



City of Nedlands

Register of Delegations of Authority

As at 28 June 2016

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1. Preamble

Introduction

- 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

- a) 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 of the local government; and any other power or duty that is prescribed; or
 - ii. the power of delegation.
- b) Council may delegate to a committee comprising of council members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer.
- c) Council may delegate to a committee comprising 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 Town Planning Scheme No. 2 can only be for a maximum period of 12 months
- b) Any decision by Council to revoke or amend a delegated authority must be passed by an absolute majority.

Recording Delegations

- a) Any delegation under the Local Government Act 1995, either by Council or the Chief Executive Officer must be recorded in writing;
- b) The CEO is to keep a register of the delegations made by Council to the CEO and made by the CEO to other employees (this register);
- c) Any delegation by Council to a committee must also be in writing.

Exercising Delegated Authority

- a) After either the CEO (or any other employee) has exercised a delegated authority 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 Town Planning Scheme No. 2* 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.

“A delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty”.

(Government of Western Australia, Department of Local Government, Local Government Operational Guidelines Number 17 January 2007)

Acting Through

In addition to delegations, the *Local Government Act 1995* introduces 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 a delegate 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”, unless the Council has an overriding policy which would require the Council to delegate that function back to the CEO formally.

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.19 expands upon s.5.45(3) of the Act.
- c) Legislative powers to delegate relate only to the Act in which they are contained. 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.

2. Delegations under the Local Government Act 1995

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

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Part 1 – Introductory Matters		
Nil items in Part 1		
Part 2 – Constitution of Local Government		
Division 1 – Districts and wards		
Nil items in Division 1		
Division 2 – Local governments and councils of local governments		
Nil items in Division 2		
Division 3 – How offices on the Council are filled		
Section 2.11(2) May change the method of filling the office of mayor from the election by the Council to the election by the electors method (special majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 2.12A(1)(b) May by motion passed by it, proposes to change the method of filling the office of mayor	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
2.12A(1)(c) Local government to give public notice of proposal to change method of filling office of mayor or president	Suitable for Acting Through	
Division 4 – Membership and size of Council		

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 2.17(3) A council with 15 councillors may retain those 15 even if a decision is made to elect the mayor by the electors	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 5 – Qualifications for holding office on the council		
Section 2.25(1) May by resolution grant leave of absence to a member	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 6 – Terms of office on the council and vacation of office		
Nil items in Division 6		
Division 7 – Commissioners		
Nil items in Division 7		
Division 8 – Local Government Advisory Board		
Nil items in Division 8		
Part 3 – Functions of Local Governments		
Division 1 – General		
Nil items in Division 1		
Division 2 – Legislative functions of local governments		
Subdivision 1 – Local laws made under <i>this Act</i>		
Section 3.5(1) May make local laws to perform any of its functions under the Act	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 3.6(1) With the Governor’s approval, can apply a local law to an area that is not in its district	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Subdivision 2 – Local laws made under any Act		
Section 3.12(3) Local government must give Statewide public notice (in relation to proposed local laws)	Suitable for Acting Through	
Section 3.12(4) May adopt a local law as proposed or that is not significantly different from what was proposed (absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 3.12(5) Local government must publish the adopted local law in the Government Gazette	Suitable for Acting Through	
Section 3.12(6) Local government must give local public notice that a local law has been adopted	Suitable for Acting Through	
Section 3.15 A local government must ensure that people of its district are informed of the purpose and effect of all its local laws	Suitable for Acting Through	
Section 3.16(1) Within 8 years from the day a local law commences, a local government must review the operation of each local law following the process set out in section 3.16	Suitable for Acting Through	
Section 3.16(2) Local government must give Statewide public notice in relation to the review of its local laws	Suitable for Acting Through	
Section 3.16(3) After the last day for submissions in relation to the review of its local laws, a local government must consider submissions and cause a report to be submitted to council	Suitable for Acting Through	
Section 3.16(4) May determine whether or not it considers that any of its local laws should be repealed or amended	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Division 3 – Executive functions of local governments		
Subdivision 1 – Performing executive functions		
Section 3.21 In performing its executive function, the local government must ensure that the obligations set out in section 3.21 are complied with	Suitable for Acting Through	
Section 3.22(1) A local government that causes damage through the performance of its function must pay compensation to the owner or occupier	CEO	28 June 2016 Report CPS18.16
Subdivision 2 – Certain provisions about land		
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	CEO	28 June 2016 Report CPS18.16
Section 3.26(2) In order to make a person comply with a notice, a local government may do anything it considers necessary to achieve the purpose for which the notice was given	Suitable for Acting Through	
Section 3.26(3) A local government may continue to undertake works that are not carried out by the owner or occupier and recover the costs as a debt	CEO	28 June 2016 Report CPS18.16
Section 3.27(1) A local government may go onto private land in the circumstances prescribed in Schedule 3.2 and carry out works, even if it does not have the consent of the owner	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Subdivision 3 – Powers of entry		
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	CEO	28 June 2016 Report CPS18.16
Section 3.34(1) A local government may enter land in an emergency without notice or consent	CEO	28 June 2016 Report CPS18.16
Section 3.34(5) A local government must give notice to the owner or occupier of an intended entry in an emergency whenever it is practical	Suitable for Acting Through	
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	CEO	28 June 2016 Report CPS18.16
Subdivision 4 – Impounding abandoned vehicle wrecks and goods involved in certain contraventions		
Section 3.39 Local government may authorise an employee to remove and impound any goods	CEO	28 June 2016 Report CPS18.16
Section 3.40(2) If a local government impounds a vehicle to remove and impound goods, it must allow the offender to resume control of the vehicle as soon as practicable after the goods have been removed	Suitable for Acting Through	
Section 3.40(3) If the person entitled to resume control of the vehicle is not present, the local government must give notice (to the holder of a license in respect of the vehicle, stating from where and when the vehicle may be collected)	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 3.40A(1) Local government may authorise a person to remove and impound an abandoned vehicle wreck	CEO	28 June 2016 Report CPS18.16
Section 3.40A(2) Local government to provide notice to the owner of a removed abandoned vehicle wreck, advising that the vehicle may be collected	Suitable for Acting Through	
Section 3.40A(4) Local government may declare that a vehicle is an abandoned wreck	CEO	28 June 2016 Report CPS18.16
Section 3.42(1) If a local government impounds non-perishable goods, it must either begin a prosecution against the offender or give them a notice stating from where and when the goods may be collected	Suitable for Acting Through	
Section 3.44 Where non-perishable goods have been removed and impounded and a prosecution instituted, if the offender is not convicted or is convicted but it is not ordered that the goods be confiscated, the local government must give the alleged offender notice stating from where and when the goods may be collected	Suitable for Acting Through	
Section 3.46(1) A local government may refuse to allow goods impounded under sections 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid	Suitable for Acting Through	
Section 3.46(2) A local government may refuse to allow goods removed under sections 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
Subdivision 5 – Certain provisions about thoroughfares		
Section 3.50(1) A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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	CEO	28 June 2016 Report CPS18.16
Section 3.50(6) An order to close a thoroughfare may be revoked by the local government	CEO	28 June 2016 Report CPS18.16
Section 3.50(8) If a thoroughfare is closed without local public notice, the local government must give such notice as soon as practicable after its closure	Suitable for Acting Through	
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	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
Section 3.52(2) Except it they are closed or have restricted use, local governments are to ensure that public thoroughfares are kept open for public use	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 3.52(3) When fixing, altering or realigning a public thoroughfare, the local government must ensure vehicle access to adjoining land is provided	Suitable for Acting Through	
Subdivision 6 – Various executive functions		
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 3.54(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	CEO	28 June 2016 Report CPS18.16
Note: Under Subdivision 6 – Various Executive Functions 3.57 applies to tenders for providing goods or services, i.e. is required to invite tenders before it enters in to a contract of a prescribed kind under which another person is to supply goods or services	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 3.57(1) A local government must invite tenders before it enters into a contract for goods or services with a value of \$150,000 or more (Functions and General Regulation 11)	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Local Government (Functions and General) Regulations, reg.14(2a) – where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.11(2)(d) – tenders do not have to be publicly invited if the contract is to be entered into by auction after being expressly authorised by a resolution of the council	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Local Government (Functions and General) Regulations, reg.14(4)(a) – such information that council decides should be disclosed to those interested in submitting a tender	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Local Government (Functions and General) Regulations, reg.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.	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.19 – a local government must give each tenderer written notice stating the successful tender or advising that no tender was accepted.	Suitable for Acting Through	
Local Government (Functions and General) Regulations, reg.20 – a local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer.	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Local Government (Functions and General) Regulations, reg.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	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.21(1) – a local government may seek expressions of interest before entering the tender process	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.21(3) – a local government must give Statewide public notice that it seeks expressions of interest before entering the tender process	Suitable for Acting Through	
Local Government (Functions and General) Regulations, reg.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	CEO	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.24 – a local government must give each person who submitted an expression of interest written notice of the outcome of its decision	Suitable for Acting Through	
Local Government (Functions and General) Regulations, reg.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 CEO	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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 CEO	
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	CEO	28 June 2016 Report CPS18.16
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 CEO	
Local Government (Functions and General) Regulations, reg.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 CEO	
<p>Note: Under Subdivision 6 – Various Executive Functions 3.59 applies to commercial enterprises by local governments</p> <p>Section 3.59(2) A local government must prepare a business plan before it enters into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction</p>	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 3.59(4) A local government must give Statewide public notice stating its proposal to enter into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction, where the plan may be inspected or obtained, and call for submissions on the plan within 6 weeks	Suitable for Acting Through	
Section 3.59(5) Must consider submissions and then decide whether to proceed with the major trading undertaking, major land transaction or land transaction that is preparatory to a major land transaction (absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 4 – Regional local governments		
Nil items in Division 4		
Part 4 – Elections and other polls		
Division 1 - Preliminary		
Nil items in Division 1		
Division 2 – Inaugural elections		
Nil items in Division 2		
Division 3 – Ordinary elections		
Nil items in Division 3		
Division 4 – Extraordinary elections		
Section 4.9(1) If the mayor has not already done so, council at a meeting held within one month after the vacancy occurs, must fix the day on which a poll is held for an extraordinary election	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 5 – Other elections		
Nil items in Division 5		

