



City of Nedlands

# *Register of Delegations*

As at 22 June 2021

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## Preamble

### Introduction

The purpose of delegations is to assist with improving the time taken to make decisions, within the constraints allowed by the relevant legislation, which is consistent with the City's commitment to customer service.

- a) A Council may delegate to its Chief Executive Officer, some of its powers and duties provided for in the *Local Government Act 1995*. Any decision to delegate must be passed by an absolute majority and the delegation must be in writing.
- b) The only staff member to whom the Council may delegate any of its powers and duties under the *Local Government Act 1995* is the Chief Executive Officer but the Chief Executive Officer may give delegated authority to any staff member. The Chief Executive Officer is the only staff member with the power to delegate.
- c) A Council may also delegate some of its powers and duties to committees of Council by a decision passed by an absolute majority and recorded in writing.

### Limits on Delegation to the Chief Executive Officer

There are some powers and duties that a Council cannot delegate. They are specified where applicable.

### Delegations to Committees

- a) Council may delegate its powers and duties to committees comprising only of Council members except:
  - i. any power or duty that requires a decision of an absolute majority or a 75% majority of the local government and any other power or duty that is prescribed; or
  - ii. any other power or duty that is prescribed.
- b) Council may delegate to a committee comprising of elected members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer under division 4 of the *Local Government Act 1995*.

- c) Council may delegate to a committee comprising of staff members or members of the public any of the local government's powers and duties necessary or convenient for the proper management of:
  - i. the local government's property; or
  - ii. an event in which the local government is involved.
- d) No delegations may be made to committees on which there are no elected members or members of staff.

### **Period of Any Delegation**

- a) A delegation of authority has effect for the period of time specified in the instrument of delegation or where no period of time is specified, indefinitely.
- b) Any delegation under the City of Nedlands Local Planning Scheme No. 3.
- b) Any decision by Council to revoke or amend a delegated authority must be passed by an absolute majority.

### **Recording Delegations**

The CEO is to keep a register of the delegations made by Council to the CEO, Committees, and made by the CEO to other employees (this register).

### **Exercising Delegated Authority**

- a) After any delegation has been exercised the following information must be recorded in writing:
  - i. how the person exercised the power or discharged the duty;
  - ii. when the person exercised the power or discharged the duty; and;
  - iii. the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

## Review

At least once every financial year, delegations from the *Local Government Act 1995* and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

## Council's Ability to Make Decisions is not Limited

Council may still exercise any of its powers or duties that have been delegated to the Chief Executive officer or to a committee. The CEO may still exercise any powers or duties that have been delegated to employees.

## Acting Through

In addition to delegations, the *Local Government Act 1995* contains the concept of "acting through". Where a person is "acting through", they have no discretion in carrying out the function. This could be the City performing administrative functions on behalf of the Council, or implementing policies adopted by the Council. This differs to an authorised person who exercises the decision making function in his or her own right.

As per the *Local Government Act 1995* section 5.51, the CEO's functions are to:

- a) "advise the council in relation to the functions of a local government under this Act and other written laws; and
- b) ensure that advice and information is available to the council so that informed decisions can be made; and
- c) cause council decisions to be implemented; and
- d) manage the day to day operations of the local government; and
- e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- f) speak on behalf of the local government if the mayor or president agrees; and
- g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."

Any function in the *Local Government Act 1995* which the CEO would carry out administratively (based on the above) can be done so via “acting through”, the implementation of which may be directed by a Council Resolution or Policy.

### **Legislative Authority**

- a) The following sections of the *Local Government Act 1995* provide for delegation of authority:
  - i. s.5.16 to s.5.18 (delegations to Committees)
  - ii. s.5.42 to s.5.46 (delegations to CEO and other employees).
- b) The *Local Government (Administration) Regulations* s. 18G and 19 expand upon s.5.43 and s.5.46(3) of the Act.
- c) Legislative powers to delegate relate only to the Act in which they are contained, or to which they stipulate are permissible. It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government’s powers under another Act. Any delegation by a local government of its powers under another Act can only be delegated by the delegation provisions of that Act.

