceeds of security towards costs of restoration and reinstatement work. c6.1(1) Provide written approval for excavation as ins.6.1. c6.1(2) Determine standard of fencing of an excavation. c6.2(3) Determine drainage of an excavation to prevent accumulation of water. c6.3(1) Approve the removal of trees or shrubs within 40 metres of the boundary of a thoroughfare. c6.4(1) & (2) Approve blasting in the course of excavation.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the Extractive Industries Local Law.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil

<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Manager Essential Services
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Extractive Industries Local Law:</p> <ol style="list-style-type: none"> <li>1. c2.2(2) Applicant to advertise proposal. Any advertising of a proposal by the local government must be approved by the Chief Executive Officer as required by c2.2(2)(b).</li> <li>2. c3.1(1) &amp; (2) Refusal or approval of an application. Any determination for a refusal or approval of an application must include a review by the City's lawyer as part of the decision process.</li> <li>3. c9.1 Prescribed offences. The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the <i>Local Government Act 1995</i> as authorised persons and permitted by s.9.16(1) of the <i>Local Government Act 1995</i> and does not form part of this delegation.</li> </ol> <p><b>Exception:</b> The officer who has issued the infringement notice cannot withdraw the infringement. The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<b><u>City of Kwinana Local Law</u></b> Extractive Industries Local Law <b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Cost Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.5 Fencing Local Law 2016</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Fencing Local Law: c2.1(4) Grant a consent to any variation to the specifications in Schedules 2, 3 and 4. c2.1(7) Approve a dividing fence or boundary fence exceeding 1800 millimetres in height. c2.2(1) Approve a fence in a front setback of a residential lot greater than 1200 millimetres in height with conditions set out in subclauses 2.2(2) and (3). c2.4 Approve a person to deposit or permit the deposit of, any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property. c2.5 Approve a person to erect a fence on a rural lot, or a special rural lot within 7.5 metres of a thoroughfare, of a height exceeding 1500 millimetres. c2.6 Approve a person to erect a fence other that within the front setback area, on a residential lot, of a height exceeding 1800 millimetres. c2.9 Approve a person to erect or maintain a fence across a right-of-way, public access way or thoroughfare. c3.2(2) Give written approval for a person to erect or affix to any fence of a residential or commercial lot, any barbed wire or other material with spiked or jagged projections. c3.3(1) Approve the construction or use of an electric fence, or the construction of a fence constructed wholly or partly of razor wire, on a lot. c4.1(2) Determine the application form under this local Law. c4.1(3) Require an applicant to provide additional information. c4.1(4) Refuse to consider an application for approval which is not in accordance with subclause 4.1(2) and (3). c4.2 Approve or refuse an application or approve subject to conditions. c4.5 Cancellation of an approval. c6.1(1) Give notice in writing to an owner or occupier of a breach of this local law. c6.1(3) Enter a lot to which a notice relates and remedy the breach and may recover the expenses of so doing from the owner or the lot in a court of competent jurisdiction. 7.3 Approval of form of notice
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the Fencing Local Law 2016.
<b>Delegate</b>	Chief Executive Officer

<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Assistant Building Surveyor Building Surveyor Ranger Team Leader Rangers Compliance Officer Coordinator Building Services  Coordinator Rangers and Compliance Coordinator Environment and Waste Coordinator Environmental Health Director City Development and Sustainability Environmental Health Officer Manager Building Services Manager Environment and Health Services Senior Compliance Officer Senior Building Surveyor Senior Environmental Health Officer



<p><b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Note: The clauses listed below may not be listed in strictly numerical order.</p> <p>1. The following clauses are only to be performed by the officers as listed:</p> <p>a) c4.1(2) Determine the application form under this local Law. c4.5 Cancellation of an approval. c6.1(3) Enter a lot to which a notice relates and remedy the breach and may recover the expenses of so doing from the owner or the lot in a court of competent jurisdiction. 7.3 Approval of form of notice.</p> <p><b>Director City Development and Sustainability Manager Building Services</b></p> <p>b) c2.1(4) Grant a consent to any variation to the specifications in Schedules 2, 3 and 4. c2.1(7) Approve a dividing fence or boundary fence exceeding 1800 millimetres in height. c2.2(1) Approve a fence in a front setback of a residential lot greater than 1200 millimetres in height with conditions set out in subclauses 2.2(2) and (3). c2.4 Approve a person to deposit or permit the deposit of, any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property. c2.5 Approve a person to erect a fence on a rural lot, or a special rural lot within 7.5 metres of a thoroughfare, of a height exceeding 1500 millimetres. c2.6 Approve a person to erect a fence other than that within the front setback area, on a residential lot, of a height exceeding 1800 millimetres. c2.9 Approve a person to erect or maintain a fence across a right-of-way, public access way or thoroughfare. c3.2(2) Give written approval for a person to erect or affix to any fence of a residential or commercial lot, any barbed wire or other material with spiked or jagged projections. c3.3(1) Approve the construction or use of an electric fence, or the construction of a fence constructed wholly or partly of razor wire, on a lot. c4.1(3) Require an applicant to provide additional information. c4.1(4) Refuse to consider an application for approval which is not in accordance with subclause 4.1(2) and (3). c4.2 Approve or refuse an application or approve subject to conditions.</p> <p><b>Building Surveyor Coordinator Building Services Director City Development and Sustainability Manager Building Services Senior Building Surveyor</b></p>
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	<p>c) c6.1(1) Give notice in writing to an owner or occupier of a breach of this local law.  <b>Assistant Building Surveyor</b>  <b>Building Surveyor</b>  <b>Ranger</b>  <b>Team Leader Rangers</b></p> <p><b>Coordinator Rangers and Compliance</b>  <b>Coordinator Environment and Waste</b>  <b>Coordinator Environmental Health</b>  <b>Director City Development and Sustainability</b>  <b>Environmental Health Officer</b>  <b>Manager Building Services</b>  <b>Manager Engineering Services</b>  <b>Manager Environment and Health Services</b>  <b>Senior Compliance Officer</b>  <b>Compliance Officer</b>  <b>Senior Building Surveyor</b>  <b>Senior Environmental Health Officer</b></p> <p>2. c7.2(1) Prescribed offences  The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the <i>Local Government Act 1995</i> as authorised persons and permitted by s.9.16(1) of the <i>Local Government Act 1995</i> and does not form part of this delegation.</p> <p><b>Exception:</b>  The officer who has issued the infringement notice cannot withdraw the infringement.</p> <p><b>Reporting Requirements:</b>  Any exercise of this delegation is to be recorded in the Delegated Authority Register.  The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Local Law</u></b>  Fencing Local Law 2016  <b><u>City of Kwinana Policies</u></b>  Legal Representation for Elected Members and Officers - Cost Indemnification and Liability</p>
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.6 Local Government Property Local Law</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Local Government Property Local Law: c1.5(2)(a) Hire local government property to any person. c1.5(2)(b) Enter into an agreement with any person regarding the use of any local government property. c2.2(1) Give local public notice of intention to make a determination. c2.3 Erect a sign on a local government property giving notice of the effect of a determination which applies to that property. c3.2(2) & (3) Determine the form of an application and information required by the form. c3.2(4) Require an applicant to give local public notice of the application of a permit. c3.2(5) Refuse an application that is not in accordance with c3.2. c3.3 Approve an application for a permit either unconditionally or subject to conditions or refuse an application. c3.4 Approve an application with conditions on a permit. c3.5(2) Impose an application with subject to conditions by reference to a policy. c3.6(2) Vary conditions of a permit. c3.7 Enter into an agreement with the permit holder in respect of the ownership of the materials in the building. c3.10 Refuse or approve the transfer of a permit and impose conditions. c3.12(1) Cancel a permit. c3.13(2) Exempt a person from compliance with the requirements of clause 3.13(1). c3.13(3) Exemption a local government property or a class of local government property from the application of sub-clause 3.13(1)(a). 4.7(1) Erect a sign on a local government property specifying any conditions of use which apply to that property. c6.2(2) No authorised entry to a function - exemption a person from being charged a fee for admission to a government property for the purposes of subclause 6.2(1). c6.3 In special circumstances, authorise the repayment of all or part of a payment of fees paid for entry into or participation in an activity in a local government property. c7.2(1) & (2) Determine the manner in which an application for consent must be given and if a fee is to be Paid. c7.2(3) Refuse to consider an application if the application for consent is not made in the manner required by the local government or the required fee is not Paid. c7.2(4) Require an application for consent and either approve or refuse the application in writing. c7.3 Consent to a person landing, using or going on any part of a jetty that is under construction, under repair or closed. c7.5(b) Consent to the embarking or disembarking of passengers for a consecutive period exceeding 2 hours.

