



Shire of Merredin Register of Delegated Authority

~~11-30 December-April 2023-2024~~ -
CMRef ~~83298????~~

REVIEW

Reviewed by	Date approved	References
Council	20 Dec 2016	CMRef 81893
Council	21 Nov 2017	CMRef 82081
Council	20 Nov 2018	CMRef 82281
Council	19 Mar 2019	CMRef 82339
Council	2 Apr 2020	DL4.13 2020 - CMRef 82529
Council	16 Jun 2020	CMRef 82569
Council	15 Jun 2021	CMRef 82747
Council	20 Jan 2022	CMRef 82855 (Delegation 4.12 only change)
Council	23 May 2023	CMRef 83165
Council	11 Dec 2023	CMRef 82398
Council	30 April 2024	CMRef

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INTRODUCTION

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

Delegation	DL1.1 Local Laws and Appointment of Authorised Persons
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to perform any or all of the powers/duties of the local government contained within the Shire of Merredin's Local Laws.</p> <p>The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions contained with the <i>Local Government Act 1995</i> and its subsidiary legislation, and the Shire of Merredin's Local Laws and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Local Government Act 1995</i> and its subsidiary legislation, and the Shire of Merredin's Local Laws.</p>
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 Shire of Merredin Local Laws
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
20 Dec 2016	---	Delegation amended to refer to only the Local Government Act 1995 & the Shire's Local Laws	CMRef 81893

Delegation	DL1.2 Impounding Goods
Category	Administration
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to exercise all the powers and undertake all the functions and duties of the local government in respect to impounding as contained in the <i>Local Government Act 1995</i> Section 3.37 to 3.48 inclusive.
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Development Services Executive Manager Engineering Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
19 Mar 2019	Amended delegation	Removal of Ranger as sub-delegate	CMRef 82339

Delegation	DL1.3 Power of Entry
Category	Administration
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to exercise all of the powers and undertake all the functions and duties of the local government in respect to the powers of entry upon land as contained in the <i>Local Government Act 1995</i> Section 3.28 to 3.36 inclusive.
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Development Services Executive Manager Engineering Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL1.4 Commercial Enterprises
Category	Administration
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to prepare any business plan as required under Section 3.59(2) of the <i>Local Government Act 1995</i> and to give State-wide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL1.6 Local Laws
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to administer the Shire's Local Laws and to perform the following powers/duties in relation to Local Laws made under the <i>Local Government Act 1995</i> and any other Act:</p> <ol style="list-style-type: none"> 1. Give State-wide public notice and provide the appropriate Minister with a copy of the proposed Local Law and the State-wide public notice as required under Section 3.12(3). 2. After Council has made a Local Law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5). 3. After the Local Law has been published in the Gazette give State-wide public notice in accordance with Section 3.12(6). 4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its Local Laws as required under Section 3.15. 5. Give State-wide public notice stating intention to review a Local Law as required under Section 3.16(2). 6. After the last day for submissions on the proposed review of a Local Law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3). 7. After the Council has made a determination in respect of the Local Law review, give State-wide public notice as required under Section 3.16(5).
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL1.7 Legal Matters
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to represent the local government or 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.</p> <p>The CEO may only appoint the following officers to represent Council in legal proceedings or authorise them to obtain legal advice:</p> <ul style="list-style-type: none"> • Executive Manager Strategy and Community • Executive Manager Development Services • Executive Manager Engineering Services • Executive Manager Corporate Services
Delegates	CEO
Conditions	<p>Legal proceedings may only be initiated with the prior approval of Council subject to adequate provision in the Budget.</p> <p>Note: If section 3.58 of the <i>Health (Miscellaneous Provisions) Act 1911</i> applies, it will take precedence over this delegation.</p>
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 <i>Local Government Act 1995</i> Section 9.10(1)</p>
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
20 Dec 2016	---	Inclusion of conditions under Section 358 of the Health Act 1911	CMRef 81893
23 May 2023	Amended delegation	Movement of Health Act 1911 reference to Note. Change of Deputy Chief Executive Officer to Executive Manager Strategy and Community.	CMRef 83165
30 April 2024	Amended delegation	Correction of section and name of Health (Miscellaneous Provisions) Act 1911.	CMRef XXXXX

Delegation	DL1.8 Appointment of Acting Chief Executive Officer
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to appoint the Executive Manager Strategy & Community, Executive Manager Corporate Services, Executive Manager Development Services or Executive Manager Engineering Services to act as Acting Chief Executive Officer during absences of annual, sick or long service leave of the Chief Executive Officer, for a period of up to 35 days.</p> <p>Should the Chief Executive Officer be absent for more than 35 days, or an unplanned absence was to occur, the authority to appoint an Acting Chief Executive Officer shall be determined by Council.</p> <p>In case of an emergency, any 4 of the Executive Managers can call a Special Council Meeting to determine the Acting Chief Executive Officer.</p>
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> Section 5.42, Section 5.43 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Update of delegation to account for change of Deputy Chief Executive Officer role to Executive Manager Strategy & Community.	CMRef 83165

