



Shire of Mt Marshall

— THE SANDALWOOD SHIRE —

**REGISTER OF  
DELEGATED AUTHORITY  
2023**



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## Introduction

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

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

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

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

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

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

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

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

## **Delegations and authorisations under other Legislation**

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

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

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

*Planning and Development Act 2005 and associated regulations Dog Act 1976 and regulations;*

*Cat Act 2011 and regulations*

*Bush Fires Act 1954, regulations and local law created under that Act; Litter Act 1979 and regulations*

*Local Government (Miscellaneous Provisions) 1960 as amended; Caravan Parks and Camping Grounds Act 1995;*

*Control of Vehicles (Off-Road Areas) Act 1978 and regulations; Environmental Protection Act 1986*

*Environmental Protection (Noise) Regulations 1997 Building Act 2011*

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

**DELEGATIONS****01 Local Government Act 1995***Local Government Act 1995***01.1 Council to Committees of Council**

<b>Delegation</b>	<b>1.1.1 Audit Committee</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</li> <li>2. Authority to: <ol style="list-style-type: none"> <li>i. examine an audit report received by the local government.</li> <li>ii. determine if any matters raised by the audit report, require action to be taken by the local government; and</li> <li>iii. ensure that appropriate action is taken in respect of those matters.</li> </ol> </li> <li>3. Authority to review and endorse the Shire's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].</li> </ol>
<b>Delegates</b>	Audit Committee
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil. Sub-delegation is prohibited by s.7.1B.
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**01.2 Council to CEO**

<b>Delegation</b>	<b>1.2.1 Appoint Authorised Persons</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to authorise a person to exercise the local government powers under subdivision 2 [s. 3.24].</li> <li>2. Authority to authorise an employee for the purposes of s. 9.11(1) and s. 9.11(2)</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	
<b>Statutory Framework</b>	<i>Local Government Act 1995</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



<b>Delegation</b>	<b>1.2.2 Powers of Entry</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in emergency s.3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegated authority under s.3.34(1) and (3) may only be used where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor Regulatory Officer (Assisted/working through by Contract Ranger, Building Surveyor, and/or Environmental Health Officer, as applicable)
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.3 Close Thoroughfares to Vehicles</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50 A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>i. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>ii. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A].</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Where the closure is required for the conduct of an event, the requirements of the <i>Road Traffic (Events on Roads) Regulations 1991</i> will be applied.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation

<b>Statutory Framework</b>	<i>Local Government Act 1995: Part 3, Division 3, Subdivision 3 Road Traffic (Events on Roads) Regulations 1991 Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.4 Obstruction of Footpaths and Thoroughfares</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>i. prevent damage to the footpath; or</li> <li>ii. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> </ol> </li> </ol>

	iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Road Traffic (Events on Roads) Regulations 1991</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.5 Crossing – Construction, Repair and Removal</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>b. Maintenance and upkeep of the crossing to a safe and useable standard is the responsibility of the property owner.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.

<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.6 Performing Particular Things on Land which is not the Local Government's Property</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property Sch.3.2 Particular things local governments can do on land even though it is not local government property
<b>Function</b>	Authority to carry out things as follows: <ol style="list-style-type: none"> <li>1. Carry out works for the drainage of land [Sch.3.2(1)];</li> <li>2. Do earthworks or other works on land for preventing or reducing flooding [Sch.3.2(2)];</li> <li>3. Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate [Sch.3.2(3)];</li> <li>4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence or gate do not, in the opinion of the local government, require [Sch.3.2(4)];</li> <li>5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare [Sch.3.2(5)];</li> <li>6. Place on land signs to indicate the names of public thoroughfares [Sch.3.2(6)]; and</li> <li>7. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations [Sch.3.2(7)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	An effort must have been made to notify the owner(s) and seek approval prior to works being carried out.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>



<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.7 Notices Requiring Things to be done by Owner or Occupier of Land and Additional Powers when Notice is Given</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.25 Notices requiring certain things to be done by owner or occupier of land Sch.3.1 Powers under notices to owners or occupiers of land Sch.3.2 Particular things local governments can do on land even though it is not local government property <i>Local Government (Uniform Local Provisions) Regulations 1995</i> r.11 Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl. 6
<b>Function</b>	Authority to exercise the powers and duties of the local government in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Must comply with relevant Council Policies.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.8 Reserves Under Control of Local Government</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.54(1) <i>Reserves under control of local government</i>
<b>Function</b>	Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the Parks and Reserves Act 1895 [s.3.54(1)]
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Works Supervisor
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Parks and reserves Act 1895</i> <i>Land Administrative Act 1995</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.9 Expressions of Interest for Goods and Services</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Regulatory Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.10 Tenders for Goods and Services</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject tenders, only within the \$250,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</li> <li>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$10,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> </ol>