	<p>c7.7 Consent to a person launching a boat from, or over a jetty (other than a boat ramp).</p> <p>c7.8 Consent to a boat coming alongside or be moored or made fast to a jetty for the purposes of loading or discharging cargo or other goods between the hours of 6.00pm and 6.00am on the next day, or for longer than 2 consecutive hours.</p> <p>c7.12 Consent to a person placing or depositing bulk cargo from a vehicle or boat or container, onto a jetty.</p> <p>c9.3 Dispose of lost property. c10.1 Issue of a notice.</p> <p>c10.3 Local government may undertake requirements of notice.</p>
<p><b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	To perform the functions of the local government for the Local Government Property Local Law.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Aquatic Programs Team Leader  Aquatics and Centre Operations Team Leader  Community Facilities Officer  Community Facilities Team Leader  Coordinator Community Facilities Planning  Coordinator Library Services  Coordinator Rangers and Compliance  Customer Experience Team Leader  Director City Development and Sustainability  Director City Life  Sports and Programs Team Leader  Recquatic Duty Officer  Kwinana Recquatic Manager  Library Operations Team Leader  Library Services Senior Team Leader  Manager Building Services  Manager Community Engagement  Manager Community Facilities  Manager Engineering Services  Manager Environment and Health Services  Manager Essential Services  Ranger  Team Leader Rangers    Fitness and Customer Experience Coordinator</p>

**CEO conditions on this sub-delegation** *Conditions on the original delegation also apply to the sub-delegations.*

Local Government Property Local Law:

**Note: The clauses listed below may not be listed in strictly numerical order.**

1. The following clauses are only to be performed by the officers as listed:
  - c1.5(2)(a) Hire local government property to any person.  
**Director City Life**  
**Manager Community Facilities**  
**Manager Community Engagement**  
**Kwinana Recquatic Manager**  
**Fitness and Customer Experience Coordinator**  
**Customer Experience Team Leader**  
**Sports and Programs Team Leader Aquatic Programs**  
**Team Leader**  
**Aquatics and Centre Operations Team Leader**  
**Recquatic Duty Officer**  
**Coordinator Community Facilities Planning**  
**Coordinator Koorliny Arts Centre**  
**Community Facilities Team Leader**  
**Community Facilities Officer**  
**Coordinator Library Operations**  
**Library Services Senior Team Leader**
  - c1.5(2)(b) Enter into an agreement with any person regarding the use of any local government property.
  - c3.7 Enter into an agreement with the permit holder in respect of the ownership of the materials in the building.
  - c3.13(3) Exempt a local government property or a class of local government property from the application of sub-clause 3.13(1)(a).
  - c7.2(2) Require an application for consent made under subclause 7.2(1) to be accompanied by a fee.  
**Director City Life**  
**Director City Development and Sustainability**  
**Manager Building Services**  
**Manager Community Facilities**  
**Manager Community Engagement**  
**Coordinator Library Services**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Kwinana Recquatic Manager**  
**Coordinator Rangers and Compliance**  
**Ranger**  
**Team Leader Rangers**  
**Community Facilities Officers**  
**Coordinator Kooliny Art Centre**
  - c6.2(2) No authorised entry to a function - exemption a person from being charged a fee for admission to a government property for the purposes of subclause 6.2(1).
  - c6.3 In special circumstances, authorise the repayment of all or part of a payment of fees paid for entry into or participation in an activity in a local government property.  
Note: For clause 6.3, the delegate is to apply discretion and determine the circumstances, on a case by case basis, in which a refund for 'special circumstances' may be made.

**Director City Life**

- c3.2(2) & (3) Determine the form of an application and information required by the form].

**Director City Life**

**Kwinana Recquatic Manager**

**Coordinator Library Operations**

**Community Programs Officer**

**Library Services Senior Team Leader**

- c3.2(5) Refuse an application that is not in accordance with c3.2.
- c3.3 Approve an application for a permit either unconditionally or subject to conditions or refuse an application.
- c3.4 Approve an application with conditions on a permit.
- c3.6(2) Vary conditions of a permit.c3.10 Refuse or approve the transfer of a permit and impose conditions.
- c3.12(1) Cancel a permit.

Note: In respect to clause 3.10, a transfer may be affected by an endorsement on the permit signed by the Chief Executive Officer as required by sub-clause 3.10(3).

**Director City Life**

**Director City Development and Sustainability**

**Manager Building Services**

**Manager Community Facilities**

**Manager Community Engagement**

**Manager Engineering Services**

**Manager Environment and Health Services**

**Manager Essential Services**

**Kwinana Recquatic Manager**

**Aquatics and Centre Operations Team Leader**

- c7.2(3) Refuse to consider an application if the application for consent is not made in the manner required by the local government or the required fee is not paid.

**Director City Life**

**Director City Development and Sustainability**

**Manager Building Services**

**Manager Community Facilities**

**Manager Community Engagement**

**Manager Engineering Services**

**Manager Environment and Health Services**

**Manager Essential Services**

**Kwinana Recquatic Manager**

**Community Facilities Team Leader**

**Community Facilities Officer**

**Coordinator Community Facilities Planning**

- c3.5(2) Impose an application with subject to conditions by reference to a policy.
- c4.7(1) Erect a sign on a local government property specifying and conditions of use which apply to that property.
- c7.2(4) Require an application for consent and either approve or refuse the application in writing.
- c10.3 Local government may undertake requirements of notice. Note: In respect to clause 3.10, a transfer may be affected by an endorsement on the permit signed by the Chief Executive Officer as required by sub-clause 3.10(3).

**Director City Life**  
**Director City Development and Sustainability**  
**Manager Building Services**  
**Manager Community Facilities**  
**Manager Community Engagement**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**

**Kwinana Recquatic Manager**  
**Coordinator Community Facilities Planning**

- c2.2(1) Give local public notice of intention to make a determination.

**Director City Life**  
**Director City Development and Sustainability**  
**Manager Building Services**  
**Manager Community Facilities**  
**Manager Community Engagement**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Kwinana Recquatic Manager**  
**Customer Experience Team Leader**

- c3.2(4) Require an applicant to give local public notice of the application of a permit.
- c3.13(2) Exempt a person from compliance with the requirements of clause 3.13(1).
- c7.2(1) Determine the manner in which an application for consent must be given.
- c10.1 Issue of a notice.

**Director City Life**  
**Director City Development and Sustainability**  
**Manager Building Services**  
**Manager Community Facilities**  
**Manager Community Engagement**  
**Manager Engineering Services**  
**Manager Environment and Health Services**  
**Manager Essential Services**  
**Kwinana Recquatic Manager**

- c7.3 Consent to a person landing, using or going on any part of a jetty that is under construction, under repair or closed.
- c7.5(b) Consent to the embarking or disembarking of passengers for a consecutive period exceeding 2 hours.
- c7.7 Consent to a person launching a boat from, or over a jetty (other than a boat ramp).
- c7.8 Consent to a boat coming alongside or be moored or made fast to a jetty for the purposes of loading or discharging cargo or other goods between the hours of 6.00pm and 6.00am on the next day, or for longer than 2 consecutive hours.
- c7.12 Consent to a person placing or depositing bulk cargo from a vehicle or boat or container, onto a jetty.