Delegation	DL1.11 Appointment of Persons to Receive and Withdraw Complaints in relation to Council Members, Committee Members, and Candidates
Category	Administration
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to authorise persons to receive complaints and withdraw complaints in relation to Council Members, Committee Members, and Candidates.
Delegates	CEO
Conditions	Nil
Statutory framework	Local Government Act 1995
Policy	Policy 1.1 Code of Conduct for Council Members, Committee Members, and Candidates
Date adopted	11 December 2023
Adoption references	CMRef 83298

Delegation	DL2.1 Demolition Permit
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to approve/refuse the issue of a demolition licence in accordance with Section 21, 22 and 127 of the <i>Building Act 2011</i> , with the exception of those properties contained on the Shire of Merredin Municipal Inventory <u>Heritage List</u> . A report listing the licenses issued under this delegation is to be provided to Council on a monthly basis.
Delegates	CEO
Conditions	In accordance with the original delegation.
Subdelegates	Executive Manager Development Services
Subdelegate conditions	Conditions on sub-delegation include: 1. Delegated Authority to approve the issue of a demolition licence; and 2. The Chief Executive Officer is to be advised of the intention to issue a demolition license prior to the final license being issued.
Statutory framework	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
Date adopted	17 November 2015
Adoption references	CMRef 81690

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Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165
11 Dec 2023	Amended delegation	Movement of conditions from delegates conditions to sub-delegate conditions and line added to conditions for delegates.	CMRef 83298
<u>30 April 2024</u>	<u>Amended delegation</u>	Removed reference to Municipal Inventory and replaced it with Heritage List. <u>Removed subdelegate conditions</u>	<u>CMRef XXXXX</u>

Delegation	DL2.2 Building Orders
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to make building orders pursuant to Section 110 and Section 127 of the <i>Building Act 2011</i> in relation to building work, demolition work and an existing building or incidental structure and to revoke building orders pursuant to Section 117 of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
Policy	Policy 8.14 - Delegation of Building Approval
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
20 Dec 2016	---	Inclusion of Section 127 of the Building Act 2011	CMRef 81893

Delegation	DL2.3 Grant of Occupancy Certificate and Building Approval Certificate
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to grant/refuse Occupancy Permits of Buildings or Building Approval Certificates in accordance with Section 58 and Section 127 of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Building Act 2011</i> Section 58 & Section 127 <i>Local Government Act 1995</i> Section 5.44
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
20 Dec 2016	---	Inclusion of Section 127 of the Building Act 2011	CMRef 81893
23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165

Delegation	DL2.4 Building Permit
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to approve or refuse to approve plans and specifications pursuant to Section 20, 22 and 127 of the <i>Building Act 2011</i> , and where a plan and specification so submitted conforms to: 1. all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and 2. all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters.
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
Policy	Policy 8.14 - Delegation of Building Approval
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL2.5 Extension of Period of Duration of Occupancy Certificate and Building Certificate Approval
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to consent/refuse to approve applications submitted under Sections 65 and 127 of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	In accordance with the original delegation.
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
Policy	Policy 8.14 - Delegation of Building Approval
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL2.6 Consent to Permitted Users
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to consent to planning applications with a "P" use within the zoning table of the Shire of Merredin Local Planning Scheme No. 6 that comply with the relevant development standards and the requirements of the Scheme.
Delegates	CEO
Conditions	In accordance with the original delegation.
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Local Government Act 1995 Section 5.42 & Section 5.44 Planning and Development Act 2005</i>
Policy	Policy 8.18 - Delegated Approval or Refusal of Development Applications and Town Planning
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of Planning and Development Act 2005 reference.	CMRef 83165

Delegation	DL2.7 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997
Category	Development
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to consent to approving those matters relating to Regulations 11(2)(a), 12(2)(a), 30(1)(c) and 34(b)(ii) which deal with temporary accommodation, park homes and rigid annexes.</p> <p>The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions contained within the <i>Caravan Parks and Camping Grounds Act 1995</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p>
Delegates	CEO
Conditions	Nil
Subdelegate	Executive Manager Development Services
Subdelegate conditions	Subdelegate is not able to approve appointment of Authorised Persons.
Statutory framework	<p><i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> (Regulation 6) <i>Local Government Act 1995</i> Section 5.44</p>
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

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Amendments			
Approved	Type	Amendment	References
20 Dec 2016	---	Inclusion of authority to appoint persons or classes of persons	CMRef 81893
30 April 2024	Amended delegation	Addition of subdelegate and subdelegate conditions.	CMRef XXXXX