	<p>12. Authority to decline any tender [F&amp;G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ul> <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers.</li> </ul> </li> <li>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> <li>i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government;</li> <li>ii. current supply contract expiry is imminent;</li> <li>iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and</li> <li>iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> </li> <li>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Regulatory Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation

<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> <i>State Records Act 2000</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.11 Disposing of Property</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with Section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>b. In accordance with s.5.43, disposal of property for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$75,000 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>➤ Reserve price has been set by independent valuation.</li> <li>➤ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>➤ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>➤ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> </li> </ul> </li> <li>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is</li> </ul> </li> </ol>



	<p>achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</p> <p>e. Where the disposal relates to a lease or sub-lease of a Reserve vested in the Shire, the Power to Lease must be included as a condition on the Management Order with the State.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.12 Legal Matters and Representation</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.29 Representing Local Government in Court
<b>Function</b>	Authority to appoint an employee to represent the local government in legal proceedings either generally or in a particular case and to obtain legal advice and opinions as are deemed necessary in the exercise and management of the local government. [s.9.29(2)(b)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. The CEO may only appoint the following officers to represent Council in legal proceedings or authorise them to obtain legal advice: i. Finance and Administration Manager ii. Works Supervisor b. Legal proceedings may only be initiated with the prior approval of Council subject to adequate provision in the Budget.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Local Government Act 1995</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on - Decision number
<b>Last reviewed</b>	
<b>Note:</b>	The above delegation is in addition to, and not in derogation of, the provisions under Section 358 of the <i>Health (Miscellaneous Provisions) Act 1911</i> which states that an environmental health officer of a local government may, by virtue of his/her office, and without receiving express authority from such local government, institute and carry on proceedings against any person for an alleged offence under this Act or any local law or regulation made thereunder, and he/she shall be reimbursed out of the funds of the local government all costs and expenses which he/she may incur or be put to in or about such proceedings.

<b>Delegation</b>	<b>1.2.13 Payments from the Municipal or Trust Funds</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Authority to make payments is subject to annual budget limitations. a. Procedures are to be systematically documented, retained and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit Committee at least once each financial year. [Audit r.17]
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager Executive Assistant Finance Officer Regulatory Officer
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. Sub-Delegates must comply with finance procedures approved by the CEO (Financial Management Regulation 5).</li> <li>2. Payments by cheque, BPay and EFT transactions must be approved jointly by two Authorised Officers</li> <li>3. The verification of incurring the liability via the purchase order, invoice and evidence of goods/service received must be approved jointly by two Authorised Officers, one of whom must have Delegated Authority</li> <li>4. Conditions on the original delegation also apply to the sub-delegation.</li> </ol>
<b>Statutory Framework</b>	<i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.14 Defer, Grant Discounts, Waive or Write Off Debts</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Mt Marshall [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Mt Marshall [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Mt Marshall [s.6.12(1)(c)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A debt, other than a debt relating to a rate or service charge, may only be waived where the dollar amount does not exceed \$150 per individual debt.</li> <li>b. Debt relating to a rate or service charge may only be written off where the dollar value does not exceed \$10 per individual debt.</li> <li>c. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mt Marshall, or where the value of the debt makes recovery attempts uneconomical.</li> <li>d. Write off of debts greater than these values must be referred to Council for a decision.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation except that the dollar amount per rates notice cannot exceed \$5 for rates, sewerage and other charges, and \$2 for ESL.
<b>Statutory Framework</b>	<i>Local Government Act 1995</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.15 Power to Invest and Manage Investments</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 3.2 – Investment Policy.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> <li>2. Conditions on the original delegation also apply to the sub-delegation.</li> </ol>
<b>Statutory Framework</b>	<i>Banking Act 1959</i> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Trustees Act 1962</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.