**Ranger**  
**Team Leader Rangers**

	<p><b>Coordinator Rangers and Compliance Manager Essential Services</b></p> <ul style="list-style-type: none"> <li>c9.3 Dispose of lost property. Note: Disposal of lost property must be undertaken in accordance with sections 3.39 and 3.42 of the <i>Local Government Act 1995</i>.</li> </ul> <p><b>Manager Essential Services</b></p> <p>2. c10.5(3) Prescribed offences. The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the <i>Local Government Act 1995</i> as authorised persons and permitted by s.9.16(1) of the <i>Local Government Act 1995</i> and does not form part of this delegation.</p> <p><b>Exception:</b> The officer who has issued the infringement notice cannot withdraw the infringement.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Local Law</u></b> Local Government Property Local Law <b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Costs Indemnification and Liability</p>
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



<b>Delegation</b>	<b>1.3.7 Pest Plants Local Law</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Pest Plants Local Law: c5 Serve of a notice. c6(a) Destroy, eradicate or control pest plants. c6(b) Recover in court, the amount of the expenses of such destruction, eradication or control.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the Pest Plants Local Law.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Senior Environmental Planner Coordinator Environment and Waste Environmental Officer
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<b>The commencement of legal proceedings or initiation of a prosecution will not be undertaken without the express approval of the CEO, or where deemed necessary by the CEO, the approval of Council.</b> Refer to Delegation 1.1.4 and Governance Work Instruction WI54 – Procedure for commencement of legal proceedings. – D16/4719*. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Local Law</u></b> Pest Plants Local Law <b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Cost Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509

<b>Last reviewed</b>	June 2024
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<b>Delegation</b>	<b>1.3.8 Urban Environment and Nuisance Local Law</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Urban Environment and Nuisance Local Law: c2.6 Give a notice - reflection or illumination of lighting. c3.1 Notice to remove graffiti. c4.2(2) Serve a notice on an owner or occupier of land requiring compliance of prohibited activities – prevention of dust and liquid waste. c4.2(3) Serve a notice to cease a prohibited activity – prevention of dust and liquid waste. c4.2(4) Serve a notice imposing conditions on a prohibited activity – prevention of dust and liquid waste. 6.1(1) Determine that a lot has an untidy appearance because of refuse, rubbish or disused materials and does not conform with the general appearance of other land in that part of the district. 6.1(2) Give a writing notice to the owner or occupier of a property, requiring the removal of refuse, rubbish or disused materials. 7.1(1) Give a notice to the owner or the occupier of a lot to remove, cut, move or otherwise deal with a plant or tree so as to remove the danger or hazard. 7.1(2) Take any remedial action considered appropriate in order to make a plant or tree safe without having given the owner or occupier notice as required by Part 10 of this local law. 7.2(1) Give a notice to the owner or the occupier of the lot specifying measures to prevent or minimize any danger or hazard due to cyclonic activity. 7.2(2) Take any remedial action considered appropriate to prevent or minimize the danger or hazard due to cyclonic activity without having given the owner or occupier notice as required by Part 10 of this local law. c8.1 Approve, refuse, impose conditions and give written notices for private works on, over or under a public place. c10.2 Local government may undertake requirements of notice.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To take actions to ensure compliance with the provisions of the Urban Environment and Nuisance Local Law.
<b>Delegate</b>	Chief Executive Officer
<b>Conditions</b>	Nil

<p><b>Express power to subdelegate</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Subdelegates</b></p>	<p>Building Surveyor Assistant Building Surveyor Ranger Team Leader Rangers Compliance Officer Coordinator Building Services Coordinator Rangers and Compliance Coordinator Environment and Waste Coordinator Environmental Health Director City Development and Sustainability Director City Infrastructure Environmental Health Officer Environmental Health Technical Officer Manager Building Services Manager City Operations Manager Engineering Services Manager Environment and Health Services Manager Essential Services Senior Building Surveyor Senior Compliance Officer Senior Environmental Planner Senior Environmental Health Officer Swimming Pool Inspector</p>
<p><b>Subdelegate conditions</b></p>	<p>Note: The clauses listed below may not be listed in strict numerical order.</p> <p>1) The following clauses are only to be performed by the officers as listed:</p> <ul style="list-style-type: none"> <li>• c2.6 Give a notice - reflection or illumination of lighting.</li> <li>• c4.2(2) Serve a notice on an owner or occupier of land requiring compliance of prohibited activities – prevention of dust and liquid waste.</li> <li>• c4.2(3) Serve a notice to cease a prohibited activity – prevention of dust and liquid waste.</li> <li>• c4.2(4) Serve a notice imposing conditions on a prohibited activity – prevention of dust and liquid waste.</li> </ul> <p><b>Coordinator Rangers and Compliance</b> <b>Coordinator Environment and Waste</b> <b>Coordinator Environmental Health</b> <b>Environmental Health Officer</b> <b>Environmental Health Technical Officer</b> <b>Manager Environment and Health Services</b> <b>Senior Environmental Health Officer</b></p> <ul style="list-style-type: none"> <li>• c3.1 Notice to remove graffiti.</li> <li>• 6.1(1) Determine that a lot has an untidy appearance because of refuse, rubbish or disused materials and does not conform with the general appearance of other land in that part of the district.</li> <li>• 6.1(2) Give a written notice to the owner or occupier of a property, requiring the removal of refuse, rubbish, or disused materials.</li> <li>• 7.1(1) Give a notice to the owner or the occupier of a lot to remove, cut, move, or otherwise deal with a plant or tree so as to remove the danger or hazard.</li> </ul>

**Building Surveyor  
Assistant Building Surveyor  
Ranger  
Team Leader Rangers  
Coordinator Building Services**

**Coordinator Rangers and Compliance  
Coordinator Environment and Waste  
Coordinator Environmental Health  
Director City Development and Sustainability  
Director City Infrastructure  
Environmental Health Officer  
Environmental Health Technical Officer  
Manager Building Services  
Manager Engineering Services  
Manager Environment and Health Services  
Manager Essential Services  
Manager City Operations  
Senior Compliance Officer  
Compliance Officer  
Senior Environmental Health Officer  
Senior Environmental Planner  
Senior Building Surveyor**

- 7.1(2) Take any remedial action considered appropriate to make a plant or tree safe without having given the owner or occupier notice as required by Part 10 of this local law.
- 7.2(1) Give a notice to the owner or the occupier of the lot specifying measures to prevent or minimize any danger or hazard due to cyclonic activity.
- 7.2(2) Take any remedial action considered appropriate to prevent or minimize the danger or hazard due to cyclonic activity without having given the owner or occupier notice as required by Part 10 of this local law.
- c8.1 Approve, refuse, impose conditions and give written notices for private works on, over or under a public place.
- c10.2 Local government may undertake requirements of notice.

**Director City Development and Sustainability  
Director City Infrastructure  
Manager Building Services  
Manager Engineering Services  
Manager Environment and Health Services  
Manager Essential Services  
Manager City Operations  
Coordinator Environmental Health  
Senior Environmental Health Officer  
Environmental Health Officer  
Environmental Health Technical Officer**

- 2) c10.4 Prescribed offences.  
The giving of infringement notices for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the *Local Government Act 1995* as authorised persons and permitted by s.9.16(1) of the *Local Government Act 1995* and does not form part of this delegation.