Delegation	DL2.8 Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to issue Occupancy Permits (Strata) or Building Approval Certificates in accordance with Section 50 of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Development Services
Statutory framework	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
19 Mar 2019	---	Addition of EMDS as sub-delegate	CMRef 82339
23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165

Delegation	DL2.9 Authority to Commence Prosecution
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to commence prosecutions pursuant to the <i>Building Act 2011</i> provided the provisions of Sections 139 & 140(2) are followed.
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Building Act 2011</i> Section 133
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL2.10 Setback Variation for Single, Grouped and Multiple Residential Dwellings
Category	Development
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to grant approval for setback variations for Single, Grouped, Multiple Residential Dwellings and associated outbuildings subject to consideration of the requirements and processes of the Residential Design Codes and the Shire of Merredin Local Planning Scheme No. 6 (as amended).
Delegates	CEO
Conditions	In exercising this delegation the CEO shall ensure that owners of any neighbouring properties are consulted and have no objections to the proposal and any variations must comply with Council's Town Planning policies.
Statutory framework	<i>Planning and Development Act 2005</i> <i>Town Planning Regulations 1967</i> Shire of Merredin Local Planning Scheme No 6 State Planning Policy 3.1 – Residential Design Codes
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of 'associated outbuildings' to Express Power or Duty Delegated.	CMRef 83165

Delegation	DL3.1 Temporary Closure of Thoroughfares
Category	Engineering
Delegator	Council
Express power or duty delegated	In accordance with section 3.50 and section 3.50A of the <i>Local Government Act 1995</i> , the Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 3 months. Proposals to close a thoroughfare for any period exceeding 3 months shall be referred to Council.
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Engineering Services Manager ef Projects
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Movement of Act reference and addition of Manager of Projects as a sub-delegate.	CMRef 83165
30 April 2024	Amended delegation	Manager of Projects title changed to Manager Projects	CMRef XXXXX

Delegation	DL3.2 Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land – Public Access
Category	Engineering
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to exercise all the powers and undertake all the functions and duties of the local government in respect to Section 3.51 and Section 3.52 of the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Engineering Services Manager of Projects
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of Manager of Projects as a sub-delegate.	CMRef 83165
30 April 2024	Amended delegation	Manager of Projects title changed to Manager Projects	CMRef XXXXX

Delegation	DL3.3 License to Deposit Materials on or Excavate Adjacent to a Street
Category	Engineering
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated the authority to issue licences pursuant to Section 377 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> .
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Engineering Services
Statutory framework	<i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Local Government Act 1995 Section 5.44</i>
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of Executive Manager Engineering Services as a sub-delegate.	CMRef 83165

Delegation	DL3.4 Events on Roads
Category	Engineering
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with Section 4 of the <i>Road Traffic (Events on Roads) Regulations 1991</i> .
Delegates	CEO
Conditions	The CEO shall have regard to Section 3.50 and Section 3.50A of the <i>Local Government Act 1995</i> .
Subdelegates	Executive Manager Engineering Services Manager of Projects
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
19 Mar 2019	---	Addition of EMES as sub-delegate	CMRef 82339
23 May 2023	Amended delegation	Addition of Manager of Projects as a sub-delegate.	CMRef 83165
<u>30 April 2024</u>	<u>Amended delegation</u>	<u>Manager of Projects title changed to Manager Projects</u>	<u>CMRef XXXXX</u>

Delegation	DL4.1 Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to act in accordance with, and in conjunction to the Purchasing Policy in relation to:</p> <ol style="list-style-type: none"> 1. calling tenders [F&G r.11(1)]. 2. inviting tenders although not required to do so [F&G r.13]. 3. determining in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. determining the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. varying 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&G r.14(5)]
Delegates	CEO
Conditions	<p>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 where:</p> <ol style="list-style-type: none"> 1. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or 2. a current supply contract expiry is imminent; and 3. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and 4. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Subdelegates	<p>Executive Manager Corporate Services Executive Manager Development Services Executive Manager Engineering Services Executive Manager Strategy and Community Manager of Projects</p>
Subdelegate conditions	<ol style="list-style-type: none"> 1. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position, role and responsibilities. 2. All tenders must be referred to the CEO for approval prior to release.
Statutory framework	<p><i>Local Government Act 1995</i> section 5.42, section 5.44, and section 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> :</p> <ul style="list-style-type: none"> - r.11(1),(2) 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.
Policy	<p>Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy</p>
Date adopted	2 April 2020
Adoption references	CMRef 82529