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Division 6 – Postponement and consolidation of elections		
Section 4.16(4) Council may decide, with the Electoral Commissioner's approval, that the election day for a vacancy that has occurred under section 2.32 after the third Saturday in January in an election year but before the third Saturday in July in that election year to be on the ordinary election day for that year	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 4.17(2) Council may decide, with the Electoral Commissioner's approval, that a vacancy may remain unfilled if it occurred under section 2.32 after the third Saturday in January in the election year but before the third Saturday in July in that election year in which the term would have ended under the Table to section 2.28 (terms of office). In that case the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 7 – Provisions about electoral officers and the conduct of elections		
Section 4.20(2) May with the approval of the person concerned and the Electoral Commissioner, appoint a person as the returning officer instead of the CEO (Absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 4.20(4) May with the Electoral Commissioner's agreement, declare the Electoral Commissioner to be responsible for the conduct of an election and appoint a person to be the returning officer.	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 8 – Eligibility for enrolment		
Nil items in Division 8		
Division 9 – Electoral process		
Section 4.57(3) May appoint an eligible person (who is willing to accept the appointment) to any unfilled office if, at the close of nominations for an extraordinary elections, under section 4.57(1) or (2), the number of candidates is less than the number of offices. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 4.61 May decide to use postal voting for an election. (Absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Elections reg.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	Suitable for Acting Through	
Elections reg.28(1b)(b) – if a candidate's deposit has not been refunded within 28 days after notice is given of the result of the election, the local government is to credit that amount to a fund of the local government	Suitable for Acting Through	
Division 10 – Validity of elections		
Nil items in Division 10		
Division 11 – Electoral offences		
Nil items in Division 11		