**Exception:**

The officer who has issued the infringement notice cannot withdraw the

	<p>infringement. The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Local Law</u></b> Urban Environment and Nuisance Local Law <b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Cost Indemnification and Liability</p>
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>1.3.9 Parking and Parking Facilities Local Law 2018</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws. The exercise of the following provisions of the Parking and Parking Facilities Local Law 2018: c2.1 Erect a sign for the purpose of this local law on any land, building or other structure within the parking region. c2.3 Approve a sign or the removal or defacing of a Sign. c3.3(1)(b) Permit a person to park a vehicle on any part of a parking station contrary to a sign referable to that Part. c4.1(4) Permit a person to park a vehicle in a area designated by a sign stating 'Authorised Vehicles Only'. c4.10 Authorise a person to drive or park upon or over a portion of a reserve. c4.12(1) Permit a person to park a vehicle on a portion of a thoroughfare or parking facility for longer than the permitted Time. c4.12(2) Prohibit any other vehicle from parking on a portion of a thoroughfare or parking facility to which a permission granted under clause 4.12(1) has been given. c4.13(5) By the way of signs, set aside parking stations for multiple occupants. c5.21 Issue, revoke or suspend a temporary parking permit. c6.1(2) Permit a person to affix an board or sign, placard, notice, cover or other thing to or paint, mark or write upon any ticket machine. c7.2 Issue a permit exempting a holder of a valid permit from the requirements of a prohibition. c7.3 Issue a residential parking permit. c7.4 Approve the issue of one additional residential parking permit or one additional visitor's parking permit on such terms or conditions as the local government sees fit. c7.6 Give to an eligible person a notice requiring that person to notify the local government of any reason why that permit should not be revoked. c7.8 Issue a permit to replace a residential parking permit or visitor's parking permit which is lost, destroyed or stolen. c8.10 At the expiration of hours of operation, lock parking stations.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the Parking and Parking Facilities Local Law 2018.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<ol style="list-style-type: none"> <li>1. The expenses incurred are in respect to an expense for which the person is entitled to be reimbursed, subject to Part 5, Division 8 of the <i>Local Government Act 1995</i>; and</li> <li>2. The payment request is submitted and authorised in accordance with the City's policies and work procedures.</li> </ol>

<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Manager Essential Services
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	c9.1(3) Prescribed offences. The giving of <b>infringement notices</b> for the purposes of this local law may be performed by persons appointed by s.9.10(1) of the <i>Local Government Act 1995</i> as authorised persons and permitted by s.9.16(1) of the <i>Local Government Act 1995</i> and does not form part of this delegation.  <b>Exception:</b> The officer who has issued the infringement notice cannot withdraw the infringement. The exercise of the delegated power does not include the power of delegation.
<b>Policy</b>	<b><u>City of Kwinana Local Law</u></b> Parking and Parking Facilities Local Law 2018  <b><u>City of Kwinana Policies</u></b> Legal Representation for Elected Members and Officers - Costs Indemnification and Liability
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



## 2. Building Act 2011 Delegations

### 2.1. Council to CEO/Employees

Delegation	2.1.1 Building Act 2011 – Powers and duties
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Building Act 2011:</i> s.127 A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
<b>Express power or duty delegated</b>	All powers and duties exercised by the Local Government as a permit authority under the <i>Building Act 2011</i> .
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to exercise and discharge all or any of the powers and duties of the Local Government as a permit authority under the <i>Building Act 2011</i> . Inclusive of the appointing of such persons to be an Authorised Persons for performing particular functions under this Act.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub- delegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Building Surveyor Senior Building Surveyor Assistant Building Surveyor Compliance Officer Coordinator Building Services Director City Development and Sustainability Manager Building Services Senior Compliance Officer

**CEO conditions on this sub-delegation** *Conditions on the original delegation also apply to the sub-delegations.*

The power delegated is according to the position/qualification held as per the Building Act and Regulations, (for example level one, two etc.) these levels need to be included within the officer's position description. OFFICERS CAN ONLY ISSUE THE FOLLOWING DELEGATIONS AS PER THEIR LEVEL ADDRESSED IN THEIR POSITON DESCRIPTIONS.

**Manager Building Services**

- Level 1 Description of Authority:
  - a) Building and Demolition Permit Applications, Certificates of Design Compliance, Certificates of Building Compliance, Building Approval Certificates, Certificates of Construction Compliance, Applications to Amend Permits or Builder Details and Extensions of Time;
  - b) Occupancy Permits, Building Orders and Notices and perform functions of permit authority; and
  - c) Approve (or refuse) permit applications or certificates, orders and notices.

**Conditions:**

Unrestricted assessment and certification.

**Coordinator Building Services Senior Building Surveyor Building Surveyor**

Level 1

- Description of Authority:
  - a) Building and Demolition Permit Applications/Certificates of Design Compliance, Certificates of Building Compliance, Building Approval Certificates, Certificates of Construction Compliance, Applications to Amend Permits or Builders Details and Extensions of time;
  - b) Occupancy Permits, Building Orders and Notices and perform functions of permit authority; and
  - c) Approve permit applications or certificates.

**Conditions:**

Unrestricted assessment and certification.

**Building Surveyor**

Level 2

- Description of Authority:
  - a) Building and Demolition Permit Applications/Certificates of Design Compliance, Certificates of Building Compliance, Building Approval Certificates, Certificates of Construction Compliance, Applications to Amend Permits of Builder Details and Extensions of time;
  - b) Occupancy Permits, and Notices and perform functions of permit authority; and
  - c) Approve permit applications or certificates.

**Conditions:**

Restricted to assessing and certifying any type of Class 1 or 10 and Class 2 – 9 that are no higher than three storeys and doesn't exceed 2,000m<sup>2</sup> in total floor area.

	<p><b>Assistant Building Surveyor</b>  Building Surveyor Technician</p> <ul style="list-style-type: none"> <li>• Description of Authority: <ul style="list-style-type: none"> <li>a) Assess and approve permit applications.</li> </ul> </li> </ul> <p><b>Conditions:</b>  Restricted to assessing and approving applications for Class 1 or 10 and Class 2 – 9, no higher than 2 storeys and not exceeding 500m<sup>2</sup> in total floor area, where they have been certified by a suitably qualified Building Surveyor.</p> <p><b>Manager Building Services</b>  <b>Building Surveyor</b>  <b>Coordinator Building Services</b>  <b>Senior Building Surveyor</b>  <b>Compliance Officer</b>  <b>Senior Compliance Officer</b>  Level 1 and 2</p> <ul style="list-style-type: none"> <li>• Description of Authority: <ul style="list-style-type: none"> <li>a) Undertake inspections of private swimming pools, spas and enclosures and assessing and certifying compliance with AS 1926.1; and</li> <li>b) Issue certificates of compliance with AS 1926.1.</li> <li>c) Issue inspection certificates</li> </ul> </li> </ul> <p><b>Conditions:</b>  For the purposes of monitoring whether the provisions of r.50 and 52 of the Building Regulations 2012 are being complied with.  The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Policies</u></b>  Legal Representation for Elected Members and Officers - Costs Indemnification and Liability</p>
<b>Record keeping</b>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</p>
<b>Date adopted</b>	<p>26 June 2024</p>
<b>Adoption references</b>	<p>#509</p>
<b>Last reviewed</b>	<p>June 2024</p>

### 3. Bush Fires Act 1954 Delegations

#### 3.1. Council to CEO, Mayor and Bush Fire Control Officer

<b>Delegation</b>	<b>3.1.1 Bush Fires Act 1954 – Functions of a local government</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Bush Fires Act 1954:</i> s.48(1) Delegation by Local Government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.48(1) Delegation by Local Government
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Perform any of the functions of a local government for the purposes of the <i>Bush Fires Act 1954</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<i>Bush Fires Act 1954:</i> s.48(4) Nothing in s.48 is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business. This delegation excludes powers and duties that: a) are prescribed in the Act with the requirement for a resolution by the local government; b) are prescribed in the Act for performance by appointed Officers; c) are subject to separate delegated authority within this register; or d) s.33(5a) – making of local laws.
<b>Express power to sub- delegate</b>	<i>Bush Fires Act 1954:</i> s.48(3) No power provided to sub-delegate
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>3.1.2 Bush Fires Act 1954 – Restricted and prohibited burning times</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Bush Fires Act 1954:</i> s.17(10) Delegation by Local Government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.17(10) Delegation by Local Government <i>Bush Fires Act 1954:</i> s.17(7)(a) shortening, extending, suspending or re-imposing a period of prohibited burning times s.17(7)(b) impose a further period of prohibited burning times s.17(8) give notice of any variation s.18(5)(a)(i) shortening, extending, suspending or re-imposing a period of restricted burning times; s.18(5)(a)(ii) imposing a further period of restricted burning times s.18(5)(b) vary the prescribed conditions by modifying or suspending all or any of those conditions
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	After consultation with an authorised CALM Act Officer if forest land is situated in the district, vary the prohibited and restricted burning times in respect of that year in the district or a part of the district.
<b>Delegates</b>	Emergency Services Coordinator Mayor
<b>Council conditions on this delegation</b>	Mayor and Emergency Services Coordinator to act jointly. Vary prohibited and restricted burning times in accordance with s.17(7)(b), s.17(8) and s.18(5B), 18(5C) of the <i>Bush Fires Act 1954</i> .
<b>Express power to sub- delegate</b>	Nil. This authority is not to be sub-delegated
<b>Policy</b>	<b><u><a href="#">City of Kwinana Polices</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 4. Cat Act 2011 Delegations