## 1. Delegations under the Local Government Act 1995 to the Chief Executive Officer

Authority to delegate: Sections 5.16, 5.17, 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<b>Part 1 – Introductory Matters</b>		
Nil items in Part 1		
<b>Part 2 – Constitution of Local Government</b>		
Nil items in Part 2		
<b>Part 3 – Functions of Local Governments</b>		
<b>Division 1 - General</b>		
Nil items in Division 1		
<b>Subdivision 1 – Local Laws made under this Act</b>		
<p>All City of Nedlands Local Laws including but not limited to:</p> <p>Parking and Parking Facilities Local Law</p> <p>Standing Orders Local Law</p> <p>Trading in Public Places Local Law</p>	<p>To administer the City’s local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the Local Government Act 1995.</p> <p>The Chief Executive Officer is delegated the power to make decisions on behalf of the local government in relation to the City’s local laws.</p>	<p>Chief Executive Officer</p> <p>Excludes decision-making where the local law specifies the matter be determined by Council Resolution.</p> <p>In respect to the Parking and Parking Facilities Local Law, determination of parking stalls and parking stations.(Section 3.1):</p> <p>1. Where the local government makes a determination of resolution under this clause, it shall erect signs to give effect to the determination or resolution; and</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Site Erosion and Sand Drift Local Law Reserves, Foreshores and Beaches Local Law Health Local Law Council Halls Local Law Repeals Local Law 2016 Waste Local Law Dogs Local Law Council Property and Places Local Laws Signs Local Law Fencing Local Law		2. Delegation is to constitute, determine and vary and also indicate by signs, <b>minor</b> instances only of parking stalls and parking stations as described in clause 3.1 (1) of the Parking and Parking Facilities Local Law.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
By – law Relating to New Street Alignment		
<b>Division 3 – Executive functions of Local Governments</b>		
<b>Subdivision 1 – Performing executive functions</b>		
Section 3.18 (1)	Do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act. Expend budgetted amounts.	<p>Arts Committee subject to the Terms of Reference &amp; Council’s Resolution of 23 April 2019 as follows:</p> <p><b>That in the Arts Committee Terms of Reference the clause under the heading Delegated Authority be amended to read:</b></p> <p><b>The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year’s budget. Artworks over \$10,000 shall be recommended to Council for approval.</b></p>
Section 3.20 (1)	Things done by a local government in performing its executive functions may be done outside its own district but before it can do anything on land outside its own district that is not local government property of that local government it is required to have obtained the consent of — (a) the owner of the land; and	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	(b) if the land is occupied, the occupier of the land; and (c) if the land is under the control or	
Section 3.22(4)	A dispute about the amount of compensation is to be determined by arbitration in accordance with section 3.23.	Chief Executive Officer
<b>Subdivision 2 – Certain provisions about land</b>		
Section 3.25(1)	A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that - (a) is prescribed in Schedule 3.1, Division 1; or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.	Chief Executive Officer
Section 3.26(2)	If the person who is given the notice ( <b>notice recipient</b> ) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.	Chief Executive Officer
Section 3.26(3)	The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.	Chief Executive Officer
Section 3.27(1)	A local government may, in performing its general function, do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the local government does not have consent to do it.	Chief Executive Officer
<b>Subdivision 3 – Power of entry</b>		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.31(2)	After a local government has given notice, it may authorise a person to enter land, premises or thing without consent, unless the owner or occupier has objected to the entry.	Chief Executive Officer
Section 3.34(1)	A local government may enter land in an emergency without notice or consent.	Chief Executive Officer
Section 3.34(3)	A local government may use reasonable force to exercise the power of entry given by subsection (1).	Chief Executive Officer
Section 3.34(4)	A local government may exercise the power of entry given by subsection (1) at any time while the emergency exists and for so long subsequently as is reasonably required.	Chief Executive Officer
Section 3.36(3)	A local government may make an opening in a fence to do works on a property subject to providing the owner or occupier with 3 days written notice.	Chief Executive Officer
Section 3.39	Local government may authorise an employee to remove and impound any goods.	Chief Executive Officer
Section 3.40(1)	Local government may authorise a person to remove and impound an abandoned vehicle wreck.	Chief Executive Officer
Section 3.40A(4)	Local government may declare that a vehicle is an abandoned wreck.	Chief Executive Officer
Section 3.47(1)	The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.	Chief Executive Officer
Section 3.47(2)	The local government may sell or otherwise dispose of any vehicle that has not been collected within 2 months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned vehicle wreck.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.47(2a)	The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44.	Chief Executive Officer
Section 3.47A(1)	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.	Chief Executive Officer
Section 3.48	If goods are removed or impounded under section 3.39 and the offender is convicted, the local government may recover any expenses incurred in removing and impounding the goods.	Chief Executive Officer
<b>Subdivision 5 – Certain provisions about thoroughfares</b>		
Section 3.50(1)	A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks.	Chief Executive Officer
Section 3.50(1a) and 3.50(4)	A local government may, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.	Chief Executive Officer
Section 3.50(6)	An order to close a thoroughfare may be revoked by the local government.	Chief Executive Officer
Section 3.50A	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.	Chief Executive Officer
Local Government (Functions and General) Regulations, Regulation 6(3)	A local government may, by local public notice, revoke an order under regulation 6(1) that closed a thoroughfare or alter it to make it less restrictive.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.51(3)	Before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land, the local government must give notice of its proposal, invite submissions and consider those submissions	Chief Executive Officer
<b>Subdivision 6 – Various executive functions</b>		
Section 3.53(3)	If an unvested facility lies within 2 or more districts, the local governments concerned can agree on its control and management	Suitable for delegation, not currently delegated
Section 3.53(4)	An agreement or direction under subsection (3) has effect according to its terms.	Suitable for delegation, not currently delegated
Section 3.54(1)	A local government may do anything it could do under the <i>Parks and Reserves Act 1895</i> if it were a board appointed under that Act, to control and manage any land reserved under the <i>Land Act 1933</i> and vested in or placed under the control and management of the local government	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulations 18(4) and (5)	A local government must consider any tender that has not been rejected and decide which one to accept. It may decline to accept any tender.	<p>Chief Executive Officer</p> <p>Consideration of tender only. Excludes decision on which tender to accept.</p> <p>The CEO in consultation with the Mayor accept a tender to a maximum value of \$500,000 and may decline to accept any tender from the 27<sup>th</sup> December to 31 January during the yearly Council recess period.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Limited Government (Functions and General) Regulations - Regulation 20(2)	If the successful tenderer does not want to accept the contract with the variation or the local government and the tenderer cannot reach agreement, the local government can select the next most appropriate tenderer.	Chief Executive Officer  Applies only where the next most appropriate tenderer has been considered by the local government.
Local Government (Functions and General) Regulations - Regulation 21(1)	A local government may seek expressions of interest before entering the tender process.	Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 21A	If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless — (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or (b) the variation is a renewal or extension of the term of the contract as described in regulation 11(2)(j).	Chief Executive Officer a. is authorised to approve a variation including extension to a contract, subject to satisfactory performance of the contractor, the contract specifying the provisions of an option to extend the term, the variation is necessary in order for the goods or services to be supplied and where the contract scope is not changed. b. is authorised to approve a variation to a contract subject to a maximum variation of 20% of the contract price or \$50,000 whichever is the lesser amount. c. shall report to Council at least six monthly on the exercise of this delegation.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Functions and General) Regulations - Regulation 23(3)	A local government must consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.	Chief Executive Officer  Consideration of expressions of interest only. Excludes decision on which expression of interest to accept.
Local Government (Functions and General) Regulations, Regulation 24E(1)	Where a local government intends to give a regional price preference the local government is to prepare a regional price preference policy.	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - reg.24E(4)	A local government cannot adopt a regional price policy until the local government has considered submissions received.	Suitable for delegation to Chief Executive Officer
Section 3.58(2)	A local government can only dispose of property to the highest bidder at public auction or the most suitable public tender.	Chief Executive Officer
Section 3.58(3)	A local government can dispose of property by private treaty but must follow the process set out in section 3.58(3).	Suitable for delegation to Chief Executive Officer
Local Government (Functions and General) Regulations - Regulation 30(2)(a)(ii)	A disposition of land is exempt of disposition if the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.	Suitable for delegation to Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<b>Division 4 – Regional Local Government</b>		
Nil items in Division 4		
<b>Part 4 – Elections and other polls</b>		
<b>Division 1 – Preliminary</b>		
Nil items in Division 1		
<b>Division 2 – Inaugural elections</b>		
Nil items in Division 2		
<b>Division 3 – Ordinary elections</b>		
Nil items in Division 3		
<b>Division 4 – Extraordinary elections</b>		
Nil items in Division 4		
<b>Division 5 – Other elections</b>		
Nil items in Division 5		
<b>Division 6 – Postponement and consolidation of elections</b>		
Nil items in Division 6		
<b>Division 7 – Provisions about electoral officers and the conduct of elections</b>		
Nil items in Division 7		
<b>Division 8 – Eligibility for enrolment</b>		
Nil items in Division 8		
<b>Division 9 – Electoral process</b>		
Elections Regulations – Regulation 9(1)	The fees to be paid to an electoral officer for conducting an election are those agreed between the local government and the electoral officer.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<b>Division 10 – Validity of elections</b>		
Nil items in Division 10		
<b>Division 11 – Electoral offences</b>		
Nil items in Division 11		
<b>Division 12 – Polls and referendums</b>		
Nil items in Division 12		
<b>Part 5 – Administration</b>		
<b>Division 1 – Introduction</b>		
Nil items in Division 1		
<b>Division 2 – Council meetings, committees and their meetings and electors’ meetings</b>		
<b>Subdivision 1 – Council meetings</b>		
Nil items in Subdivision 1		
<b>Subdivision 2 – Committees and their meetings</b>		
Section 5.18	A local government must review all delegations made to a committee.	Suitable for delegation to Chief Executive Officer
Section 5.20 Decisions of councils and committees	(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.	Council Committee  Only in relation to:  Only to determine Council’s position on Joint Development Assessment Panel development applications.
<b>Subdivision 3 – Matters affecting Council and committee meetings</b>		
<b>Division 3 – Acting for the mayor or president</b>		
Section 5.35 - (1)(b)	(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,	Council Committee Appointment of a councillor to perform during that time the functions of mayor.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.	Only in relation to representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council.
<b>Division 4 – Local government employees</b>		
Section 5.27(2)	General meeting of electors to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.	Chief Executive Officer
Section 5.37(1)	A local government may designate any employee to be a senior employee.	Chief Executive Officer
Section 5.39C	<p>(1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —</p> <p>(a) the employment of a person in the position of CEO for a term not exceeding 1 year;</p> <p>(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.</p> <p style="padding-left: 40px;">* Absolute majority required.</p> <p>(2) A local government may amend* the policy.</p> <p style="padding-left: 40px;">* Absolute majority required.</p> <p>(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.</p> <p>(4) The CEO must publish an up-to-date version of the policy on the local government's official website.</p>	<p>Council delegates to the CEO, appointment of an internal employee higher duties Acting CEO subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The appointment is to be for a period of no more than 3 months; and</li> <li>2. The person appointed is to be suitably qualified, experienced and knowledgeable for the Acting CEO role; and</li> <li>3. The appointment not being due to a vacancy of the CEO's position.</li> </ol> <p>The Chief Executive Officer must inform the elected members of all proposed Acting CEO arrangements.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
		<p>For CEO vacancy periods over 3 months the appointment of the Acting CEO shall be determined by Council.</p> <p>The CEO shall report to Council any proposal to fill an Acting CEO role over three months with as much advanced notice as possible. In this case the CEO may recommend a suitable internal candidate for higher duties and must also provide an alternative recommendation to Council, to convene a CEO Recruitment and Selection Committee to progress the Acting CEO recruitment.</p> <p>If the Chief Executive Officer's position becomes vacant, all acting arrangements are to be determined by the Council.</p>
Local Government (Administration) Regulations – Regulation 18(c)	A local government is to approve a process for selection and appointment of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) - CEO Recruitment & Selection Committee.
Local Government (Administration) Regulations - Regulation 18(D)	A local government is to consider, accept the review, with or without modification, or reject the review of the Chief Executive Officer.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
Section 5.50(1)	A local government must prepare a policy for employees whose employment is finishing, setting out the circumstances in which the local	Suitable for delegation to Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy.	
Section 5.50(2)	A local government may make a payment to an employee whose employment is finishing, that is in addition to the amount set out in its policy, provided that local public notice of the payment is given.	Suitable for delegation to Chief Executive Officer
<b>Division 5 – Annual reports and planning</b>		
Section 5.56	A local government is to prepare a Plan for the Future.	Suitable for delegation to Chief Executive Officer
Local Government (Administration) Regulations - Regulation 19C(4)	A local government is to review its current plan for the future every 2 years.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
<b>Division 6 – Disclosure of financial interests</b>		
Nil items in Division 6		
<b>Division 7 – Access to information</b>		
Nil items in Division 7		
<b>Division 8 – Fees, expenses and allowances</b>		
Section 5.101(2)	A local government may reimburse an employee for an expense that was incurred in relation to a matter affecting the local government.	Chief Executive Officer
<b>Division 9 – Conduct of certain officials</b>		
Section 5.102	A local government may make a cash advance to a person for an expense which can be reimbursed.	Chief Executive Officer
Section 5.103(1)	A local government must prepare or adopt a code of conduct to be observed by council members, committee members and employees.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 5.103(2)	A local government must review its code of conduct within 12 months of every ordinary election day.	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).
<b>Part 6 – Financial Management</b>		
<b>Division 1 - Introduction</b>		
Nil items in Division 1		
<b>Division 2 – Annual budget</b>		
Nil items in Division 2		
<b>Division 3 – Reporting on activities and finance</b>		
Note: Under <b>Division 3 – Reporting on activities and finance, section 6.4 financial report applies</b>		
Nil items in Division 3		
<b>Division 4 – General financial provisions</b>		
6.8 (1)(b)	(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —  (b) is authorised in advance by resolution*; or	Council Committee Expenditure within existing budget in relation to the need for professional support for preparation and representation to a Joint Development Assessment Panel.  Expenditure from municipal fund up to \$10,000 annually.
Section 6.12(1)(b)	A local government may waive or grant concessions in relation to any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government, subject to section 6.12(2).	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(3)	A local government may determine what conditions apply to the granting of a concession.	Suitable for delegation to Chief Executive Officer
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i> .	Chief Executive Officer, subject to Council Policy.
Local Government (Financial Management) Regulations 1996 Regulation 12	Payments from municipal fund or trust fund, restrictions on making (1) A payment may only be made from the municipal fund or the trust fund - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds	Chief Executive Officer
<b>Division 5 – Financing local government activities</b>		
<b>Subdivision 1 – Introduction</b>		
Nil items in subdivision 1		
<b>Subdivision 2 – Fees and charges</b>		
Nil items in subdivision 2		
<b>Subdivision 3 – Borrowings</b>		
Nil items in subdivision 3		
<b>Division 6 – Rates and service charges</b>		
<b>Subdivision 1 – Introduction and the basis of rating</b>		
Nil items in subdivision 1		
<b>Subdivision 2 – Categories of rates and service charges</b>		
Nil items in subdivision 2		
<b>Subdivision 3 – Imposition or rates and service charges</b>		
Section 6.40(3)	If rates are reduced, under section 6.40(1), a local government must refund the owner of the land on request or credit the amount for rates or service charges.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.40(4)	If a service charge is reduced, under section 6.40(2), and the service charge had already been paid by the owner, the owner may request and then the local government must pay the overpaid amount to the owner or, alternatively, the overpaid portion is credited against any future amounts payable. If the service charge was paid by the occupier, the local government must pay the overcharged portion to the person who paid it.	Chief Executive Officer
<b>Subdivision 4 – Payment of rates and service charges</b>		
Section 6.49	A local government may make an agreement with a person to pay their rates and service charges.	Chief Executive Officer
Local Government (Financial Management) Regulations - Regulation 66(2)	If an instalment remains unpaid after the day on which the next instalment becomes due the local government may revoke the ratepayer's right to pay by instalments.	Chief Executive Officer
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction.	Chief Executive Officer
Section 6.60(2)	A local government may 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 local government in satisfaction of the rate or service charge.	Chief Executive Officer
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee.	Chief Executive Officer
Section 6.61(1)	A local government may request an occupier, an agent or the person who receives the rent of a property, to give the name and address of the owner to the local government.	Chief Executive Officer
Section 6.64(1)	If any rates or service charges have remained unpaid for at least 3 years, a local government may take possession of the land and hold the land against	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	a person having an estate or interest in the land, and may lease or sell the land or transfer it to the Crown or itself.	
Section 6.64(3)	A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding.	
Section 6.69(2)	A local government may accept payment of any outstanding rates or service charges on such terms and conditions as are agreed between the parties, up to the time of actual sale of the relevant land but not more than 7 days prior to same.	Chief Executive Officer
Section 6.71(1)	If a local government is unable to sell land under Part 6 Division 6 within 12 months, it may transfer the land to the Crown or itself.	Suitable for delegation to Chief Executive Officer
Section 6.74(1)	A local government may apply in the prescribed form to the Minister to have land revested in the Crown if it is rateable vacant land and rates or service charges in respect of it have remained unpaid for at least 3 years.	Suitable for delegation to Chief Executive Officer
Local Government (Financial Management) Regulations – Regulation 7(3)	A local government must consider any objections it receives in relation to a revestment under regulation 77.	Suitable for delegation to Chief Executive Officer
Section 6.76(5)	The local government must consider any objections to the rates record and may disallow or allow the objection either wholly or in part.	Chief Executive Officer
<b>Part 7 - Audit</b>		
<b>Division 1 - Introduction</b>		
Nil items in Division 1		
<b>Division 1A – Audit Committee</b>		
Nil items in Division 1A		
<b>Division 2 – Appointment of auditors</b>		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 7.6(2)(f)	A local government may terminate the appointment of an auditor by written notice.	Suitable for delegation to the Audit Committee (not currently delegated)
<b>Division 3 – Conduct of audit</b>		
Nil items in Division 3		
<b>Division 4 – General</b>		
Section 7.12A(2)	A local government must meet with its auditor at least once a year.	Delegated to the Audit and Risk Committee
Section 7.12A(3)	A local government is to examine the auditor's report, under section 7.9(1) and any report under section 7.9(3), and must determine if any matters raised by the report require action and ensure that appropriate action is taken.	Suitable for delegation to the Audit Committee (not currently delegated)
Section 7.12A(4)	A local government must prepare a report on any action taken in response to an auditor's or section 7.9(3) report, and provide it to the Minister.	Suitable for delegation to the Audit Committee (not currently delegated)
<b>Part 8 – Scrutiny of the Affairs of Local Governments</b>		
<b>Division 1 – Inquiries by the Minister or an authorised person</b>		
Section 8.14(3)	A local government must give the Minister advice of what it has done or will do to comply with an enquiry report from the Minister or a person authorised by the Minister, within 35 days of receiving the report.	Chief Executive Officer
<b>Division 2A – Council may be peremptorily suspended or required to undertake remedial action</b>		
Nil items in Division 2A		
<b>Division 2 – Inquiries by Inquiry Panels</b>		
Section 8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	receiving the report, or give its comment on a recommendation to dismiss the Council.	
<b>Division 3 – General provisions about suspension and dismissal of councils</b>		
Nil items in Division 3		
<b>Division 4 – Misapplication of funds and property</b>		
Nil items in Division 4		
<b>Part 9 – Miscellaneous Provisions</b>		
<b>Division 1 – Objections and review</b>		
Nil items in Division 1		
<b>Division 2 – Enforcement and legal proceedings</b>		
Section 9.10(1) and (2)	The local government may appoint persons or classes of persons to be authorised to perform certain functions and must issue them with a certificate stating they are authorised.	Chief Executive Officer Remove – Update to Local Government Act 1995 with new 9.10 gives CEO authority to do so without needing delegation.
<b>Division 3 – Documents</b>		
Section 9.49A Execution of documents	(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.	Chief Executive Officer (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
<b>Division 4 – Protection from liability</b>		
Nil items in Division 4		
<b>Division 5 – Associations of local government</b>		