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Division 12 – Polls and referendums		
Nil items in Division 12		
Part 5 - Administration		
Division 1 - Introduction		
Section 5.2 Must ensure there is an appropriate structure for administering the local government	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 2 – Council meetings, committees and their meetings and electors’ meetings		
Subdivision 1 – Council meetings		
Section 5.3(1) Must hold ordinary meetings and may hold special meetings	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.4 The Mayor or at least 1/3 of councillors or decided by council may decide to hold an ordinary or special meeting	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Subdivision 2 – Committees and their meetings		
Section 5.8 May establish committees of 3 or more people to assist council in exercising its powers and duties. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.15 May reduce the quorum for a committee meeting. (Absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 5.16(1) May delegate to a committee, under and subject to section 5.17, any of its powers and duties other than this power of delegation. (Absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.18 A local government must keep a register of all delegations made to a committee at least once each financial year	Suitable for Acting Through	
Section 5.18 A local government must review all delegations made to a committee	Suitable for delegation to CEO	
Admin Reg.12(1) – At least once every financial year a local government must give local public notice of the date, time and place of all its ordinary council meetings and any committee meetings that must or are proposed to be open to the public, that are to be held in the next 12 months	Suitable for Acting Through	
Admin Reg.12(2) – A local government must give local public notice if any of the dates, times or places in the notice under regulation 12(1) change	Suitable for Acting Through	
Admin Reg.12(3) – A local government must give local public notice of the date, time and place of a special meeting of council that must be open to the public	Suitable for Acting Through	
Admin Reg.14(1) – A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents tabled at the meeting or which have been produced for presentation at the meeting are made available to the public at the same time as they are available to council and committee members	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Subdivision 3 – Matters affecting council and committee meetings		
Note: Under Subdivision 3 – Regulations about council and committee meetings and committees 5.25 applies		
Local Government (Administration) Regulations, reg. 14A(1)(c) – a person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if council has approved of the arrangement by absolute majority	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 3 – Acting for the mayor or president		
Nil items in Division 3		
Division 4 – Local government employees		
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	CEO	28 June 2016 Report CPS18.16
Section 5.36(1) Must employ a CEO	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.36(4) If the position of CEO becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	Suitable for Acting Through	
Section 5.37(1) A local government may designate any employee to be a senior employee	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 5.37(2) The CEO is to inform council of each proposal to employ or dismiss a senior employee, council may reject or accept a recommendation by the CEO to employ or dismiss a senior employee. If it rejects a recommendation it must provide the CEO with its reasons	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.37(3) If the position of a senior employee becomes vacant, a local government must advertise the position in the manner and containing such information as prescribed	Suitable for Acting Through	
Section 5.38 The performance of each employee employed more than 1 year, needs to be reviewed	Suitable for Acting Through	
Admin Reg.18(c) – A local government is to approve a process for section and appointment of the CEO	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).	
Admin Reg.18(D) – A local government is to consider, accept the review, with or without modification, or reject the review of the CEO's performance	Suitable for delegation to a 5.9(2)(a) committee or a 5.9(2)(b) committee (not currently delegated).	
Section 5.42(1) & 5.43 May delegate to the CEO any of its powers and duties under this Act except those in section 5.43	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
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 government would pay a gratuity and how that gratuity would be assessed, and give local public notice of the policy	Suitable for delegation to CEO	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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 CEO	
Division 5 – Annual reports and planning		
Section 5.53(1) A local government must prepare an annual report	Suitable for Acting Through	
Section 5.54(1) Must accept the annual report by 31 st December after that financial year. (Absolute majority required)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.56 A local government is to prepare a Plan for the Future	Suitable for delegation to CEO	
Admin reg.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).	
Admin reg.19C(7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future and when preparing any modifications of a plan	Suitable for Acting Through	
Admin re.19D(1) After a plan for the future, or modifications to a plan, are adopted a local government is to give local public notice	Suitable for Acting Through	
Admin reg.19D(5) A Council is to adopt a plan for the future	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 6 – Disclosure of financial interests		