### 4.1. Council to CEO / Employees

<b>Delegation</b>	<b>4.1.1 Cat Act 2011 – Administration and enforcement</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Cat Act 2011:</i> s.44(1) Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.48(1) Authorised Persons
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to: <ol style="list-style-type: none"> <li>1. Exercise any of the City's powers or the discharge of any of its duties under the Cat Act 2011.</li> <li>2. Appoint such persons to be Authorised Persons for performing particular functions under this Act.</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<i>Cat Act 2011:</i> s.48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s.62 (Infringement notices)
<b>Express power to sub- delegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government Note: s.45(6) A power or duty under s.63, 64 or 65 cannot be delegated to an authorised person.
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Ranger Team Leader Rangers Compliance Officer Coordinator Rangers and Compliance Customer Experience Coordinator Senior Customer Relations Officer Director City Development and Sustainability Essential Services Administration Officer Manager Essential Services Senior Compliance Officer

<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Delegated to:  <b>Manager Essential Services</b>  The exercise of any powers or the discharge of any duties for which the local government has responsibility, except for the issue of an infringement notice issued under s.62.</p> <p><b>Manager Essential Services  Coordinator Rangers and Compliance</b>  The exercise of any powers or the discharge of any duties for which the operator of a cat management facility has responsibility.</p> <p><b>Coordinator Rangers and Compliance  Customer Experience Coordinator</b>  s.13(1) Notice to be given of certain decisions made under sections 9 and 10.</p> <p><b>Coordinator Rangers and Compliance Ranger  Team Leader Rangers  Compliance Officer  Senior Compliance Officer</b>  s.26(1) Cat control notice may be given to cat owner  s.32 Notice to be given to cat’s owner, if identified.  s.34 Dealing with unidentified and unclaimed cats</p> <p><b>Coordinator Rangers and Compliance  Customer Experience Coordinator  Senior Customer Relations  Officer Ranger  Team Leader Rangers  Compliance Officer  Senior Compliance Officer  Essential Services Administration Officer</b>  s.10 Cancellation of registration.  s.11(2) Registration numbers, certificates, and tags.  s.12(4) Correct errors in the register.</p> <p><b>Conditions and Exceptions:</b>  <i>Cat Act 2011</i>  <i>Cat Regulations 2012</i></p> <ol style="list-style-type: none"> <li>1. An Officer who makes a decision to refuse an application under s.9(1) must be satisfied that one or more of the conditions in s.9(2) apply.</li> <li>2. A notice issued under s.13(1) is to comply with s.13(2).</li> <li>3. A cat control notice issued under s.26(1) is to comply with the requirements of s.26(2) and r.20.</li> <li>4. All applications, certificates, warrants, notices, infringement notices, withdrawals and objections must be in the prescribed form.</li> </ol> <p><b>Any proposed entry under warrant under s.56 and s.57 must be referred to the Chief Executive Officer for approval prior to the seeking of the warrant from a justice.</b>  The exercise of this delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u><a href="#">City of Kwinana Policies</a></u></b></p>

<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1. s.47(3) requires that a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty;</li> <li>2. Information to be recorded in the local government's cat register is to be in accordance with r.16;</li> <li>3. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>4. Any actions taken or notices issued are to be recorded on the appropriate file or record of the City.</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024



## 5. Dog Act 1974

### Delegations

#### 5.1. Council to CEO/Employees

<b>Delegation</b>	<b>5.1.1 Dog Act 1976 – Appointment of authorised persons and registration officers</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Dog Act 1976:</i> s.10AA(1) Delegation to CEO
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(1) Appointment of authorised persons s.11(1) Appointment of registration officers
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To appoint authorised persons and registration officers.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<i>Dog Act 1976</i> s.11(3) A person who is authorised by a local government to exercise any power under this Act shall be furnished with a certificate in the prescribed form evidencing his appointment and shall provide that certificate on being required so to do by a person in respect of any power he exercises, has exercised or is about to exercise. s.29(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.
<b>Express power to sub- delegate</b>	Nil. This authority is not to be sub-delegated
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain. Authorisation needs to be included in the officer Authorisation documents and in the prescribed form and documented in the City's Record Keeping System.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>5.1.2 Dog Act 1976 – Power or duty of the local government under any provision of the Act</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Dog Act 1976:</i> s.10AA(1) Delegation to CEO
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.11(1) Staff and Services s.29(1) Power to seize dogs (appoint authorised persons for purposes under this act) s.33M(1)(a) Local Government expenses to be recoverable
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Any power or duty of the local government under any provision of this Act.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<i>Dog Act 1976:</i> s.10AA(4) A local government's Chief Executive Officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. s.10AA(5) Nothing in this limits the ability of a local government's Chief Executive Officer to perform a function through an officer or agent.
<b>Express power to sub- delegate</b>	<i>Dog Act 1976:</i> s.10(AA)(3) The delegation may expressly authorise the delegate to further delegate the power or duty
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Coordinator Rangers and Compliance Director City Development and Sustainability Manager Essential Services