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Nil items in Division 5		
<b>Division 6 – Regulations, directions and orders</b>		
Section 9.63(1)	If a dispute has arisen between 2 or more local governments, a local government may refer the matter to the Minister to resolve.	Suitable for delegation to Chief Executive Officer
<b>Division 7 – Other miscellaneous provisions</b>		
Section 9.68(5)	A local government may recover accruing rates from a principal or agent who has failed to give a notice to the local government in accordance with section 9.68.	Chief Executive Officer
<b>Division 8 – Amendments to 1960 Act and transitional provisions</b>		
Nil items in Division 8		
<b>Nil Schedule 1</b>		
<b>Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts</b>		
Clause 11(2)	Any local governments affected by an order made under clause 2.1 are to negotiate any adjustment or transfer between them of property, rights and liabilities.	Suitable for delegation to Chief Executive Officer
<b>Schedule 2.2 – Provisions about names, wards and representation</b>		
Clause 4(1)	A local government must consider any submissions made under clause 3.	Suitable for delegation to Chief Executive Officer
Clause 6	A local government must carry out a review of its ward boundaries and the number of councillors per ward every 8 years or as directed by the Advisory Board.	Suitable for delegation to Chief Executive Officer
Clause 8	The council must have regard to community of interests, physical and topographical features, demographic trends, economic factors and the ratio of councillors to electors in respect of considerations about wards.	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).
Clause 9	When a ward review is complete, the local government must prepare a report for the Advisory Board and may propose the making of an order under clauses 2.2(1), 2.3(3) or 2.18(3).	Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<b>Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council</b>		
Nil items in Schedule 2.3		
<b>Schedule 2.4 – Provisions about Commissioners</b>		
Nil items in Schedule 2.4		
<b>Schedule 2.5 – Provisions about the Local Government Advisory Board</b>		
Nil items in Schedule 2.5		
<b>Schedule 3.1 – Powers under notices to owners or occupiers of land</b>		
<i>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 7A</i>	A person who is the owner or occupier of land must, when requested by the Local Government to do so, remove any thing that – a. Has fallen from the land, or from anything on the land; and b. Is obstructing a public thoroughfare.	Chief Executive Officer
<b>Schedule 3.2 – Particular things local governments can do on land even through it is not local government property</b>		
Nil items in Schedule 3.2		
<b>Schedule 4.1 – How to conduct votes and ascertain the result of an election</b>		
Nil items in Schedule 4.1		
<b>Schedule 5.1 – Provisions about standards panels</b>		
Nil items in Schedule 5.1		
<b>Schedule 6.1 – Provisions relating to the phasing in of valuations</b>		
Nil items in Schedule 6.1		
<b>Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid</b>		
Clause 1(1)	A local government may lease the land with any conditions for a term that does not exceed 7 years.	Suitable for delegation to Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<b>Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid</b>		
Clause 1(4)	The local government must appoint a time at which the land may be offered for sale by public auction, not less than 3 months and not more than 12 months from the service of the notice under clauses 1(1) or 1(2).	Suitable for delegation to Chief Executive Officer
Clause 4(1)	A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple.	Chief Executive Officer subject to 5.43(d), up to an amount resolved by Council.
Clause 7(2)	If the land has not been sold within 12 months, the local government may begin the process again in accordance with this Schedule.	Chief Executive Officer
<b>Nil Schedule 7</b>		
<b>Schedule 8.1 – Provisions about Inquiry Panels</b>		
Nil items in Schedule 8.1		
<b>Schedule 9.1 – Certain matter for which Governor may make regulations</b>		
Nil items in Schedule 9.1		
<b>Nil Schedule 9.2</b>		
<b>Schedule 9.3 – Transitional provisions</b>		
Nil items in Schedule 9.3		