<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.16 Rate Record Amendment</b>
<b>Head of power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s. 6.39(2) Rate record s. 6.40 Effect of amendment of rate record
<b>Function</b>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Statutory Framework</b>	<i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.17 Agreement as to Payment of Rates and Service Charges</b>
<b>Head of Power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	Authority to make an agreement with a person for the payment of rates or service charges [s. 6.49].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Statutory Framework</b>	<i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the Local Government (Administration) Regulations 1996 and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



<b>Delegation</b>	<b>1.2.18 Determine Due Date for Rates and Service Charges</b>
<b>Head of Power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> • s. 6.50 Rates or service charges due and payable
<b>Function</b>	Authority to determine the date on which rates or service charges become due and payable to the Shire of Mt Marshall [s.6.50].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In accordance with the original delegation
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the original delegation also apply to the sub-delegation.
<b>Statutory Framework</b>	<i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.19 Recovery of Rates or Service Charges</b>
<b>Head of Power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken.
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s. 6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on the land is in arrears [s. 6.64(3)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Recovery action undertaken is to be in accordance with Council Policy, as applicable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>a. Conditions on the original delegation also apply to the sub-delegation.</li> <li>b. The sub-delegation does not include the authority to lodge and withdraw caveats.</li> </ol>
<b>Statutory Framework</b>	<i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>1.2.20 Recovery of Rates Debts - Require Lessee to Pay Rent</b>
<b>Head of Power</b>	<i>Local Government Act 1995</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s. 6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s. 6.60(4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Finance and Administration Manager
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Fire and Emergency Services Act 1998</i> <i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i> <i>Valuation of Land Act 1978</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

## 02 Building Act 2011

### *Building Act 2011*

#### 02.1 Council to CEO

<b>Delegation</b>	<b>2.1.1 Grant a Building Permit</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

<b>Statutory Framework</b>	<i>Building Act 2011</i> <i>Building Code of Australia</i> <i>Building Regulations 2012</i> <i>Building Services (Registration Act) 2011</i> <i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> <i>Home Building Contracts Act 1991</i> <i>Heritage Act 2018</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>2.1.2 Demolition Permits</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	Regulatory Officer
<b>Conditions</b>	The granting of a permit excludes those properties contained in the Shire of Mt Marshall Municipal Heritage Inventory.
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

<b>Statutory Framework</b>	<i>Building Act 2011</i> <i>Building Code of Australia</i> <i>Building Regulations 2012</i> <i>Building Services (Registration Act) 2011</i> <i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> <i>Home Building Contracts Act 1991</i> <i>Heritage Act 2018</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>2.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> <ul style="list-style-type: none"> <li>• s. 55 Further information</li> <li>• s. 58 Grant of occupancy permit, building approval certificate</li> <li>s. 60 Notice of decision not to grant occupancy permit or grant building approval certificate</li> <li>• s. 62(1) and s. 62(3) Conditions imposed by permit authority</li> <li>• s. 65(4) Extension of period of duration</li> </ul> <i>Building Regulations 2012</i> r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s. 55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s. 58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s. 62(1) and s. 62(3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s. 65(4) and r. 40].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Building Act 2011</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



<b>Delegation</b>	<b>2.1.4 Designate Employees as Authorised Persons</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011</i> <ul style="list-style-type: none"> <li>• s. 96(3) Authorised persons</li> <li>• s. 99(3) Limitation on powers of authorised person</li> </ul>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s. 96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers which may be exercised by the person [s. 99(3)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Decisions under this delegated authority should be in accordance with r. 5 of the Building Regulations 2012.
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>2.1.5 Building Orders</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work; or</li> <li>b. Demolition work; or</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

<b>Statutory Framework</b>	<i>Building Act 2011</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>2.1.6 Referrals and Issuing Certificates</b>
<b>Head of power</b>	<i>Building Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Mt Marshall's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO)
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**03 Planning and Development Act 2005***Planning and Development Act 2005***03.1 Council to CEO**

<b>Delegation</b>	<b>3.1.1 Development Approvals/Planning Determinations</b>
<b>Head of power</b>	<i>Planning and Development Act 2005</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and specifically Clause 82, Part 10 of Schedule 2 of the Deemed Provisions for Local Planning Schemes
<b>Express power or duty delegated</b>	Shire of Mt Marshall Local Planning Scheme No. 3 – Development Approvals/Planning Determinations
<b>Function</b>	<ol style="list-style-type: none"> <li>1. In the case of development applications involving use which is classified as “P” or “D” use in the Local Planning Scheme text, the Chief Executive Officer has delegated authority to approve such applications subject to relevant conditions if necessary;</li> <li>2. In the case of development applications involving a use which is classified as “A” use in the Scheme text, the Chief Executive Officer has delegated authority to approve each application subject to the application being advertised in accordance with the Scheme, no substantive objections being received;</li> <li>3. The Chief Executive Officer has delegated authority to refuse development applications in cases where such applications do not comply with the provisions of the Scheme and could not comply without significantly altering the proposal;</li> <li>4. The Chief Executive Officer has delegated authority to consider and determine applications for patios, pergolas, verandas, car ports, shade structures and/or other minor additions in all zones provided that, where appropriate, advertising/consultation with likely affected adjoining landowners has been undertaken and submissions adequately addressed.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and specifically Clause 82, Part 10 of Schedule 2 of the Deemed Provisions for Local Planning Schemes.
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