<p><b>CEO conditions on this sub- delegation</b>  <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>Delegation to:  <b>Director City Development and Sustainability</b>  <b>Manager Essential Services</b>  r.35(4) Withdrawal of infringement notice</p> <p><b>Manager Essential Services</b>  s.16(3) Registration process – refuse an application  s.26(3) Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises.  s.33H Local government may revoke declaration or proposal to destroy.  s.33H(5) 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.29(11) Authority to dispose of or sell a dog which is liable to be destroyed.</p> <p><b>Manager Essential Services</b>  <b>Coordinator Rangers and Compliance</b>  s.17A(2) If no application for registration made – Give a written notice.  s.17(6) Refusal or cancellation of registration – seize, detain, destroy or dispose of dog. S.33E(1) Individual dog may be declared to be a dangerous dog.</p> <p><b>Conditions and Exceptions:</b></p> <ol style="list-style-type: none"> <li>1. Pursuant to s.16(3), a notification to the owner in accordance with s.16(4) must be provided if a registration is refused, not renewed or cancelled.</li> <li>2. A notice to the owner in accordance with s.17A(2) must inform the owner of the right under s.17(1) to apply for a review of the decision as required by s.17A(3).</li> <li>3. If a dog is declared a dangerous dog under s.33E(1), a notice to the owner of the dog must be provided under s.33F declaring the dog to be a dangerous dog.</li> <li>4. A notification to the owner in accordance with s.33H(3) must be provided to the owner of the dog for a revocation made under s.33H(1).</li> <li>5. A withdrawal of an infringement under r.35(4) is to be in the prescribed Form – Form 9 of the Regulations.</li> </ol> <p><b>Any proposed entry under warrant under s.12A(2) must be referred to the Chief Executive Officer for approval prior to the seeking of the warrant from a justice.</b>  The exercise of the delegated power does not include the power of delegation.</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b></p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Register of Delegation of Authority via Attain.</p>
<p><b>Date adopted</b></p>	<p>26 June 202</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>5.1.3 Dogs Local Law 2010</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.18(1) Administer Local Laws.  The exercise of the following provisions of the Dogs Local Law 2010: c4.2(c) Determine that the applicant or another person who will have charge of the dogs, will reside on the premises or sufficiently close to the premises. c4.3(3)(b) Refuse to determine an application if, in the opinion of the delegate, that the notice of a proposed use of a premises is of a size or in a location that would fail to notify persons of the proposed use of the premises. c4.6 Have regard to matters in determining an application. c4.8(1) Approve an application for a licence subject to conditions contained in Schedule 2 and to other conditions considered appropriate. c4.8(2) Vary any of the conditions contained in Schedule 2. c4.11 Determine the form of a licence. c4.13(1) Vary the conditions of a licence. c4.13(2) Cancel a licence; a) on the request of the licensee; b) following a breach of the Dog Act 1976, its Regulations or this local law; or c) if the licensee is not a fit and proper person. c4.14(1)(a) Determine the form of an application for the transfer of a licence. c4.14(3) Approve, whether or not subject to such conditions as he/she considers appropriate, or refuse to approve an application to transfer a licence. c4.15 Give written notice. c5.2(2)(a) Permit dogs to be exercised in an area being used for sporting or other activities, during the time of use. c6.1(3)(a) Approve the manner in which excrement may be removed. c6.1(3)(b) Provide receptacles on a park, reserve or land, specifically provided for holding dog excrement. c7.7 Ascertain the address at which a notice is to be served.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To perform the functions of the local government for the <i>Dogs Local Law 2010</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Nil
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-delegates</b> <i>Appointed by CEO</i>	Manager Essential Services
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p><i>Dog Act 1976:</i>  The local government cannot approve an application for a licence where, in accordance with clause 4.7;</p> <ol style="list-style-type: none"> <li>1. an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or</li> <li>2. in respect to clause 4.2(c), an applicant for a licence or another person who will have charge of the dogs will not reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and to ensure their health and welfare, or</li> <li>3. where the provisions of the Town Planning Scheme prevent such an application being approved.</li> </ol> <p>The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<p><b><u>City of Kwinana Local Laws</u></b>  <i>Dogs Local Law 2010</i></p> <p><b><u>City of Kwinana Policies</u></b>  Application to keep Additional Dogs on Premises  Legal Representation for Elected Members and Office–s - Cost Indemnification and Liability</p>
<b>Record keeping</b>	Any exercise of this delegation to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 6. Firearms Act 1973 Delegations

### 6.1. Council to CEO

<b>Delegation</b>	<b>6.1.1 Firearms Act 1973</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Firearms Act 1973:</i> s.9A(4) Duration and renewal of licence s.16(2)(a) Authorisation of employees s.30A Sale and disposal of firearms s.30B Loss, theft, destruction, or disposal out of State to be reported s.31(2) Records  <i>Firearms Regulations 1974:</i> r.11A Storage security requirements
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to: <ul style="list-style-type: none"> <li>• Exercise any of the City's powers or the discharge of any of its duties under the <i>Firearms Act 1973</i>.</li> <li>• Appoint such persons to apply to the Western Australian Police Force – Licensing Enforcement Division to be authorised to possess, carry or use a firearm in accordance with the licence and for performing particular functions under this Act.</li> </ul>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<b><i>Firearms Act 1973</i></b> This delegation is subject to: <ol style="list-style-type: none"> <li>1. Annual renewal of the corporate firearm licence as permitted by s.16(1)(c).</li> <li>2. Authorisation of employees to possess, carry or use a firearm in accordance with the licence. Authorisation only to be given to persons employed by the City and approved by the Chief Executive Officer.</li> </ol> <b><i>Firearms Regulations 1974</i></b> <ol style="list-style-type: none"> <li>1. Ensure that firearms and ammunition are stored in accordance with r.11A.</li> </ol> Only officers that have been approved by the Western Australian Police Force – Licensing Enforcement Division can be appointed as an authorised officer under the <i>Firearms Act 1973</i> .
<b>Express power to sub-delegate</b>	This Authority is not to be sub-delegated.
<b>Policy</b>	<a href="#">City of Kwinana Policies</a>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain
<b>Date adopted</b>	26 June 2024

<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 7. Food Act 2008

### Delegations

#### 7.1. Council to CEO/Employees

<b>Delegation</b>	<b>7.1.1 Food Act 2008 – Appointment of Authorised Officers and Designated Officers</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Food Act 2008:</i> s.118(2)(b) Enforcement agency may delegate a function conferred on it s.118(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] s.118(4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.122(1) Appointment of Authorised Officers s.126 (13) Infringements - Appointment of Designated Officers Function
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [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>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	<p>A certificate of authority must be issued to Authorised Officers in accordance with s.123 of the <i>Food Act 2008</i>.</p> <p>In accordance with s.126 of the <i>Food Act 2008</i> Infringement Notices. The Local Government can designate authorised officers to be designated officers for the purposes of s.126 of the <i>Food Act 2008</i> subsection (2), (3), (6) or (7) or for the purposes of 2 or more of those subsections, but a person who is a designated officer for the purposes of giving infringement notices under subsection (2) is not eligible to be a designated officer for the purposes of any of the other subsections.</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>
<b>Express power to sub- delegate</b>	<i>Food Act 2008:</i> s.118(2)(b) Functions of enforcement agencies and delegation
<b>Policy</b>	<a href="#">City of Kwinana Policies</a>



<b>Record keeping</b>	<ol style="list-style-type: none"> <li>1) Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency in accordance with s.122(3) of the <i>Food Act 2008</i>;</li> <li>2) Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain; and</li> <li>3) Save a copy of the signed authorisation in the City's Record Keeping System</li> </ol>
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>7.1.2 Food Act 2008 – Functions of enforcement agency</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Food Act 2008:</i> s.118(2)(b) <i>Functions of enforcement agencies and delegation</i>
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection s.110 Registration of food businesses s.112 Variation of conditions or cancellation of registration of food businesses s.125 Institution of proceedings
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Serve a Prohibition Order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i>.</li> <li>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s.66 of the <i>Food Act 2008</i>.</li> <li>3. Give written notice to the 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 in accordance with s.67 of the <i>Food Act 2008</i>.</li> <li>4. Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s.110 and s.112 of the <i>Food Act 2008</i>.</li> <li>5. Institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with s.125 of the <i>Food Act 2008</i>.</li> </ol>
<b>Delegates</b>	Chief Executive Officer Coordinator Environment and Waste Coordinator Environmental Health Environmental Health Officer Senior Environmental Health Officer

<p><b>Council conditions on this delegation</b></p>	<p>Delegation to:</p> <p><b>Chief Executive Officer</b></p> <ul style="list-style-type: none"> <li>Institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with s.125 of the <i>Food Act 2008</i>.</li> </ul> <p><b>Coordinator Environmental Health Coordinator Environment and Waste Senior Environmental Health Officer</b></p> <ul style="list-style-type: none"> <li>Serve a Prohibition Order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i>.</li> <li>Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s.66 of the <i>Food Act 2008</i>.</li> <li>Give written notice to the 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 in accordance with s.67 of the <i>Food Act 2008</i>.</li> <li>Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s.110 and s.112 of the <i>Food Act 2008</i>.</li> </ul> <p><b>Coordinator Environmental Health Senior Environmental Health Officer</b></p> <ul style="list-style-type: none"> <li>Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s.66 of the <i>Food Act 2008</i>.</li> <li>Give written notice to the 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 in accordance with s.67 of the <i>Food Act 2008</i>.</li> <li>Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s.110 and s.112 of the <i>Food Act 2008</i>.</li> </ul> <p><b>Environmental Health Officer</b></p> <ul style="list-style-type: none"> <li>Grant and apply conditions for registration of low risk food businesses, in accordance with s.110 and s.112 of the <i>Food Act 2008</i>. The risk category is determined using the modified WA Risk Profiling tool (Food Business Risk Classification Form D10/3370 [v#]).</li> </ul> <p><b>Conditions and Exceptions:</b></p> <ul style="list-style-type: none"> <li>In accordance with the requirements of the sections under which the function is to be performed.</li> <li>Any proceedings of an offence must be reported in accordance with s.121(2) of the <i>Food Act 2008</i>.</li> </ul> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p>
<p><b>Express power to sub-delegate</b></p>	<p><i>Food Act 2008:</i> s.118(4) Sub-delegation only permissible if expressly provided in Regulations.</p>
<p><b>Policy</b></p>	<p><b><u><a href="#">City of Kwinana Policies</a></u></b></p>