## 2. Delegations under the *Local Government (Uniform Local Provisions) Regulations 1996*

Authority to delegate: Sections 5.42 and 5.44 of the *Local Government Act 1995*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 5(2)	Serve written notice 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: (a) prevent damage to the footpath; or (b) prevent inconvenience to the public or danger from falling materials.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(3)	Grant permission under this regulation to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare: (a) in writing; and (b) must specify the period for which it is granted; and (c) must specify each condition imposed under subregulation (4); and (d) may be renewed from time to time; and may be cancelled by giving written notice to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(4)	Impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following: (a) conditions relating to the erection of hoardings, fences, (b) walkways or other structures for the protection of the public thoroughfare or public safety (protective structures);	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;</p> <p>(d) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;</p> <p>a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the Chief Executive Officer of the local government 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.</p>	
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(6)	When renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.	Chief Executive Officer
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6(8)	Charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m <sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.	Chief Executive Officer

### 3. Delegations under the Food Act 2008

Authority to delegate: Section 118 of the *Food Act 2008*.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Food Act 2008 Section 122 (1)	An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act.	Chief Executive Officer

### 4. Delegations under the Dog Act 1976

Authority to delegate: *Section 10AA of the Dog Act 1976*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976	All powers under the <i>Dog Act 1976</i> .	Chief Executive Officer
Dog Act 1976 Section 10AA – Delegation of local government powers	(3) The delegation may expressly authorise the delegate to further delegate the power or duty.	Chief Executive Officer for the following: Section 26 Section 27 Section 44

**5. Delegations under the *Cat Act 2011***

Authority to delegate: Section 44 of the *Cat Act 2011*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Cat Act 2011	All powers under the <i>Cat Act 2011</i> .	Chief Executive Officer

**6. Delegations under the *Graffiti Vandalism Act 2016***

Authority to delegate: Section 16 of the *Graffiti Vandalism Act 2016*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Graffiti Vandalism Act 2016	All powers under the <i>Graffiti Vandalism Act 2016</i> .	Chief Executive Officer

**7. Delegations under the *Public Health Act 2016***

Authority to delegate: Section 21 of the *Public Health Act 2016*

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Public Health Act 2016	All powers under the <i>Public Health Act 2016</i>	Chief Executive Officer

## 8. Delegations under the Bush Fire Act 1954

Authority to delegate: Section 48 of the Bush Fire Act 1954

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Bush Fires Act 1954	All powers under the Bush Fire Act 1954	Chief Executive Officer

## 9. Delegations under the City of Nedlands Local Planning Scheme 3

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015, regulation 82.  City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005	<p>The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.</p> <p>Determine applications for development approval under the City of Nedlands Local Planning Scheme No 3 and the Planning and Development Act 2005.</p> <p><b>Determination of applications</b> under Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)</p> <p>The Council may either generally, or in a particular case by resolution delegated to a Committee of the Council or an officer of the Council, the authority to deal with an application for planning approval made under this Scheme.</p>	<p><b>Chief Executive Officer</b></p> <p><b>Except for where the following applies:</b></p> <p>a) Change of Use applications which are classified IP, P, D or A and uses not listed where after advertising, submissions have been received which raise objections in relation to the matter at hand which are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal;</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 68 of Schedule 2 of the Planning and Development (Local Planning Schemes Regulations 2015)		<ul style="list-style-type: none"> <li>b) Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and</li> <li>c) Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme no. 3, policies and/or the Residential Design Codes.</li> </ul>
Planning and Development (Local Planning Schemes) Regulations 2015	<p><b>Advertising of applications</b> and proposals in accordance with Clause 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and subclause 30 (1) of the Metropolitan Region Scheme.</p> <p>Determining the requirement and extent of advertising of applications and proposals made under City of Nedlands Local Planning Scheme No.3 and Metropolitan Region Scheme.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>
Planning and Development (Local Planning Schemes) Regulations 2015	<p><b>Amending or Cancelling a development approval, including waiving or varying a requirement</b> in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61((1) (f) and 61 (2)(d) if Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>Chief Executive Officer</p> <p>The requirement and extent of advertising to be in accordance with the City's adopted Local Planning Policy Consultation of Planning Proposals.</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development (Local Planning Schemes) Regulations 2015	<p><b>Determining accompanying material requirements</b></p> <p>For applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	Chief Executive Officer
City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme	<p><b>Discretion and determining conditions</b></p> <p>Exercise discretion, determine and apply conditions to all applications for development approval made under the City of Nedlands Local Planning Scheme No.3 and or Metropolitan Region Scheme.</p>	<p>Chief Executive Officer</p> <p>Where a Section 31 Reconsideration is sought through the State Administrative Appeals Tribunal and where the determination recommended is contrary to that of the original Council decision, the application must be referred back to Council for determination.</p>
Planning and Development (Local Planning Schemes) Regulations 2015	<p><b>Rights of Entry and Inspection</b></p> <p>In accordance with Clause 82 and 83 of Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Entry and inspection of land within the Scheme Area for the purpose of assessment and monitoring, pursuant to Clause 79(1) and 2(a) and (b) of the Planning and Development (Local Planning Schemes) Regulations 2015.</p>	<p>Chief Executive Officer</p> <p>Written or verbal notice being provided to the landowner wherever possible prior to entry.</p>