<b>Statutory Framework</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Clause 82, Part 10 of Schedule 2 of the Deemed Provisions for Local Planning Schemes. Shire of Mt Marshall Local Planning Scheme No.3
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>3.1.2 Illegal/Unauthorised Development</b>
<b>Head of power</b>	<i>Planning and Development Act 2005</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</li> <li>3. To remove, pull down, take up, or alter the development; and</li> <li>4. To restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> <li>5. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	Part 13 of the <i>Planning and Development Act 2005</i> Shire of Mt Marshall Local Planning Scheme No.3
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**04 Bushfires Act 1954***Bush Fires Act 1954***04.1 Council to CEO**

<b>Delegation</b>	<b>4.1.1 Make Request to Fire and Emergency Services Commissioner - Control of Fire</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s. 13(4) Duties and powers of bush fire liaison officers
<b>Function</b>	Authority to request the Fire and Emergency Services Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s. 13(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



<b>Delegation</b>	<b>4.1.2 Prohibited Burning Times - Vary</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s.17(7) Prohibited burning times may be declared by Minister  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s. 13(4) Duties and powers of bush fire liaison officers
<b>Function</b>	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
<b>Delegates</b>	Shire President and Chief Bush Fire Control Officer (jointly)
<b>Conditions</b>	Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>4.1.3 Prohibited Burning Times – Control Activities</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions during a Prohibited Burning Time to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of Mt Marshall or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).

<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>4.1.4 Restricted Burning Times – Vary and Control Activities</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].</li> <li>2. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> <li>3. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>8. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>9. Authority to prohibit the use of tractors, engines or self-propelled</li> </ol>

	<p>harvesters, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>10. Authority to recover the cost of measures taken by the Shire of Mt Marshall or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>4.1.5 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>4.1.6 Firebreaks</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Mt Marshall: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</li> <li>3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> <li>4. Authority to consider and determine a written request to vary the requirements of a Notice issued in accordance with s.33.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i> Shire Annual Fire Break Notice
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>4.1.7. Appoint Bush Fire Control Officer/s and Fire Weather Officer</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Mt Marshall [s.38(5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</li> <li>4. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i> Shire Annual Fire Break Notice
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



<b>Delegation</b>	<b>4.1.8 Recovery of Expenses Incurred through Contraventions of this Act</b>
<b>Head of power</b>	<i>Bush Fires Act 1954</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> • s. 48 <i>Delegation by local government</i>
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Function</b>	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Mt Marshall or those on behalf of the Shire of Mt Marshall to do [s.58].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory Framework</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**05 Cat Act 1954**  
*Cat Act 1954*

**05.1 Council to CEO**

<b>Delegation</b>	<b>5.1.1 Cat Act 2011</b>
<b>Head of Power</b>	<i>Cat Act 2011</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i>
<b>Function</b>	The Chief Executive Officer is delegated authority to perform any or all the powers and duties of the local government under the <i>Cat Act 2011</i> , <i>Cat Regulations 2012</i> and <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Notices of decisions must include advice as to objection and review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> and r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> as applicable.
<b>Express power to subdelegate</b>	<i>Cat Act 2011</i> : s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Regulatory Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Subject to the conditions on delegation to the CEO.
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**06 Dog Act 1976***Dog Act 1976***06.1 Council to CEO**

<b>Delegation</b>	<b>6.1.1 Dog Act 1976</b>
<b>Head of Power</b>	<i>Dog Act 1976</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i>
<b>Function</b>	The Chief Executive Officer is delegated authority to perform any or all the powers and duties of the local government under the <i>Dog Act 1976</i> and <i>Dog Regulations 2013</i> .
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA (3) Delegation of local government powers and duties
<b>Subdelegates</b>	Regulatory Officer
<b>CEO Conditions on this Sub-Delegation:</b>	Subject to the conditions on delegation to the CEO.
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <i>Dog Act 1976</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