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Nil items in Division 6		
Division 7 – Access to information		
Admin reg29A(2) Information prescribed as confidential but that, under 5.95(7), may be available for inspection if a local government so resolves	CEO	28 June 2016 Report CPS18.16
Division 8 – Fees, expenses and allowances		
Section 5.98(1)(b) May set a fee, within the prescribed range, to be paid to a council member who attends a council or committee meeting	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.98(2)(b) A local government may approve expenses which are to be reimbursed to its councillors, provided that the expenses are of the kind prescribed as those which the local government can approve for reimbursement (subject to section 5.98(3))	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	28 June 2016 Report CPS18.16
Section 5.98(4) A local government may approve the reimbursement to a council member of an approved expense, either generally or in a particular case	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	28 June 2016 Report CPS18.16
Section 5.98A May decide to pay its deputy mayor an allowance of up to the prescribed percentage of the annual local government allowance to which the mayor is entitled under section 5.98(5). (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.99 May decide to pay council members attending council and committee meetings a prescribed minimum annual fee or where it has set a fee, that fee. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 5.99A May decide that instead of reimbursing council members, under section 5.98(2), for all of particular type of expense, it will instead pay the prescribed minimum allowance for that type of expense or where it has set an allowance for that type of expense, that allowance. Only reimburse in excess of that allowance. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 5.100(2) A local government may decide to reimburse expenses to committee members who are not council members or employees	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
Division 9 – Conduct of certain officials		
Section 5.102 A local government may make a cash advance to a person for an expense which can be reimbursed	CEO	28 June 2016 Report CPS18.16
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).	
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).	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Part 6 – Financial Management		
Division 1 - Introduction		
Financial Management reg.8(1) – A local government must maintain separate accounts for monies required to be held in the municipal fund, the trust fund, the reserve accounts, or monies relating to major land or major trading undertakings that will or are expected to span more than 2 financial years	Suitable for Acting Through	
Financial Management reg.11(1) – A local government must develop procedures for cheques, credit cards, computer encryption devices and passwords, purchasing cards and petty cash systems	Suitable for Acting Through	
Financial Management Reg.11(2) – A local government must develop procedures for the approval of accounts	Suitable for Acting Through	
Financial Management reg.13(2) – A list of accounts for approval to be paid must be prepared for each month, including the date of the meeting of council to which the list is presented	Suitable for Acting Through	
Financial Management re.19(1) – A local government must establish and document internal control procedures to ensure control over investments	CEO	28 June 2016 Report CPS18.16
Division 2 – Annual budget		
Section 6.2(1) A local government must prepare by 31 August in each financial year, an annual budget for its municipal fund for the next financial year	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.2(1) Must adopt the budget prepared. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.3 A local government must prepare a budget if a general valuation or a rate or service charge is quashed by a court or the State Administrative Tribunal, or if it intends to impose supplementary general rate or specified area rate for the remainder of the financial year	Suitable for Acting Through	
Section 6.3 Must adopt the budget (for other circumstances) prepared. (Absolute majority required).	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 3 – Reporting on activities and finance		
Note: Under Division 3 – Reporting on activities and finance , section 6.4 financial report applies		
Section 6.4(1) A local government must prepare an annual financial report for the preceding financial year and such other reports as are required	Suitable for Acting Through	
Section 6.4(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor the accounts of the local government and the annual financial report	Suitable for Acting Through	
Local Government (Financial Management) Regulations, reg.33A(3) – council is to consider a budget review submitted to it and is to determine by absolute majority whether or not to adopt the review, any parts of the review or any recommendations made in the review	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Local Government (Financial Management) Regulations, reg.34(2)(c) – each statement of financial activity is to be accompanied by documents containing such other supporting information as is considered relevant by the local government	Suitable for Acting Through	
Local Government (Financial Management) Regulations, reg.34(1) – a local government must prepare monthly financial reports	Suitable for Acting Through	
Division 4 – General financial provisions		
Section 6.9(3) A local government must pay or deliver to the person entitled to it any money and its interest and any property	Suitable for Acting Through	
Section 6.9(4) A local government may transfer money held in trust for 10 years to its municipal fund, but must repay to a person who establishes a right to the repayment, together with any interest earned on the investment	Suitable for Acting Through	
Section 6.11(1) A local government must establish and maintain a reserve account for each purpose for which it wishes to set aside money	Suitable for Acting Through	
Section 6.11(2) May determine by absolute majority to change the purpose of a reserve account or use money held in a reserve account for another purpose	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.11(2) A local government must give one month local public notice of a proposal to change the purpose of a reserve account or use money held in a reserve account for another purpose	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.12(1)(a) May determine by absolute majority, when adopting the annual budget, grant a discount or an incentive for early payment of any money (subject to section 6.12(2))	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
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))	CEO	28 June 2016 Report CPS18.16
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))	CEO	28 June 2016 Report CPS18.16
Section 6.12(3) A local government may determine what conditions apply to the granting of a concession	Suitable for delegation to CEO	
Section 6.13(1) May determine by absolute majority, resolve to apply interest to any money that it has been owed (subject to section 6.13(6), other than for rates and service charges.	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
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>	CEO	28 June 2016 Report CPS18.16
Division 5 – Financing local government activities		
Subdivision 1 – Introduction		
Nil items in subdivision 1		
Subdivision 2 – Fees and charges		
Section 6.16(1) May impose, by absolute majority, a fee or charge for any goods or services it provides, except for a service for which a service charge has been imposed	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.16(3) As well as imposing fees and charges when adopting the annual budget, may by absolute majority impose fees and charges during the year or amend, from time to time, fees and charges throughout the year	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.19 If a local government wishes to impose a fee or charge under Part 6 Division 5 Subdivision 2 after the annual budget has been adopted, it must provide local public notice of its intention to do so and the date from which the amended fees or charges will be imposed	Suitable for Acting Through	
Subdivision 3 – Borrowings		
Section 6.20(1) May borrow or re-borrow money, obtain credit or extend its financial accommodation in other ways to perform its functions	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.20(2) If a local government proposes to exercise its power to borrow but it is not budgeted for, unless the proposal is of a prescribed kind, it must give one month public notice of the proposal	Suitable for Acting Through	
Section 6.20(2) If it proposes to exercise its power to borrow but it is not budgeted for, it must make the resolution to do so by absolute majority	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.20(3)(a) and (b) If it exercises its power to borrow and then decides not to proceed with the proposal or it does not use all of the money, credit or financial accommodation, after giving one month local public notice it may by absolute majority resolve to use it for another purpose	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.20(3) One month's public "notice" must be given	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Division 6 – Rates and service charges		
Subdivision 1 – Introduction and the basis of rating		
Section 6.26(3) If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement, under section 6.26(2)(i), the local government may refer the matter to the Minister for determination	Suitable for delegation to CEO	
Section 6.29(2) Must impose a rate on the basis of unimproved value to any tenement, license or permit that is located in a district for which only rates on the basis of gross rental value apply	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Subdivision 2 – Categories of rates and service charges		
Section 6.32(1) When adopting the annual budget, may in order to make up a budget deficiency, by absolute majority impose a general rate on rateable land within its district, and may be imposed uniformly or differentially a specified area rate or minimum payment on rateable land within its district, and may impose a service charge on land within its district.	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.32(3) May in an emergency after rates in a financial year have been imposed, by absolute majority impose a supplementary general rate or a specified area rate for the unexpired portion of the current financial year, and to impose a new general rate, specified area rate or services charge if a court or the State Administrative Tribunal quashes a general valuation, rate or service charge	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.33(1) May impose differential general rates	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.35(1) May impose on any rateable land in its district a minimum payment	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.36(1) A local government must give local public notice of its intention to impose any differential general rates or minimum payment applying to a differential rate category under section 6.35(6)(c)	Suitable for Acting Through	
Section 6.37(1) May impose a specified area rate on rateable land for specific work, service or facility	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Note: Under Division 6 – Rates and service charges, subdivision 2 categories of rates and service charges, section 6.38(1) the Local Government (Financial Management) Regulations, reg.54 applies and council may impose a service charge on owners or occupiers to meet the cost of providing television and radio rebroadcasting, underground electricity, property surveillance and security and water	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Subdivision 3 – Imposition or rates and service charges		
Section 6.39(1) As soon as practicable after a local government resolves to impose rates, it must compile a record of all rateable land in the district and all land which has a service charge imposed	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.39(2) A local government must, from time to time, amend the current rate record to ensure it is accurate and correct and may amend the rate record for the 5 years preceding the current financial year	Suitable for Acting Through	
Section 6.40(1) If the rateable value, rateability or the rate imposed on any land is amended in the rate record, under section 6.39(2), the local government must reassess the rates payable and give notice to the owner of the land of any change in the amount of rates payable	Suitable for Acting Through	
Section 6.40(2) If a service charge on any land is amended in the rate record, under section 3.39(2), the local government must reassess the service charge and give notice to the owner of the land of any change of the amount of service charge payable	Suitable for Acting Through	
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	Suitable for Acting Through	
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	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.41(1) A local government must give a rate notice to the owner of rateable land and the owner or occupier (as the case requires) of land on which a service charge is imposed, containing the particulars required	Suitable for Acting Through	
Subdivision 4 – Payment of rates and service charges		
Note: Under Division 6 – Rates and service charges, subdivision 4 payment of rates and service charges, section 6.45(1) the Local Government (Financial Management) Regulations, reg.64(2) applies, when adopting the annual budget, must determine the due date for payment of instalments after the first instalment	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Note: Under Division 6 – Rates and service charges, subdivision 4 payment of rates and service charges, section 6.45(3) the Local Government (Financial Management) Regulations, reg.67 applies council may impose an additional charge (including by way of interest) where payment of a rate or service is by instalments and have regard to the additional costs of administration and consider the additional charge as a full or partial reimbursement of those costs and not for the purpose of making a profit.	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.46 May. When imposing a rate or service charge, by absolute majority resolve to grant a discount or incentive for its early payment	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.47 May, when imposing rates and service charges, by absolute majority resolve to waive a rate or service charge or grant a concession	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 6.49 A local government may make an agreement with a person to pay their rates and service charges	Suitable for Acting Through	
Local Government (Financial Management) Regulations, reg.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	Suitable for Acting Through	
Local Government (Financial Management) Regulations, reg.66(3)(b) – the local government must in writing immediately notify the ratepayer of the revocation	Suitable for Acting Through	
Section 6.50(1) and (2) A local government may determine the due date that rates and charges become due, but which date cannot be sooner than 35 days after the date noted on the rate notice	Suitable for Acting Through	
Note: Under Division 6 – Rates and service charges, subdivision 4 payment of rates and service charges, section 6.51(1) the Local Government (Financial Management) Regulations, reg.70 applies, council may by absolute majority resolve to impose interest (not to exceed 11%) on a rate and service charge	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
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	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
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	CEO	28 June 2016 Report CPS18.16
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	Suitable for Acting Through	
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 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	CEO	28 June 2016 Report CPS18.16
Section 6.64(2) A local government that takes possession of land, under section 6.64(1), must give the owner such notice as prescribed and then affix the notice to a conspicuous part of the land in the form prescribed	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 6.64(3) A local government may lodge a caveat in respect of any land for which rates and service charges are outstanding	Suitable for Acting Through	
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	Suitable for Acting Through	
Section 6.69(3) If a local government accepts payment of outstanding rates or service charges, under sections 6.69(1) or 6.69(2), the local government is required to make such notifications and take such measures as are prescribed to cancel the proposed sale	Suitable for Acting Through	
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 CEO	
Section 6.71(3) If a local government transfers land to itself, under section 6.71(1)(b), it must pay any sum owed under a mortgage, lease, tenancy, encumbrance or charge in favour of the Crown in right of the State or a department, agency or instrumentally of the Crown	Suitable for Acting Through	