## 10. Delegations under the Planning and Development Act 2005

Authority to delegate: Planning and Development Act 2005 – Part 10

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Development Act 2005 – Part 10	Referrals to WAPC in respect of applications for subdivision (including amalgamations and boundary re-alignments) and/or strata subdivision approval is required to be determined by the Commission.	Chief Executive Officer
Planning and Development Act 2005 – Part 10	Clearance of conditions of subdivision (including amalgamations and boundary re-alignments), strata subdivision or amalgamation approval where the local government is identified as the responsible agency in the WAPC preliminary approval advice.	Chief Executive Officer
Planning and Development Act 2005 – Section 214(3)(4) and (5)	<p><b>Unauthorised Development – Directions</b> The responsible authority may give written directions regarding unauthorised development.</p> <p>Issuance of written direction to stop unauthorise development Planning and Development Act 2005 s214(2)</p> <p>Issuance of written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&amp;D s214(3)]</p> <p>Execute work to have unauthorised development brought into compliance [P&amp;D s214(5)]</p>	Chief Executive Officer

**11. Delegations under the Heritage of Western Australia Act 2018**

Authority to delegate: Heritage of Western Australia Act 2018 – Section 23(4)

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Heritage of Western Australia Act 2018 – Section 23(4)	Participation where appropriate with the Heritage Council, where it is to consider giving advice to the Minister for Heritage with respect to 'interim' and 'permanent' entry of a place on the State Register of Heritage Places'.	Chief Executive Officer with the exception of the following:  Does not apply where a formal request is made for a response from council regarding proposals for the entry of a place or places onto the State register of Heritage Places on an interim or permanent basis.

**12. Delegations under the Metropolitan Region Scheme**

Authority to delegate: Metropolitan Region Scheme – DEL 2011/02 – Government Gazette No. 248, 23 December 2011

WAPC Ref: RES 2015/01  
DEL 2017/02

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Clause 29(3)	Forwarding an application to the Commission	Chief Executive Officer
Clause 30	Exercising powers under the Planning & Development Act 2005 delegated by the WAPC to: <ul style="list-style-type: none"> <li>- Determine applications;</li> <li>- Revoke applications; and</li> <li>- Limit time of approval.</li> </ul>	Chief Executive Officer with the exception of:  Does not apply where objections are received on planning grounds and those objections are not capable of being addressed by way of the recommendation of a planning condition imposed on the proposed development. And When the property is within an area subject to clause 32 of the Metropolitan Region Scheme.
Clause 30A	Provide recommendation and forward to the Commission.	Chief Executive Officer
Clause 31	Issue of decision in the form set out in Form 2 to this scheme: An application is deemed to be refused if a decision is not conveyed within 60 days of receipt of application.	Chief Executive Officer

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Metropolitan Region Scheme or the Planning and Development Act, 2005	Respond to the Western Australian Planning Commission, or authorities given delegation by the Minister for Planning, on applications made under the Metropolitan Region Scheme or the <i>Planning and Development Act, 2005</i>	Chief Executive Officer
Clause 32	Forward an application to the Commission and provide recommendation.	Chief Executive Officer

### 13. Delegations under the *Strata Titles Act 1985*

Authority to delegate: DEL 2009/03, Government Gazette no. 98, 9 June 2009

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 24	The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under this Act as a building in a strata scheme.	Chief Executive Officer
Section 25 Clause 1 Schedule 1	<p>Power to determine applications for the issuing of a certificate of approval for a plan of subdivision, re-subdivision or consolidation, except those applications that:</p> <ul style="list-style-type: none"> <li>a) propose the creation of a vacant lot;</li> <li>b) propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> </ul> </li> </ul> <p>land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p>	<p>Chief Executive Officer on the condition that:</p> <p>A local government that exercises the power referred to in clause 1 is to provide the WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>

**14. Delegations under the *Liquor Control Act 1988***

Authority to delegate: Part 3 – Section 40

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 40	Issue certificates as to whether the use of premises complies with local planning laws.	Chief Executive Officer

## 15. Delegations to respond to external organisations

Authority to respond to external organisations

WAPC Ref: DEL2009/02

DEL2011/04

DEL2017/02

DEL2017/03

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
State Administrative Tribunal Act Section 31	<b>Delegation to respond to external organisations</b> Authority to respond to external organisations  Respond to the State Administrative Tribunal on applications for review of planning decisions including consideration of referrals under s31 the State Administrative Tribunal Act 2004;	Chief Executive Officer Consideration of referrals under section 31 of the State Administrative Tribunal Act 2004 where Council has determined the application.
	Respond to the Swan River Trust on planning applications made under the Swan and Canning Rivers Management Act 2006	Chief Executive Officer
	Respond to requests from public agencies on issues requiring or inviting comment by the City with regard to local, metropolitan, regional and/or strategic planning matters.	Chief Executive Officer
Planning and Development (Development Assessment) Regulations 2011	Respond to the Department of Planning Lands and Heritage on planning applications submitted in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011	Chief Executive Officer JDAP applications are to be referred to Council for their comment prior to the submission of the Responsible Authority Report (RAR)

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Panels Regulations 2011		
	Provide recommendation and to the Department of Planning Lands and Heritage on development applications submitted in accordance with the Shenton Park Improvement Scheme.	Chief Executive Officer
	Provide recommendation to the Department of Communities (Housing Authority) on development applications submitted to the City.	Chief Executive Officer
	Respond to the Department of Treasury and finance for development application referrals.	Chief Executive Officer

**16. Delegations under the Building Act 2011**

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 127	All powers under the Building Act 2011	Chief Executive Officer

**17. Delegations under the Building Regulations 2012**

Authority to delegate: Section 127 of the Building Act 2011

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Building Act 2011	All powers under the Building Regulations 2012	Chief Executive Officer

## 18. Delegations from the Chief Executive Officer to other staff members

### 18.1 Local Government Act 1995 and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 3.25(1)	A local government may give an occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1. The local government must also inform the owner if the occupier is not the owner	Director Planning & Development Director Technical Services
Section 3.50(1)	A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.	Director Technical Services
Section 3.57(1)	A local government must invite tenders before it enters into a contract for goods or services with a value of \$100,000 or more (Functions and General Regulation 11)	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations - Regulation 14(2a)	Where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders	Director Planning & Development Director Technical Services Director Corporate & Strategy
Local Government (Functions and General) Regulations, reg.21(1)	A local government may seek expressions of interest before entering the tender process	Director Planning & Development Director Technical Services Director Corporate & Strategy

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.12(1)(c)	A local government may write off any amount of money that is owed to the local government (subject to section 6.12(2))	Director Planning & Development Manager Health & Compliance Only delegated to: <ol style="list-style-type: none"> <li>1. Extend time for payment of a modified penalty or to withdraw an infringement notice;</li> <li>2. In relation to parking infringements, withdraw an infringement in the event of:               <ol style="list-style-type: none"> <li>a. Medical emergency;</li> <li>b. Vehicle broken down;</li> <li>c. Eastern States registration;</li> <li>d. No records held by Police Department if unregistered vehicle;</li> <li>e. Stolen vehicle;</li> <li>f. Error made by issuing officer;</li> <li>g. Vehicle towed away; or</li> <li>h. Other compassionate grounds.</li> </ol> </li> </ol>
Section 6.14(1)	A local government may invest money in its municipal or trust funds that is not being used, in accordance with Part III of the <i>Trustees Act 1962</i>	Director Corporate & Strategy
Section 6.56(1)	A local government may recover an unpaid rate or service charge and the cost of proceedings in court of competent jurisdiction	Director Corporate & Strategy
Section 6.60(2)	A local government may 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 local government in satisfaction of the rate or service charge	Director Corporate & Strategy