**07 Food Act 2008***Food Act 2008***07.1 Council to CEO**

<b>Delegation</b>	<b>7.1.1 Prohibition orders</b>
<b>Head of Power</b>	<i>Food Act 2008</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	Nil. Food Regulations 2009 do not provide for sub-delegation.
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> - Section 5.42 and Section 5.44 and Section 5.45 <i>Food Act 2008</i> - various Sections
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>7.1.2 Food Business Registrations</b>
<b>Head of Power</b>	<i>Food Act 2008</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to perform the following powers/duties of the local government contained within the <i>Food Act 2008</i> : <ol style="list-style-type: none"> <li>1. Appoint authorised officers in accordance with Section 122;</li> <li>2. Appoint designated officers to issue infringement notices in accordance with Section 126(2);</li> <li>3. Appoint designated officers to extend the payment period for infringement notices or withdraw infringement notices in accordance with Section 126(6) and Section 126(7);</li> <li>4. Issue prohibition orders in accordance with Section 65</li> <li>5. Clear and remove a prohibition order in accordance with Section 66</li> <li>6. Provide written notification not to issue a certificate of clearance in accordance with Section 67; and</li> <li>7. Grant, apply conditions to, refuse, vary or cancel registration of a food business in accordance with Section 110 and Section 112.</li> </ol> The above functions can be performed by the Environmental Health Officer acting through the CEO in accordance with Section 5.45 of the <i>Local Government Act 1995</i> .
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	Nil. Food Regulations 2009 do not provide for sub-delegation.
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> - Section 5.42 and Section 5.44 and Section 5.45 <i>Food Act 2008</i> - various Sections
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.

<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	

<b>Delegation</b>	<b>7.1.3 Appoint Authorised Officers and Designated Officers</b>
<b>Head of Power</b>	<i>Food Act 2008</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)].</li> <li>2. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</li> <li>3. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].</li> <li>4. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors;</li> <li>• Appointment of Authorised Officers;</li> <li>• Appointment of Authorised Officers – Designated Officers only; and</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.</li> </ul>
<b>Express power to subdelegate</b>	Nil. <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Subdelegates</b>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> - Section 5.42 and Section 5.44 and Section 5.45 <i>Food Act 2008</i> - various Sections
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.

<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	



**08 Public Health Act 2016***Public Health Act 2016***08.1 Council to CEO**

<b>Delegation</b>	<b>8.1.1 Appoint Authorised Officer or Approved Officer</b>
<b>Head of Power</b>	<i>Public Health Act 2016</i>
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate <i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express power or duty delegated</b>	<i>Public Health Act 2016:</i> s.24(1) and (3) Designation of authorised officers <i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices Shire of Mt Marshall Town Planning Scheme No. 2
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate a person or class of persons as authorised officers for the purpose of: <ol style="list-style-type: none"> <li>a. The <i>Public Health Act 2016</i> or other specified Act;</li> <li>b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act;</li> <li>c. Provisions of the <i>Public Health Act 2016</i> or other specified Act, other than the specified provisions of that Act; Including:</li> <li>d. An environmental health officer or environmental health officers as a class; or</li> <li>e. A person who is not an environmental health officer or a class of persons who are not environmental health officers; or</li> <li>f. A mixture of the two. [s24(3)]</li> </ol> </li> <li>2. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - <i>Public Health Act 2016</i> – Guidelines on the Designation of Authorised Officer.</li> <li>b. A register (list) of authorised officers is to be maintained in accordance with s27.</li> <li>c. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</li> </ol>
<b>Express power to subdelegate</b>	Nil. The <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
<b>Subdelegates</b>	Nil

<b>CEO Conditions on this Sub-Delegation:</b>	Nil
<b>Statutory framework</b>	<i>Public Health Act 2016 Health (Asbestos) Regulations 1992 Criminal Investigation Act 2006, Parts 6 and 13 – refer s245 of the Public Health Act 2016 The Criminal Code, Chapter XXVI – refer s252 of the Public Health Act 2016 Criminal Procedure Act 2004 – Part 2</i>
<b>Record Keeping</b>	Each instance of this delegation being exercised is to be recorded in accordance with r.19 of the <i>Local Government (Administration) Regulations 1996</i> and the Shire of Mt Marshall Recordkeeping Plan.
<b>Adoption references</b>	Adopted at Ordinary Council Meeting on 18 July 2023 – 2023/6-005
<b>Last reviewed</b>	