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 CEO	
FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Local Government (Financial Management) Regulations, reg.77(1) – before applying to have land revested under section 6.74, a local government must give notice to the owner of the land and any other interested persons and publish the notice in the Gazette	Suitable for Acting Through	
Local Government (Financial Management) Regulations, reg.77(3) – a local government must consider any objections it receives in relation to a revestment under regulation 77	Suitable for delegation to CEO	
Section 6.76(4) A local government may extend the time for a person to make an objection in relation to the rate record	Suitable for Acting Through	
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	CEO	28 June 2016 Report CPS18.16
Section 6.76(6) The local government is to provide the person with notice of its decision	Suitable for Acting Through	

Part 7 - Audit		
Division 1 - Introduction		
Nil items in Division 1		
Division 1A – Audit Committee		
Section 7.1A(1)(2) By absolute majority establish an audit committee, appoint members to the committee with a minimum of 3 members and a majority of which are council members	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 7.1B Despite s5.16 by absolute majority council can delegate to an audit committee only those powers and duties contained in Part 7 other than this power of delegation	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Division 2 – Appointment of auditors		
Section 7.1(1)(2) By absolute majority must appoint a person or persons on the recommendation of the audit committee, to be its auditor	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
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)	
Audit reg.8(1) – where a local government has terminated an agreement with its auditor, it must give notice and reasons for the termination to the Executive Director within 30 days	Suitable for Acting Through	
Section 7.6(3) If the auditor's registration as a company auditor is suspended or the auditor is unable or unwilling to carry out their duties, must appoint a person to conduct or complete its audit	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 3 – Conduct of audit		

Note: Under Division 3 – Conduct of audit, section 7.9 Local Government (Audit) Regulations, reg.14(3), a compliance audit return must be presented to the council at a meeting of the council, adopted by council and recorded in the minutes of the meeting at which it is adopted	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Division 4 – General		
Section 7.12A(2) A local government must meet with its auditor at least once a year	Delegated to the Audit and Risk Committee	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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)	
Audit reg.14(1) A local government must carry out a compliance audit for the period 1 January to 31 December in each year	Suitable for Acting Through	
Audit reg.14(3) A compliance audit return must be presented to the council at a meeting of the council, adopted by the council and recorded in the minutes of the meeting at which it is adopted	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Part 8 – Scrutiny of the Affairs of Local Governments		
Division 1 – Inquiries by the Minister or an authorised person		
Section 8.2(2) Upon receiving a request from the Minister for information, a local government must provide the information to the Minister within the specified time of the notice	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 8.14(3) A local government must give the Minister advise 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	CEO	28 June 2016 Report CPS18.16
Division 2A – Council may be peremptorily suspended or required to undertake remedial action		
Nil items in Division 2A		
Division 2 – Inquiries by Inquiry Panels		
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 receiving the report, or give its comment on a recommendation to dismiss the council	CEO	28 June 2016 Report CPS18.16
Division 3 – General provisions about suspension and dismissal of councils		
Nil items in Division 3		
Division 4 – Misapplication of funds and property		
Nil items in Division 4		
Part 9 – Miscellaneous Provisions		
Division 1 – Objections and review		
Section 9.6(1) An objection under Part 9 is to be dealt with by council or a committee authorised by council to deal with it	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Section 9.6(5) The local government must give the person who made the objection notice of how it was disposed of and reasons why	Suitable for Acting Through	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 9.9(3) As soon as a decision under section 9.9(1)(b) is made, the local government must give the affected person written notice stating the reasons for the decision	Suitable for Acting Through	
Division 2 – Enforcement and legal proceedings		
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	CEO	28 June 2016 Report CPS18.16
Division 3 – Documents		
Nil items in Division 3		
Division 4 – Protection from liability		
Nil items in Division 4		
Division 5 – Associations of local government		
Nil items in Division 5		
Division 6 – Regulations, directions and orders		
Section 9.60(4) A local government is to administer any regulation made under section 9.60 as if it were a local law	Suitable for Acting Through	
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 CEO	
Division 7 – Other miscellaneous provisions		
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	Suitable for Acting Through	
Division 8 – Amendments to 1960 Act and transitional provisions		
Nil items in Division 8		

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
<i>Nil Schedule 1</i>		
Schedule 2.1 – Provisions about creating, changing the boundaries of, and abolishing districts		
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 CEO	
Schedule 2.2 – Provisions about names, wards and representation		
Clause 4(1) A local government must consider any submissions made under clause 3	Suitable for delegation to CEO	
Clause 4(2) If council believes that a submission is of a minor nature or one which would not require public submissions, may either propose (absolute majority required) to the Advisory Board that a submission be rejected or itself deal with it under clause 5(b)	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Clause 4(3) It is council's opinion that a submission is substantially similar to a submission in respect of which a decision was made in the last two years, or the majority of affected electors who made the submission no longer support it, council may reject the submission	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	
Clause 4(4) Unless council decides to deal with a submission under clause 5(b) or rejects it or proposes to reject it under clauses 4(1) or 4(2), must carry out a review as to whether or not the order sought should be made	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
<p>Clause 5 Whether or not it has received a submission, council may carry out a review as to whether or not an order under clauses 2.2, 2.3(3) or 2.18 should in council's opinion be made or propose (absolute majority required) to the Advisory Board the making of an order under clauses 2.291), 2.393) or 2.18(3) if in the opinion of council the proposal is of a minor nature or one which would not require public submissions or propose (absolute majority required) to the Minister the making of an order changing the name of a district or ward</p>	<p>Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty</p>	
<p>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</p>	<p>Suitable for delegation to CEO</p>	
<p>Clause 7 A local government is to provide local public notice advising that it is about to review its wards and inviting submissions</p>	<p>Suitable for Acting Through</p>	
<p>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</p>	<p>Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).</p>	
<p>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)</p>	<p>Suitable for delegation to a 5.9(2)(a) committee (not currently delegated).</p>	

Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council		
Nil items in Schedule 2.3		
FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Schedule 2.4 – Provisions about Commissioners		
Nil items in Schedule 2.4		
Schedule 2.5 – Provisions about the Local Government Advisory Board		
Nil items in Schedule 2.5		
Schedule 3.1 – Powers under notices to owners or occupiers of land		
Regulation 7A <i>Local Government (Uniform Local Provisions) Regulations 1996</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 – <ul style="list-style-type: none"> a. Has fallen from the land, or from anything on the land; and b. Is obstructing a public thoroughfare 	CEO	28 June 2016 Report CPS18.16
Schedule 3.2 – Particular things local governments can do on land even though it is not local government property		
Nil items in Schedule 3.2		
Schedule 4.1 – How to conduct votes and ascertain the result of an election		
Nil items in Schedule 4.1		
Schedule 5.1 – Provisions about standards panels		
Nil items in Schedule 5.1		
Schedule 6.1 – Provisions relating to the phasing in of valuations		
Clause 1(1) When imposing general rates, with respect to gross rental value, may resolve that a general valuation, which results in an increase, can be phased in over 3 years	Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
<p>Clause 1(5) If a local government makes a resolution, under clause 1(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required.</p>	<p>Suitable for Acting Through</p>	
<p>Clause 2(1) When imposing general rates and changing from valuations on unimproved value to valuations on gross rental value, may resolve that gross rental valuations can be phased in over 3 years</p>	<p>Delegation prohibited under the <i>Local Government Act 1995</i> and Council is to perform the power or duty</p>	
<p>Clause 2(5) If a local government makes a resolution under clause 2(1), it must request the Valuer General, at the same time as the Valuer General determines an interim valuation that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation under subclause (6). The local government must give the Valuer General immediate written notice when the valuation is no longer required.</p>	<p>Suitable for Acting Through</p>	

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid		
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 CEO	
Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid		
Clause 1(1) Before exercising its power of sale, a local government must give the owner, or any other person who has a recorded interest in the land, opportunity to pay the rates or service charges. It must send them notice by certified mail and place a notice with the contents prescribed in clause 1(2) on its notice board for a minimum of 35 days	Suitable for Acting Through	
Clause 1(3) A local government must give local public notice if the owner or other interested parties do not have a recorded address	Suitable for Acting Through	
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 CEO	
Clause 2(1) The local government must give Statewide public notice of the sale	Suitable for Acting Through	
Clause 2(3) The local government must give the Registrar of Titles or the Registrar of Deeds a memorial of the Statewide notice	Suitable for Acting Through	
Clause 4(1) A local government may transfer or convey to the purchaser of the land an indefeasible estate in fee simple	CEO subject to 5.43(d)	28 June 2016 Report CPS18.16

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	Suitable for Acting Through	
<i>Nil Schedule 7</i>		
Schedule 8.1 – Provisions about Inquiry Panels		
Nil items in Schedule 8.1		
Schedule 9.1 – Certain matter for which Governor may make regulations		
Nil items in Schedule 9.1		
<i>Nil Schedule 9.2</i>		
Schedule 9.3 – Transitional provisions		
Nil items in Schedule 9.3		

3. Register of Delegations under the *Local Government (Uniform Local Provisions) Regulations 1996*

Authority to delegate: Section 5.17 of the *Local Government Act 1995*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
<p>Reg. 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—</p> <ul style="list-style-type: none"> (a) prevent damage to the footpath; or (b) prevent inconvenience to the public or danger from falling materials. 	<p>Suitable for Acting Through</p>	
<p>Reg. 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—</p> <ul style="list-style-type: none"> (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 (e) may be cancelled by giving written notice to the person to whom the permission was granted. 	<p>Suitable for Acting Through</p>	

<p>Reg. 6(4) Impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —</p> <p>(a) conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare or public safety (protective structures);</p> <p>(b) 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>(c) 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>(d) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO 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>	Suitable for Acting Through	
<p>Reg. 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.</p>	Suitable for Acting Through	

Reg. 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 m2 of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.	Suitable for Acting Through	
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4. Register of Delegations under the *Food Act 2008*Authority to delegate: Section 118 of the *Food Act 2008*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 122 (1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act	CEO	28 June 2016 Report CPS18.16
Section 123 An enforcement agency must provide each authorised officer appointed by the agency with a certificate of authority as an authorised officer	CEO	28 June 2016 Report CPS18.16

5. Register of Delegations under the *Dog Act 1976*Authority to delegate: Section 10AA of the *Dog Act 1976*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
All powers under the <i>Dog Act 1976</i>	CEO	28 June 2016 Report CPS18.16

6. Register of Delegations under the *Cat Act 2011*Authority to delegate: Section 44 of the *Cat Act 2011*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
All powers under the <i>Cat Act 2011</i>	CEO	28 June 2016 Report CPS18.16

7. Register of Delegations under the *City of Nedlands Town Planning Scheme 2*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Town Planning Scheme No. 2		
<p>Clause 6.7.1 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>CEO, except for the following:</p> <ul style="list-style-type: none"> a) Proposed and Retrospective developments and Change of Use applications which are classified IP, P or AA 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; b) A change from one non-conforming use to another non-conforming use; c) Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings; and d) Refusal of applications where discretion exists for Council to approve the variations under the City's Town Planning Scheme no. 2, policies and/or the Residential Design Codes. 	<p>28 June 2016 Report CPS18.16</p>

8. Register of Delegations - Planning and Development

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Planning and Development Act 2005 Authority to delegate: Part 10		
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.	CEO	28 June 2016 Report CPS18.16
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.	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Heritage of Western Australia Act 1990 Authority to delegate: S 23(4)		
S23(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'.	CEO 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.	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Metropolitan Region Scheme Authority to delegate: DEL 2011/02, Government Gazette no. 248, 23 December 2011		
CI 29(3) Forwarding an application to the Commission.	CEO	28 June 2016 Report CPS18.16
CI 30 Exercising powers under the Planning & Development Act 2005 delegated by the WAPC to: <ul style="list-style-type: none"> - Determine applications; - Revoke applications; and - Limit time of approval. 	CEO 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.	28 June 2016 Report CPS18.16
CI 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.	CEO	28 June 2016 Report CPS18.16
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>	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Strata Titles Act 1985 Authority to delegate: DEL 2009/03, Government Gazette no. 98, 9 June 2009		
S24 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.	CEO	28 June 2016 Report CPS18.16
S25 Clause 1 Schedule 1 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: <ul style="list-style-type: none"> a) propose the creation of a vacant lot; b) propose vacant air stratas in multi-tiered strata scheme developments; 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"> i. a type of development; and/or ii. 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. 	CEO on the condition that: 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.	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Liquor Control Act 1988 Authority to delegate: Part 3 – S40		
S40 Issue certificates as to whether the use of premises complies with local planning laws.	CEO	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
9. Delegation to respond to external organisations 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 <i>State Administrative Tribunal Act 2004</i> ;	CEO with the exception of: Consideration of referrals under s31 of the <i>State Administrative Tribunal Act 2004</i> where Council has determined the application.	28 June 2016 Report CPS18.16
Respond to the Swan River Trust on planning applications made under the <i>Swan and Canning Rivers Management Act 2006</i>	CEO	28 June 2016 Report CPS18.16
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.	CEO	28 June 2016 Report CPS18.16