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 6.60(3)	If a local government gives notice to a lessee, under section 6.60(2), the local government must give a copy of the notice to the lessor	Director Corporate & Strategy
Section 6.60(4)	If a local government gives notice to a lessee, under section 6.60(2), and the lessee fails to pay rent to the local government, the local government may recover the rate or service charge as a debt from the lessee	Director Corporate & Strategy

## 18.2 Food Act 2008

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 119	The CEO, after consultation with an enforcement agency (other than the CEO), may, in writing, impose conditions or limitations on the performance of functions under this Act by the enforcement agency	Director Planning & Development

## 18.3 Freedom of Information Act 1992

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 13 Agency duties as to access applications	<p>(1) Subject to this Division, the agency has to deal with the access application as soon as is practicable (and, in any event, before the end of the permitted period) by —</p> <p>(a) considering the application and deciding —</p> <p>(i) whether to give or refuse access to the requested documents; and</p> <p>(ii) any charge payable for dealing with the application; and</p> <p>(b) giving the applicant written notice of the decision in the form required by section 30.</p> <p>(2) If the applicant does not receive notice under subsection (1)(b) within the permitted period the agency is taken to have refused, at the end of that period, to give access to the documents and the applicant is taken to have received written notice of that refusal on the day on which that period ended.</p> <p>(3) For the purposes of this section the <b>permitted period</b> is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner under subsection (4) or (5).</p> <p>(4) On the application of the applicant, the Commissioner may reduce the time allowed to the agency to comply with subsection (1).</p> <p>(5) On the application of the agency, the Commissioner, on being satisfied that the agency has attempted to comply with subsection (1) within 45 days but that it is impracticable, in the circumstances, for it to comply</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>within that time, may allow the agency an extension of time to comply with subsection (1) on such conditions as the Commissioner thinks fit.</p> <p>(6) If an extension of time is allowed under subsection (5) the agency has to give written notice of the extension to the applicant as soon as is practicable, and within 45 days after receiving the access application.</p> <p>(7) If, under subsection (2), the agency is taken to have refused access, the Commissioner may, on the application of the applicant, allow the agency an extension of time to comply with subsection (1) on such conditions (for example, reduction or waiver of charges) as the Commissioner thinks fit.</p> <p>(8) If an extension of time is allowed under subsection (7), subsection (2) does not have effect unless, at the end of the extended time, the applicant still has not received notice under subsection (1)(b).</p> <p>(9) This Division has effect subject to Division 3.</p>	
Section 15 Document held etc. by another agency, transferring application etc. in case of	<p>(1) If the agency does not hold the requested documents but knows, or has reasonable grounds to believe, that the documents are held by another agency (other than an exempt agency), the agency has to transfer the access application to the other agency.</p> <p>(2) If the agency holds the requested documents but the documents originated with or were received from another agency (other than an exempt agency), and are more closely related to the functions of that other agency, the agency may transfer the access application to that other agency together with copies of the documents.</p> <p>(3) The transferring agency has to give the applicant written notice of the transfer without delay.</p> <p>(4) The notice has to clearly state the day on which, and the agency to which, the access application was transferred.</p>	To make decisions and coordinate applications.  Manager Health & Compliance Manager ICT

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(5) The agency to which the access application is transferred, or partially transferred, is to be regarded as having received the application on the day on which it was received by the transferring agency.</p> <p>(6) The agency to which the access application is transferred under subsection (2) is required to make decisions as to access in respect of the documents of which it receives copies but not in respect of other documents that it holds which may fall within the scope of the documents requested in the original application.</p> <p>(7) If subsection (1) or (2) applies to one or more but not all of the requested documents the agency is authorised to make a partial transfer under this section as if a separate access application had been made in respect of the document or documents to which the relevant subsection applies.</p> <p>(8) If the agency holds the requested documents but the documents originated with or were received from an exempt agency, the agency has to notify the exempt agency that the access application has been made.</p>	
Section 17 Charge for access, applicant may request estimate of etc.	<p>(1) When making the access application the applicant may request an estimate of the charges that might be payable for dealing with the application.</p> <p>(2) If a request is made under subsection (1) the agency has to notify the applicant of its estimate, and the basis on which its estimate is made, as soon as is practicable.</p> <p>(3) If the agency estimates that the charges for dealing with the access application might exceed \$25, or such greater amount as is prescribed, then, whether or not a request has been made under subsection (1), the agency has to notify the applicant of its estimate, and the basis on</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>which its estimate is made, and inquire whether the applicant wishes to proceed with the application and notify the applicant of the requirement of section 19(1)(b).</p>	
<p>Section 18 Deposit for charges, agency may require etc.</p>	<p>(1) The agency may, in a notice given to an applicant under section 17(3), require the applicant to pay a deposit of a prescribed amount or at a prescribed rate on account of the charges for dealing with the application.</p> <p>(2) If the agency has required an applicant to pay a deposit on account of the charges, the agency has to, at the request of the applicant, discuss with the applicant practicable alternatives for changing the application or reducing the anticipated charges, including reduction of the charges if the applicant waives, either conditionally or unconditionally, the need for compliance by the agency with the time limit imposed by section 13(1).</p> <p>(3) A notice under subsection (1) requiring an applicant to pay a deposit has to give details of —</p> <ul style="list-style-type: none"> <li>(a) the name and designation of the person who calculated the charge; and</li> <li>(b) the rights of review under this Act and the procedure to be followed to exercise those rights; and</li> <li>(c) the requirements of section 19(2)(b).</li> </ul> <p>(4) Further advance deposits may be required by the agency by written notice if the agency considers they are necessary to meet the charges for dealing with the application.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
<p>Section 20 Agency may refuse to deal with application in certain cases</p>	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>
<p>Section 23 Refusing access, grounds for</p>	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p> <p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy, the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.</p>	
<p>Section 25 Deferring access, grounds for</p>	<p>(1) The agency may defer giving access to a document for a reasonable period if the document —</p> <ul style="list-style-type: none"> <li>(a) is required by law to be published but is yet to be published; or</li> <li>(b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted.</li> </ul> <p>(2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>
<p>Section 26 Documents that cannot be found or do not exist, notice of</p>	<p>(1) The agency may advise the applicant, by written notice, that it is not possible to give access to a document if —</p> <ul style="list-style-type: none"> <li>(a) all reasonable steps have been taken to find the document; and</li> <li>(b) the agency is satisfied that the document — <ul style="list-style-type: none"> <li>(i) is in the agency's possession but cannot be found; or</li> <li>(ii) does not exist.</li> </ul> </li> </ul> <p>(2) For the purposes of this Act the sending of a notice under subsection (1) in relation to a document is to be regarded as a decision to refuse access to the document, and on a review or appeal under Part 4 the agency may be required to conduct further searches for the document.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>
<p>Section 27</p>	<p>(1) Access to a document may be given to the applicant in one or more of the following ways —</p> <ul style="list-style-type: none"> <li>(a) by giving a reasonable opportunity to inspect the document; or</li> <li>(b) by giving a copy of the document; or</li> </ul>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Ways in which access can be given	<p>(c) in the case of a document from which sounds or visual images can be reproduced, whether or not with the aid of some other article or device — by making arrangements for the sounds or visual images to be heard or viewed; or</p> <p>(d) in the case of a document from which words can be reproduced in the form of sound — by giving a written transcript of the words recorded in the document; or</p> <p>(e) in the case of a document in which words are contained in the form of shorthand writing or in encoded form — by giving a written transcript of the words contained in the document; or</p> <p>(f) in the case of a document from which words can be reproduced in the form of a written document — by giving a written document so reproduced; or</p> <p>(g) in the case of electronically, mechanically or magnetically stored information — by giving a written expression of the information in the form in which it is commonly available in the agency, or if there is no such common form, then in a form no less comprehensible than could be made available to the persons in the agency.</p> <p>(2) If the applicant has requested that access to a document be given in a particular way the agency has to comply with the request unless giving access in that way —</p> <p>(a) would interfere unreasonably with the agency's other operations; or</p> <p>(b) would damage or harm the document or would be inappropriate because of the physical nature of the document; or</p>	Manager ICT