<b>Record keeping</b>	<p><i>Food Act 2008:</i></p> <ol style="list-style-type: none"> <li>1. s.121 Reports by and about enforcement agencies <ol style="list-style-type: none"> <li>I. An enforcement agency (other than the CEO) must report to the CEO, at the intervals that the CEO requires, on the performance of functions under this Act by persons employed or engaged by the agency.</li> <li>II. In addition to any report required under subsection (1), an enforcement agency must forward to the CEO details of any proceedings for an offence under this Act taken by an officer of the agency within one month after the proceedings have been finally dealt with.</li> </ol> </li> <li>2. Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.</li> </ol>
<b>Date adopted</b>	26 June 20024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 8. Graffiti Vandalism Act 2016 Delegations

### 8.1. Council to CEO/Employees

<b>Delegation</b>	<b>8.1.1 Graffiti Vandalism Act 2016 – Administration and Enforcement</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> Part 3 Powers of local government
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to exercise any of the City's powers or the discharge of any of its duties under the <i>Graffiti Vandalism Act 2016</i> .
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Must be in accordance with the Graffiti and Vandalism Policy
<b>Express power to sub-delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Ranger Team Leader Rangers Compliance Officer Coordinator Rangers and Compliance Coordinator Environment and Waste Coordinator Environmental Health Director City Development and Sustainability Director City Infrastructure Environmental Health Officer Manager City Operations Manager Engineering Services Manager Environment and Health Services Manager Essential Services Senior Compliance Officer
<b>CEO conditions on this sub-delegation</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Delegated to:  <b>Manager Engineering Services</b> <b>Manager Essential Services</b> <b>Manager Environment and Health Services</b> <b>Manager City Operation</b> <b>Coordinator Environment and Waste</b> <b>Coordinator Environmental Health</b> <b>Coordinator Rangers and Compliance</b> <b>Ranger</b> <b>Team Leader Rangers</b> <b>Environmental Health Officer</b> <b>Senior Compliance Officer</b> <b>Compliance Officer</b> • s.18 Notice requiring removal of graffiti

	<p><b>Director City Development and Sustainability</b>  <b>Director City Infrastructure</b>  <b>Manager Engineering Services</b>  <b>Manager Essential Services</b>  <b>Manager Environment and Health Services</b>  <b>Manager City Operation</b></p> <ul style="list-style-type: none"> <li>• s.19 Additional powers when notice is given</li> <li>• s.25 Local government graffiti powers on land not local government property</li> <li>• s.28 Notice of entry</li> </ul> <p><b>Director City Development Sustainability</b>  <b>Director City Infrastructure</b></p> <ul style="list-style-type: none"> <li>• s.24 Suspension of effect of notice</li> </ul> <p><b>Conditions and Exceptions:</b>  Reference should be made to Councils Policy – Graffiti Management prior to any action being taken in regard to the removal of graffiti on land that is not local government property.</p> <p><i>Graffiti Vandalism Act 2016:</i></p> <ul style="list-style-type: none"> <li>• s.21 Advice of objection and review rights  Whenever a notice is given under s.18, the person giving it is to ensure that, as soon as practicable after the notice is given, the affected person is given written reasons for being given the notice and is informed of the person’s rights under this Division to object against, and apply for a review of, the decision to give the notice.</li> <li>• S.20 Affected person  If the person to whom a local government gives a notice under s.18 is not the owner of the property to which the notice relates, the owner is also an affected person, and a reference in this Division to the affected person includes both the owner and the person to whom the notice was given.</li> <li>• s.24 Suspension of effect of notice  Any objection to a notice must be dealt with by the local government as if it were an objection to a decision of the local government under the <i>Local Government Act 1995</i> Part 9 and section</li> <li>• 9.6 of that Act applies when dealing with that objection.</li> </ul> <p>The exercise of the delegated power does not include the power of delegation.</p>
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 9. Litter Act 1979 Delegations

### 9.1. Council to CEO/Employees

<b>Delegation</b>	<b>9.1.1 Litter Act 1979 – Appointment of persons authorised to withdraw infringement notices</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Litter Act 1979:</i> s.30(4a) Appointed Person
<b>Express power or duty delegated</b>	<i>Litter Act 1979:</i> s.30(4) Withdrawal of infringement notice
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To approve the withdrawal of infringement notices issued under the <i>Litter Act 1979</i> .
<b>Delegates</b>	Chief Executive Officer Director City Development and Sustainability Manager Essential Services
<b>Council conditions on this delegation</b>	<i>Litter Act 1979:</i> s.30(4a) Withdrawal notice sent under s.30(4) shall be signed by a person appointed in writing to withdraw infringement notices.
<b>Express power to sub-delegate</b>	Nil. This authority is not to be sub-delegated.
<b>Policy</b>	<a href="#">City of Kwinana Policies</a>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 10. Public Health Act 2016 Delegations

### 10.1. Council to CEO/Employees

<b>Delegation</b>	<b>10.1.1 Designate Authorised Officers – Public Health Act 2016</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Public Health Act 2016:</i> s.24(1) and (3) Designation of authorised officers
<b>Express power or duty delegated</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul 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> </ul> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two [s.24(1) and (3)].</li> </ol> <p>Authorise the Coordinator Environmental Health and Coordinator Environment and Waste to exercise and discharge all or any of the powers and functions of the local government (enforcement agency).</p>
<b>Delegates</b>	<p>Chief Executive Officer  Coordinator Environment and Waste  Coordinator Environmental Health  Environmental Health Officer  Senior Environmental Health Officer</p>
<b>Council conditions on this delegation</b>	<p><b>Chief Executive Officer</b>  Authorised to appoint Environmental Health Officers subject to each person so appointed being:</p> <ol style="list-style-type: none"> <li>1. Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>2. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ol> <p><b>Coordinator Environment and Waste</b>  <b>Coordinator Environmental Health</b>  Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council.</p> <p><b>Environmental Health Officer</b>  <b>Senior Environmental Health Officer</b></p>



	<ul style="list-style-type: none"> <li>• By Law 29A(3) of City of Kwinana Health Local Law relating to keeping of poultry – grant, cancel and refuse registration</li> <li>• Clause 6(b) of the City of Kwinana <i>Health (Keeping of Horse and Equine Premises) Local Laws 1997</i> – grant, renew, vary or transfer the registration limiting the number of horses to be kept and imposing conditions for keeping of a horse or horses on the premises.</li> <li>• Regulation 10(2) of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 – grant a permit to use the apparatus</li> </ul>
<b>Express power to sub-delegate</b>	Nil. This authority is not to be sub-delegated
<b>Policy</b>	<a href="#">City of Kwinana Policies</a>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>10.1.2 Authority to Appoint Approved and Authorised Officers for the Purposes of the Criminal Procedure Act 2004</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Health (Miscellaneous Provisions) Act 1911:</i> s.26 A local government may appoint and authorise any person to exercise and discharge its powers and functions <i>Health (Asbestos) Regulations 1992.</i> r.15D(7) A local government may delegate a power or duty under this regulation to the chief executive officer of the local government.
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992:</i> Regulation 15D(5) A local government may appoint persons or classes of persons to be authorised or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint authorised and approved officers for the purposes of issuing and dealing with infringements under the <i>Criminal Procedure Act 2004</i> Part 2 s.6 in accordance with the requirements of the Regulations.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Subject to each person so appointed being issued with a certificate or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
<b>Express power to sub- delegate</b>	This authority is not to be sub-delegated
<b>Policy</b>	<a href="#">City of Kwinana Policies</a>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 11. Planning and Development Act 2005 Delegations