8. Register of Delegations under the *Building Act 2011*

Authority to delegate: Section 127 of the *Building Act 2011*

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Part 2 – Building and demolition permits			
Division 2 – Application for building or demolition permits			
Section 17.1 Refer an uncertified application to a building surveyor	CEO		28 June 2016 Report CPS18.16
Section 18(1) Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration	CEO		28 June 2016 Report CPS18.16
Section 20 & 23 Grant a building permit	CEO		28 June 2016 Report CPS18.16
Section 20, 22(1) & (2), 23(3) Refuse to grant a building permit	CEO		28 June 2016 Report CPS18.16
Section 21 & 23(2) Grant a demolition permit	CEO		28 June 2016 Report CPS18.16
Section 21(2), 22(1) & (2), 23(3) Refuse to grant a demolition permit	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Section 24 Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person whom the decision relates written notice of the decision together with those grounds and reason and the person's right of review	CEO		28 June 2016 Report CPS18.16
Division 3 – Building or demolition permits			
Section 27(1) Impose conditions on the grant of a permit in addition to any provided for in the Regulations	CEO		28 June 2016 Report CPS18.16
Section 27(3) Add, vary or revoke conditions imposed under this section before the building work or demolition work is completed	CEO		28 June 2016 Report CPS18.16
Division 4 – Duration of building or demolition permits			
Section 32 (3) Extend the time during which a permit has effect	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Part 4 – Occupancy permits and building approval			
Division 3 – Making and dealing with applications for occupancy permits and building approval certificates			
Section 55(1) Require the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration	CEO		28 June 2016 Report CPS18.16
Section 55(2) Refuse to consider an application	CEO		28 June 2016 Report CPS18.16
Section 58(1) Grant or modify the occupancy permit or grant the building approval certificate	CEO		28 June 2016 Report CPS18.16
Section 58(2) & (3) Refuse to grant or modify the occupancy permit or grant the building approval certificate	CEO		28 June 2016 Report CPS18.16
Section 59 Grant or modify the occupancy permit or grant the building approval certificate within specified time frame	CEO		

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Section 59(3) Refund the fee that accompanied an application to the applicant if no decision made within the time.	CEO		28 June 2016 Report CPS18.16
Section 60 Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review	CEO		28 June 2016 Report CPS18.16
Section 62(1) Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations	CEO		28 June 2016 Report CPS18.16
Section 62(3) Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Section 62(4) & (5) Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right or review	CEO		28 June 2016 Report CPS18.16
Section 65(4) Extend the period in which the occupancy permit or modification to the building approval certificate has effect	CEO		28 June 2016 Report CPS18.16
Section 65 Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for a shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision together, and give written notice of the decision together with those grounds and reasons and the person's right of review	CEO		28 June 2016 Report CPS18.16
Part 6 – Work affecting other land			
Division 4 – Other boundary matters			
Section 88(3) Specify the way in which an outward facing side of a particular close wall must be finished	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Part 8 - Enforcement			
Division 2 – Authorised persons			
Section 96(3) Designate a person employed by the local government under section 5.36 under the <i>Local Government Act 1995</i> as an authorised person for the purposes of this Act in relation to building and incidental structures located or proposed to be located in the district of the local government	CEO		28 June 2016 Report CPS18.16
Section 96(6) Revoke a designation at any time	CEO		28 June 2016 Report CPS18.16
Section 97(1) Give an identity card to each person designated by it as an authorised person	CEO		28 June 2016 Report CPS18.16
Section 99(2) Limit the powers of an authorised person by imposing conditions on a person's instrument of designation or by written notice	CEO		28 June 2016 Report CPS18.16
Section 99(3) Revoke or vary a condition of an authorised person	CEO		
Division 5 – Building orders			

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
<p>Section 110(1) Make an order in respect of one or more of the following –</p> <p>(a) Particular building work; (b) Particular demolition work; (c) A particular building or incidental structure whether completed before or after commencement</p>	CEO		28 June 2016 Report CPS18.16
<p>Section 111(1) Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and the reasons for it and advise each person of time in which they may make submissions and consider each submission received</p>	CEO		28 June 2016 Report CPS18.16
<p>Section 117(2) Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving notification</p>	CEO		28 June 2016 Report CPS18.16
<p>Section 114(1) Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the <i>Interpretation Act 1994</i></p>	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Section 117(1) Revoke a building order at any time	CEO		28 June 2016 Report CPS18.16
Section 118(2) If there is non-compliance with a building order, cause an authorised person to – a) Take any action specified in the order; or b) To commence or complete any work specified in the order; or c) If any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease	CEO		28 June 2016 Report CPS18.16
Section 118(3) Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred	CEO		28 June 2016 Report CPS18.16
Part 11 – Building information			
Section 128(1) & (2) Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it and all building orders made by it, in an approved manner and form	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Section 128(3) Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order resulting from a decision of the permit authority or information given to the permit authority	CEO		28 June 2016 Report CPS18.16
Section 129(1) Make the register available for inspection by members of the public during normal office hours	CEO		28 June 2016 Report CPS18.16
Section 129(2) On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register	CEO		28 June 2016 Report CPS18.16
Section 130 Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of – a) An application for a building permit or demolition permit; or	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
b) An application of a kind mentioned in Part 4 Division 2; or c) An inspection of a prescribed kind			
Section 131(2) Allow an interested person to inspect a building record and provide to the interested person a copy of the building record	CEO		28 June 2016 Report CPS18.16
Section 132(1) Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the <i>Financial Management Act 2006</i> Part 5	CEO		28 June 2016 Report CPS18.16
Section 132(3) Give the Building Commissioner prescribed information or building record	CEO		28 June 2016 Report CPS18.16