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(c) would involve an infringement of copyright belonging to a person other than the State, in which case access may be given in some other way.</p> <p>(3) If the applicant has requested that access to a document be given in a particular way and access is given in some other way, the applicant is not required to pay a charge in respect of the giving of access that is greater than the charge that the applicant would have been required to pay if access had been given in the way that was requested.</p> <p>(4) This section does not prevent the agency from giving access to a document in any way agreed on between the agency and the applicant.</p>	
Section 28 Medical and psychiatric information about applicant, giving access to	<p>If —</p> <p>(a) a document to which the agency has decided to give access contains information of a medical or psychiatric nature concerning the applicant; and</p> <p>(b) the principal officer of the agency is of the opinion that disclosure of the information to the applicant may have a substantial adverse effect on the physical or mental health of the applicant,</p> <p>it is sufficient compliance with this Act if access to the document is given to a suitably qualified person nominated in writing by the applicant and the agency may withhold access until a person who is, in the opinion of the agency, suitably qualified is nominated.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>
Section 30 Notice under s. 13(1)(b) of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
decision, form etc. of	<p>(c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —</p> <p>(i) the fact that access is to be given to an edited copy; and</p> <p>(ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and</p> <p>(e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and</p> <p>(f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and</p> <p>(h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights.</p>	
Section 31 Certain exempt matter (Sch. 1 cl.	(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.	To make decisions and coordinate applications.  Manager Health & Compliance

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
1, 2 or 5), giving information about existence etc. of	<p>(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given —</p> <p>(a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and</p> <p>(b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.</p>	Manager ICT
Section 41 Who is to deal with application for review	An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.	To make decisions and coordinate applications.  Manager Health & Compliance Manager ICT
Section 47 Document held etc. by another agency, transferring application in case of	<p>(1) If the agency does not hold the document containing the information but knows that the document is held by another agency, the agency may transfer the application for amendment to the other agency.</p> <p>(2) If the agency holds the document containing the information but the document originated with or was received from another agency, and is more closely related to the functions of that other agency, the agency may transfer the application for amendment to that other agency together with a copy of the document.</p> <p>(3) The transferring agency is to give the person written notice of the transfer without delay.</p>	To make decisions and coordinate applications.  Manager Health & Compliance Manager ICT

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(4) The notice is to clearly state the day on which, and the agency to which, the application was transferred.</p> <p>(5) The agency to which the application is transferred is to be regarded as having received the application on the day on which it was received by the transferring agency.</p>	
Section 48 Amending information, ways of	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <ul style="list-style-type: none"> <li>(a) altering information; or</li> <li>(b) striking out or deleting information; or</li> <li>(c) inserting information; or</li> <li>(d) inserting a note in relation to information, or in 2 or more of those ways.</li> </ul> <p>(2) If the agency inserts a note in relation to information the note has to —</p> <ul style="list-style-type: none"> <li>(a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and</li> <li>(b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date.</li> </ul> <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> <li>(a) obliterates or removes the information; or</li> <li>(b) results in the destruction of a document containing the information,</li> </ul> <p>unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the person outweighs the public interest in maintaining a complete record of information.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(4) Before information is amended under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> <li>(a) obliterates or removes the information; or</li> <li>(b) results in the destruction of a document containing the information,</li> </ul> <p>and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <ul style="list-style-type: none"> <li>(a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and</li> <li>(b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date.</li> </ul> <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p> <ul style="list-style-type: none"> <li>(a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</li> </ul>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
<p>Section 54 Review of decision under Div. 1, right to etc.</p>	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	<p>To make decisions and coordinate applications.</p> <p>Manager Health &amp; Compliance Manager ICT</p>
<p>Section 20 Agency may refuse to deal with application in certain cases</p>	<p>(1) If the agency considers that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency has to take reasonable steps to help the applicant to change the application to reduce the amount of work needed to deal with it.</p> <p>(2) If after help has been given to change the access application the agency still considers that the work involved in dealing with the</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>application would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the application.</p> <p>(3) If, under subsection (2), the agency refuses to deal with the access application, it has to give the applicant written notice of the refusal without delay.</p> <p>(4) The notice has to give details of —</p> <p>(a) the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings are based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p>	
Section 23 Refusing access, grounds for	<p>(1) Subject to section 24 the agency may refuse access to a document if —</p> <p>(a) the document is an exempt document; or</p> <p>(b) the document is not a document of the agency; or</p> <p>(c) giving access to the document would contravene a limitation referred to in section 7.</p> <p>(2) The agency may refuse access to the requested documents without having identified any or all of them and without specifying the reason why matter in any particular document is claimed to be exempt matter if —</p> <p>(a) it is apparent, from the nature of the documents as described in the access application, that all of the documents are exempt documents; and</p> <p>(b) there is no obligation under section 24 to give access to an edited copy of any of the documents.</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(3) Subject to section 24 the agency has to refuse access to a document that is the subject of an exemption certificate.</p> <p>(4) If a document contains personal information and the applicant, or the person to whom the information relates, is a child who has not turned 16, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the child and that the child does not have the capacity to appreciate the circumstances and make a mature judgment as to what might be in his or her best interests.</p> <p>(5) If a document contains personal information and the applicant, or the person to whom the information relates, is an intellectually handicapped person, the agency may refuse access to the document if it is satisfied that access would not be in the best interests of the person.</p>	
Section 24 Exempt matter, deleting before access given	<p>If —</p> <p>(a) the access application requests access to a document containing exempt matter; and</p> <p>(b) it is practicable for the agency to give access to a copy of the document from which the exempt matter has been deleted; and</p> <p>(c) the agency considers (either from the terms of the application or after consultation with the applicant) that the applicant would wish to be given access to an edited copy,</p> <p>the agency has to give access to an edited copy even if the document is the subject of an exemption certificate.</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>
Section 25 Deferring access, grounds for	<p>(1) The agency may defer giving access to a document for a reasonable period if the document —</p> <p>(a) is required by law to be published but is yet to be published; or</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) has been prepared for presentation to Parliament or submission to a particular person or body but is yet to be presented or submitted.</p> <p>(2) The applicant has to be notified under section 30(d) of the likely period for which access is to be deferred.</p>	
Section 30 Notice under s. 13(1)(b) of decision, form etc. of	<p>The notice that the agency gives the applicant under section 13(1)(b) has to give details, in relation to each decision, of —</p> <p>(a) the day on which the decision was made; and</p> <p>(b) the name and designation of the officer who made the decision; and</p> <p>(c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —</p> <p>(i) the fact that access is to be given to an edited copy; and</p> <p>(ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and</p> <p>(e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and</p> <p>(f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and</p> <p>(h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights.</p>	
Section 31 Certain exempt matter (Sch. 1 cl. 1, 2 or 5), giving information about existence etc. of	<p>(1) Nothing in this Act requires the agency to give information as to the existence or non-existence of a document containing matter that would be exempt matter under clause 1, 2 or 5 of Schedule 1.</p> <p>(2) If the access application relates to a document that includes, or would if it existed include, exempt matter of a kind referred to in subsection (1), the agency may give written notice to the applicant that the agency neither confirms nor denies the existence, as a document of the agency, of such a document but that, assuming the existence of such a document, it would be an exempt document and, where such a notice is given —</p> <p>(a) section 30 applies as if the decision to give such a notice were a decision referred to in that section; and</p> <p>(b) for the purposes of this Act, the decision is to be regarded as a refusal of access to the document because the document would, if it existed, be an exempt document.</p>	To make decisions.  Director Corporate & Strategy Director Technical Services Director Planning & Development
Section 41 Who is to deal with application for review	An application for review of a decision is not to be dealt with by the person who made that decision or by a person who is subordinate to that person.	To make decisions.  Director Corporate & Strategy Director Technical Services Director Planning & Development