### 11.1. Council to CEO

<b>Delegation</b>	<b>11.1.1 Subdivision and development control</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2 – Part 10 - Clause 82(1)</i> Delegations by local government
<b>Express power or duty delegated</b>	City of Kwinana Local Planning Scheme No. 2 City of Kwinana Town Planning Scheme No. 3  <i>Planning and Development Act 2005</i> Part 7 Planning Control Areas Part 8 Improvement Plans and Schemes Part 13 Enforcement and Legal Proceedings
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ol style="list-style-type: none"> <li>1. Exercise all powers and discharge all duties under Local Planning Scheme No 2 and Town Planning Scheme No.3 and the <i>Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Deemed provisions for Local Planning Schemes</i></li> <li>2. Make objections or recommendations in respect of Subdivision Applications to the West Australian Planning Commission, including recommendations for the imposition of subdivision conditions;</li> <li>3. Make recommendations for approval or refusal of development within Planning Control Areas;</li> <li>4. Determine applications for variations to previously approved Planning Applications;</li> <li>5. Give a written direction in accordance with s.214 of the <i>Planning and Development Act 2005</i> to the owner or any other person undertaking a development.</li> <li>6. Determine applications for land within the Rural Water Resource Zone;</li> <li>7. Determine applications for a “Use Not Specified” under the Local Planning Scheme; and</li> <li>8. Determine applications to adopt Local Development Plans.</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	Local Planning Scheme No. 2 and Town Planning Scheme No. 3 and <i>Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed provisions for Local Planning Schemes.</i>  <ol style="list-style-type: none"> <li>1. May determine variations to Planning approvals including planning approvals previously determined by Council, that are of a minor nature and if amended, would not substantially change the development approved and for which no objection has been received during advertising (if applicable).  Any variation to a planning approval previously determined by Council must be preceded by a memo to Council outlining the proposed changes prior to determination.</li> <li>2. Excluding variations to planning approvals as stated in condition</li> </ol>

	<p>(1) above, the delegation does not include the following:</p> <ol style="list-style-type: none"> <li>a) The acceptance of mediated outcomes or determinations of s.31 reconsiderations for appeals lodged with the State Administrative Tribunal, where the application was determined by Council.</li> <li>b) Local Planning Policies including amendments.</li> <li>c) Major development within the Town Centre.</li> <li>d) Determining an application involving a 'Use Not Specified' for land in Local Planning Scheme No. 2</li> <li>e) Approval of Local Development Plan where an Elected Member has requested the matter be considered by Council. Elected Members are to be consulted in the form of a memo prior to determination. The request must be made in writing to the Director City Development and Sustainability within 3 business days of the memo being issued and must be approved by the Mayor.</li> <li>f) Approval of development within the Rural Water Resource Zone where five or more objections have been received relating to a valid planning and development matter associated with the proposal</li> <li>g) Approval of Equestrian Uses where clearing of vegetation is required outside of the Building Envelope</li> <li>h) Approval of the following new land uses or where a previous approval for the use does not exist on the land, where one or more objection is received that; <ol style="list-style-type: none"> <li>I. Relates to a valid planning and development matter associated with the proposal; and</li> <li>II. Will not be addressed by imposing condition(s) on the approval or modifying the proposal <ul style="list-style-type: none"> <li>• Eating House</li> <li>• Hazardous Industry</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Licenced Restaurant</li> <li>• Local Shop</li> <li>• Medical Clinic</li> <li>• Motel</li> <li>• Non-Residential Health Centre</li> <li>• Noxious Industry</li> <li>• Piggery</li> <li>• Public Assembly – Place of</li> <li>• Public Worship</li> <li>• Restricted Premises</li> <li>• Retail Plant Nurseries</li> <li>• Service Industry</li> <li>• Telecommunications Infrastructure</li> <li>• Veterinary Clinic</li> </ul> </li> </ol> </li> </ol>
<p><b>Express power to sub- delegate</b></p>	<p><i>Local Government Act 1995</i>  <i>Planning and Development (Local Planning Schemes Regulations) 2015,</i>  Schedule 2 Part 10:  r.83 Local Government CEO may delegate powers</p>

<p><b>Sub-delegates</b> <i>Appointed by CEO</i></p>	<p>Coordinator Statutory Planning Director City Development and Sustainability Manager Planning and Development Senior Statutory Planning Officer</p>
<p><b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i></p>	<p>Conditions on the original delegation apply to the sub-delegation</p>
<p><b>Policy</b></p>	<p><b><u>City of Kwinana Policies</u></b> Ancillary Accommodation</p> <p>Development within Cockburn Sound Catchment Development within Special Rural Zones Development within the Industrial Zones Development within the Special Residential Zones</p>
<p><b>Record keeping</b></p>	<p>Any exercise of this delegation is to be recorded in the Delegated Authority Register.</p>
<p><b>Date adopted</b></p>	<p>26 June 2024</p>
<p><b>Adoption references</b></p>	<p>#509</p>
<p><b>Last reviewed</b></p>	<p>June 2024</p>

<b>Delegation</b>	<b>11.1.2 Determine applications pursuant to the requirements of Local Planning Policy (LPP) No 5 – Development Contribution towards Public Art</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Planning and Development (Local Planning Scheme) Regulations 2015:</i> r.82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Scheme) Regulations 2015:</i> r.3. Local planning policies (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised to determine applications pursuant to the requirements of Local Planning Policy (LPP) No 5 – Development Contribution towards Public Art.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	In accordance with Local Planning Policy (LPP) No 5 - Development Contribution Towards Public Art including consideration of the recommendation of the Review Panel.
<b>Express power to sub-delegate</b>	Nil. This authority is not to be sub-delegated.
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Delegation</b>	<b>11.1.3 Illegal Development</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42(b) 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>Planning and Development Act 2005:</i> s.214(2), (3) and (5)
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	In accordance with Local Planning Policy (LPP) No 5 - Development Contribution Towards Public Art including consideration of the recommendation of the Review Panel.
<b>Express power to sub-delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-delegates</b> <i>Appointed by CEO</i>	Director City Development and Sustainability Manager Planning and Development
<b>CEO conditions on this sub- delegation</b> <i>Conditions on the original delegation also apply to the sub- delegations.</i>	Conditions on the original delegation applies to the sub-delegation
<b>Policy</b>	<b><u><a href="#">City of Kwinana Policies</a></u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

## 12. Health (Miscellaneous Provisions) Act 1911

### 12.1. Council to CEO

<b>Delegation</b>	<b>12.1.1 Deputy of the Local Government under the Health (Miscellaneous Provisions) Act 1911</b>
<b>Delegator</b> <i>Power/Duty assigned in legislation to:</i>	Council
<b>Express power to delegate</b> <i>Power that enables a delegation to be made:</i>	<i>Local Government Act 1995:</i> s.5.42(b) 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>Health (Miscellaneous Provisions) Act 1911;</i> <i>s26 Powers of local government</i>
<b>Function</b> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To be the Deputy of the City of Kwinana under the Health (Miscellaneous Provisions) Act 1911 and in that capacity to exercise and discharge all or any of the powers and functions of the local government under that Act, regulations and local laws made under that Act.
<b>Delegate</b>	Chief Executive Officer
<b>Council conditions on this delegation</b>	The exercise of this authorisation must be consistent with the relevant legislation, and Council processes.
<b>Express power to sub-delegate</b>	Nil
<b>Policy</b>	<b><u>City of Kwinana Policies</u></b>
<b>Record keeping</b>	Any exercise of this delegation is to be recorded in the Delegated Authority Register via Attain.
<b>Date adopted</b>	26 June 2024
<b>Adoption references</b>	#509
<b>Last reviewed</b>	June 2024

<b>Amendment</b>	<b>Adoption Reference</b>	<b>CEO Signature</b>
Yearly review	Ordinary Council Meeting – 26 June 2024 - #509	