9. Register of Delegations under the *Building Regulations 2012*

Authority to delegate: Section 127 of the *Building Act 2011*

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Part 2 – General matters			
Reg.14 Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the <i>Financial Management Act 2006</i> Part 5 by the accountable authority [s.132(1)] and provide a record or information by the Building Commissioner	CEO		28 June 2016 Report CPS18.16
Part 3 – Building and demolition permits			
Reg. 15A (2) Provide the FES Commissioner a copy of any occupancy permit for a building in which plans where referred to FES Commissioner under regulation 18B(1)	CEO		28 June 2016 Report CPS18.16
Reg. 15A (3) Provide the FES Commissioner a copy of any modified occupancy permit for a building in which plans where referred to FES Commissioner under regulation 18B(1)	CEO		28 June 2016 Report CPS18.16
Reg. 23(3) Refuse to accept an application extend a permit	CEO		28 June 2016 Report CPS18.16
Reg.24(1) & (2) – Extend or refuse to extend the time during which a permit has effect and impose conditions on the extended permits	CEOCEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
Reg.26(3) & (4) Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly	CEO		28 June 2016 Report CPS18.16
Part 5 – Occupancy permits and building approval certificates			
Reg.40(2) Refuse to accept and application to extend the time during which an occupancy permit or a building approval certificate has effect	CEO		28 June 2016 Report CPS18.16
Reg.40(5) Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for a shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision together, and give written notice of the decision together with those grounds and reasons and the person's right of review	CEO		28 June 2016 Report CPS18.16
Division 2 – Private swimming pools			
Reg.51(2) Approval alternative requirements to reg.50(4)(b) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS1926.1	CEO		28 June 2016 Report CPS18.16
Reg.51(3) Approval of a door for the purposes of reg.50(4)(c)(ii)	CEO		28 June 2016 Report CPS18.16
Reg.53(1) Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of	CEO		28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	CONDITIONS ON DELEGATION AND DURATION (INFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST AMENDED
monitoring whether the provisions in reg.50 and 52 of the Regulations are complied with			
Reg.53(3) Fix the charge to be imposed on each pool owner to meet the cost in that financial year of carrying out inspections	CEO		28 June 2016 Report CPS18.16
Division 3 – Smoke alarms			
Reg.61(1) Approve the use, in a dwelling or part of a dwelling, of a battery powered smoke alarm and give approval in relation to an alarm that was installed before the approval is to be given	CEO		28 June 2016 Report CPS18.16
Reg.61(2) Approve the use, in a dwelling or part of a dwelling, and give approval in relation to an alarm that was installed before the approval is to be given	CEO		28 June 2016 Report CPS18.16

10. Register of Delegations under the City of Nedlands Local Law Relating to Reserves, Foreshores and Beaches

Authority to delegate: Section 24 The City of Nedlands may delegate any of the powers, functions and duties in this Local Law to the Chief Executive Officer

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Section 17 (1) The Council may- c. Approve an application for a permit unconditionally or subject to any conditions; or d. Refuse to approve an application for a permit (6) Notwithstanding a decision to approve an application for a permit made under this clause, the Council may at any time cancel or vary the permit	CEO	28 June 2016 Report CPS18.16
Section 18 The Council may approve an application for a permit subject to conditions	CEO	28 June 2016 Report CPS18.16
Section 19 The Council may set fees as it determines from time to time for – a. The hire of a reserve or foreshore; b. A bond for the restoration of the reserve or foreshore to its condition prior to hire and may use all or any of the bond to carry out such work as it deems necessary.	CEO	28 June 2016 Report CPS18.16

11. Register of Delegations from the Chief Executive Officer to other staff members

Local Government Act 1995 and Regulations

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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	28 June 2016 Report CPS18.16
Section 3.50(1) A local government may close a thoroughfare to vehicles, wholly or partially, for a period not exceeding 4 weeks	Director Technical Services	28 June 2016 Report CPS18.16
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 Corporate & Strategy Director Planning & Development Director Technical Services	28 June 2016 Report CPS18.16
Local Government (Functions and General) Regulations, reg.14(2a) – where a local government is inviting tenders, the local government must determine in writing the criteria for accepting tenders	Director Corporate & Strategy Director Planning & Development Director Technical Services	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Local Government (Functions and General) Regulations, reg.21(1) – a local government may seek expressions of interest before entering the tender process	Director Corporate & Strategy Director Planning & Development Director Technical Services	28 June 2016 Report CPS18.16
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 Only delegated to: <ol style="list-style-type: none"> 1. Extend time for payment of a modified penalty or to withdraw an infringement notice; 2. In relation to parking infringements, withdraw an infringement in the event of: <ol style="list-style-type: none"> a. Medical emergency; b. Vehicle broken down; c. Eastern States registration; d. No records held by Police Department if unregistered vehicle; e. Stolen vehicle; f. Error made by issuing officer; g. Vehicle towed away; or h. Other compassionate grounds. 	28 June 2016 Report CPS18.16
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	28 June 2016 Report CPS18.16

FUNCTION	DELEGATION	DATE ADOPTED/LAST REVIEWED
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	28 June 2016 Report CPS18.16
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	28 June 2016 Report CPS18.16
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	28 June 2016 Report CPS18.16
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	28 June 2016 Report CPS18.16

Food Act 2008

Authority to delegate: Section 117 of the *Food Act 2008* only for sections 119, 122(2), 123, Part 4, Part 7 Division 3, Part 7 Division 4, Part 8)

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
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	28 June 2016 Report CPS18.16

Freedom of Information Act 1992Authority to Delegate: Section 100(1)(b) of the *Freedom of Information Act 1992*

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
To make decisions and coordinate applications under Sections 13, 15, 17, 18, 20, 23, 24, 25, 26, 27, 28, 30, 31, 41, 47, 48, 50 and 54	Manager Corporate Strategy & Systems Records Coordinator	28 June 2016 Report CPS18.16
To make decisions under Sections 20, 23, 24, 25, 30, 31, 41, 43, 48, 50 and 54	Director Corporate Strategy & Systems Director Technical Services Director Planning & Development Manager Corporate Strategy & Systems Records Coordinator	28 June 2016 Report CPS18.16

Planning and Building Acts and Delegations

FUNCTION	DELEGATION, CONDITIONS AND DURATION (INDEFINITE UNLESS OTHERWISE SPECIFIED)	DATE ADOPTED/LAST REVIEWED
Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Town Planning Scheme no. 2; - <i>Planning and Development Act 2005</i>; - <i>Heritage of Western Australia Act 1990</i>; - Metropolitan Region Scheme; - <i>Strata Titles Act 1985</i>; - <i>Liquor Control Act 1988</i>; and - Responding to external organisations. 	Director Planning and Development Manager Planning Services Coordinator Statutory Planning Senior Statutory Planning Officer	28 June 2016 Report CPS18.16
Where delegation to the CEO exists under the: <ul style="list-style-type: none"> - Building Act 2011; and - Building Regulations 2012. 	Manager Property Services Senior Building Services With the exception of: Section 59 and Section 99(3) of the Act; and Reg 132(3) of the Regulations.	28 June 2016 Report CPS18.16