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Section 43 Decision can be confirmed, varied or reversed on review	<p>(1) On an application for review the agency may decide to confirm, vary or reverse the decision under review.</p> <p>(2) If the agency fails to give notice of its decision on the application for review within 15 days after it is lodged, or such longer period as is agreed between the agency and the access applicant, the agency is to be taken to have decided to confirm the decision under review.</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>
Section 48 Amending information, ways of	<p>(1) If the agency decides to amend the information it may make the amendment by —</p> <ul style="list-style-type: none"> <li>(a) altering information; or</li> <li>(b) striking out or deleting information; or</li> <li>(c) inserting information; or</li> <li>(d) inserting a note in relation to information, or in 2 or more of those ways.</li> </ul> <p>(2) If the agency inserts a note in relation to information the note has to —</p> <ul style="list-style-type: none"> <li>(a) give details of the matters in relation to which the information is inaccurate, incomplete, out of date or misleading; and</li> <li>(b) if the information is incomplete or out of date — set out whatever information is needed to complete the information or bring it up to date.</li> </ul> <p>(3) The agency is not to amend information under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> <li>(a) obliterates or removes the information; or</li> <li>(b) results in the destruction of a document containing the information,</li> </ul> <p>unless the Commissioner has certified in writing that it is impracticable to retain the information or that, in the opinion of the Commissioner, the prejudice or disadvantage that the continued existence of the information would cause to the</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>person outweighs the public interest in maintaining a complete record of information.</p> <p>(4) Before information is amended under subsection (1) in a manner that —</p> <ul style="list-style-type: none"> <li>(a) obliterates or removes the information; or</li> <li>(b) results in the destruction of a document containing the information,</li> </ul> <p>and that contravenes the <i>State Records Act 2000</i>, a record keeping plan made under that Act or the archives keeping plan made under that Act, the Commissioner shall provide the State Records Commission with a copy of the certificate issued by the Commissioner under subsection (3).</p>	
<p>Section 50 If application for amendment refused, applicant may request notation etc. disputing accuracy of information etc.</p>	<p>(1) If the agency decides not to amend the information in accordance with the application the person may, in writing, request the agency to make a notation or attachment to the information —</p> <ul style="list-style-type: none"> <li>(a) giving details of the matters in relation to which the person claims the information is inaccurate, incomplete, out of date or misleading; and</li> <li>(b) if the person claims the information is incomplete or out of date — setting out the information that the person claims is needed to complete the information or bring it up to date.</li> </ul> <p>(2) A request may be made under this section whether or not the person has taken steps to have the agency's decision reviewed under Part 4.</p> <p>(3) The agency has to comply with the request unless it considers that the notation or attachment that the person has requested to be made to the information is defamatory or unnecessarily voluminous.</p> <p>(4) If the agency decides not to comply with the request it has to give the person written notice of its decision giving details of —</p>	<p>To make decisions.</p> <p>Director Corporate &amp; Strategy Director Technical Services Director Planning &amp; Development</p>

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(a) the reasons for the decision and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and</p> <p>(b) the rights of review under this Act and the procedure to be followed to exercise those rights.</p> <p>(5) This section does not prevent the agency from making the requested notation or attachment in an edited or abbreviated form, but the making of an edited or abbreviated notation or attachment does not constitute compliance with the request for the purposes of subsection (4).</p>	
Section 54 Review of decision under Div. 1, right to etc.	<p>(1) If under Division 1 an agency decides —</p> <p>(a) not to amend information in accordance with an application for amendment; or</p> <p>(b) not to comply with a request to make a notation or attachment to information,</p> <p>the applicant for amendment has a right to have the decision reviewed by the agency.</p> <p>(2) Sections 39(3), 40, 41, 43 and 44 apply with any necessary modifications to an application for review under this Division.</p> <p>(3) An application for review is to be dealt with as if it were an application for amendment or a request for a notation or attachment to be made to information, as the case may require, and the provisions of Division 1 apply accordingly.</p>	To make decisions.  Director Corporate & Strategy Director Technical Services Director Planning & Development

## 18.4 Planning and Building Acts and Regulations

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> <li>- Local Planning Scheme No. 3;</li> <li>- Planning and Development Act 2005;</li> <li>- Planning and Development (Local Planning Schemes) Regulations 2015;</li> <li>- Heritage of Western Australia Act 2018;</li> <li>- Metropolitan Region Scheme;</li> <li>- Strata Titles Act 1985;</li> <li>- Liquor Control Act 1988; and</li> <li>- Responding to external organisations.</li> </ul>	Director Planning and Development Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory)
Planning and Building Acts and Regulations	Where delegation to the CEO exists under the: <ul style="list-style-type: none"> <li>- Building Act 2011; and</li> <li>- Building Regulations 2012.</li> </ul>	Manager Building Services Senior Building Surveyor

## 18.5 Dog Act 1976

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Dog Act 1976 Section 26 Limitation as to numbers	<p>(1) A local government may, by a local law under this Act —</p> <ul style="list-style-type: none"> <li>(a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or</li> <li>(b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district.</li> </ul> <p>(2) A local law mentioned in subsection (1) —</p> <ul style="list-style-type: none"> <li>(a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and</li> <li>(b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and</li> <li>(c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and</li> <li>(d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed).</li> </ul> <p>(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —</p> <ul style="list-style-type: none"> <li>(a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and</li> </ul>	Director Planning & Development

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(b) cannot authorise the keeping in or at those premises of —</p> <ul style="list-style-type: none"> <li>(i) more than 6 dogs that have reached 3 months of age; or</li> <li>(ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption;</li> </ul> <p>and</p> <p>(c) may be revoked or varied at any time.</p> <p>(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —</p> <ul style="list-style-type: none"> <li>(a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under — <ul style="list-style-type: none"> <li>(i) a local law mentioned in subsection (1); or</li> <li>(ii) an exemption granted under subsection (3);</li> </ul> </li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(b) more than — <ul style="list-style-type: none"> <li>(i) 2 dangerous dogs (declared); or</li> <li>(ii) 2 dangerous dogs (restricted breed); or</li> <li>(iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or</li> </ul> </li> <li>(c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age.</li> </ul> <p>Penalty:</p> <ul style="list-style-type: none"> <li>(a) for an offence relating to a dangerous dog — <ul style="list-style-type: none"> <li>(i) a fine of \$10 000, but the minimum penalty is a fine of \$500;</li> </ul> </li> </ul>	

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$500;</p> <p>(b) for an offence relating to a dog other than a dangerous dog —</p> <p>(i) a fine of \$5 000;</p> <p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(5) Any person who is aggrieved —</p> <p>(a) by the conditions imposed in relation to any exemption under subsection (3); or</p> <p>(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,</p> <p>may apply to the State Administrative Tribunal for a review of the decision.</p> <p>(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.</p>	
Dog Act 1976 Section 27 Licensing of approved kennel establishments	(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.	Director Planning & Development

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.</p> <p>Penalty:</p> <p>(a) a fine of \$5 000;</p> <p>(b) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(3) Local laws made under this Act may require that dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question and having specifications of a standard not less than that prescribed, sited and maintained in accordance with the requirements of public health, and sufficiently secured.</p> <p>(4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.</p> <p>(5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.</p>	

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
	<p>(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.</p> <p>(7) Where —</p> <p>(a) the local government refuses the grant of a licence under this section; or</p> <p>(b) notice of the cancellation of a licence under this section is given, the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.</p>	
Dog Act 1976 Section 44 Enforcement proceedings	<p>(2) Any proceedings under this Act, whether civil or penal, may be taken —</p> <p>(b) by any employee of a local government authorised in that behalf by the local government, in the name of the local government; or</p>	Director Planning & Development

## 18.6 Delegations from the Chief Executive Officer to other staff members in acting positions

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
All subdelegations	All subdelegations apply to all acting positions for periods of appointment in the acting position.	Director Planning & Development Director Corporate & Strategy Director Technical Services Manager Urban Planning Principal Planner (Urban Planning) Senior Urban Planner (Statutory) Manager Building Services Senior Building Surveyor Manager Health & Compliance

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