Amendments			
Approved	Type	Amendment	References
20 Nov 2018	---	Removal of Sub-delegation, and inclusion of specific tasks relating to the tender process	CMRef 82281
23 May 2023	Amended delegation	Full review as per the WALGA Delegations Register template. Addition of Executive Managers and Manager of Projects as sub-delegates.	CMRef 83165
<u>30 April 2024</u>	<u>Amended delegation</u>	<u>Manager of Projects title changed to Manager Projects</u>	<u>CMRef XXXXX</u>

Delegation	DL4.2 Property Acquisition and Disposal
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$100,000 provided that, where items are to be acquired, appropriate provision is made in Council's Budget.</p> <p>The Chief Executive Officer is delegated authority to acquire or dispose of any residential land valued at an amount not exceeding \$100,000 provided that, where land is to be acquired, appropriate provision is made in Council's Budget.</p>
Delegates	CEO
Conditions	<p>In disposing of any property the CEO is to have regard for the provisions of Section 3.58 of the <i>Local Government Act 1995</i> and Policy 3.20 - Disposal of Assets.</p> <p>In the instance where land is to be disposed of the CEO is to ensure the reserve price set by Council is achieved.</p>
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Policy 3.20 - Disposal of Assets
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Change to the value of property (other than land) that can be acquired or disposed of by the CEO.	CMRef 83165

Delegation	DL4.3 Investments
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund, Reserve Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose.</p> <p>In exercising this delegated authority the CEO shall observe Section 6.14 of the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> Regulation 19. The CEO is to act in a prudent manner, exercise regular management control and oversight of the investment funds, and to conduct regular reviews of the investment performance and controls.</p> <p>All investment decisions and withdrawals shall be signed by the CEO in conjunction with the EMCS or one of the other Executive Managers.</p>
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Corporate Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Policy 3.5 - Investment Policy
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Change to signatories to match change of DCEO role title.	CMRef 83165

Delegation	DL4.4 Imposition of Rates and Service Charges
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the service of the rate notice as contained in the <i>Local Government Act 1995</i> Section 6.39 to Section 6.63 and Section 6.65 to Section 6.79 inclusive.
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Corporate Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Nil
Date adopted	17 November 2015
Adoption references	CMRef 81690

Delegation	DL4.5 Light Vehicles - Replacement
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to call tenders and/or quotations for the changeover of light vehicles and to purchase the appropriate light vehicle or to accept a tender for the light vehicle provided the tender amount does not exceed the amount provided in the Council Budget or the amount determined by Council in accordance with Section 5.43(b) of the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Engineering Services Manager ef-Projects
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Policy 2.2 - Motor Vehicle Replacement Policy Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of Manager of Projects as sub-delegate.	CMRef 83165
<u>30 April 2024</u>	<u>Amended delegation</u>	<u>Manager of Projects title changed to Manager Projects</u>	<u>CMRef XXXXX</u>

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Delegation	DL4.6 Creditors and Payments from Trust, Municipal and Reserve Funds
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund as follows:</p> <ol style="list-style-type: none"> 1. two signatories are required on each and every Council cheque and they shall comprise of the Chief Executive Officer and/or Executive Manager of Corporate Services (EMCS) and/or Executive Manager Engineering Services (EMES) and/or Executive Manager Development Services (EMDS) and/or Executive Manager Strategy and Community (EMS&C); 2. where a payment is to be made electronically it shall be made utilising the Council Electronic Banking facility. In such cases the CEO, EMCS, EMES, EMDS and EMS&C, shall each be assigned a personal identification number and this number shall act as the signature to authorise the payment of an amount(s). The personal identification number is the responsibility of the aforementioned employee and shall not be distributed to other employees for their use. 3. where a direct debit is made from Council's Municipal fund the EMCS shall cause a register to be maintained for such items and present this list to the monthly meeting of Council. <p>A list of all accounts paid in the month prior shall be presented to Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented. The list shall comprise of details as prescribed in the Financial Management Regulations. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:</p> <ol style="list-style-type: none"> 1. the payee's name; 2. the amount of the payment; 3. the date of the payment; and 4. sufficient information to identify the transaction. <p>The CEO is delegated authority to make transfers to and from the Municipal Reserve Fund where consistent with <i>Financial Management Regulations 2020</i> and Council policies.</p>
Delegates	CEO
Conditions	In accordance with the original delegation
Subdelegates	Executive Manager Corporate Services
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Policy 3.12 – Purchasing Policy Policy 3.22 – Credit Card Policy
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of Policy 3.12 and line relating to transfer of funds. Update of delegation to account for change of DCEO role to EMS&C	CMRef 83165
30 April 2024	Removed Delegation	Double up with Delegation 4.12	CMRef ?????

Delegation	DL4.7 Cash Funding, In-kind Contributions, and Fee Waivers
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to make cash funding, in-kind contributions or fee waivers to assist not-for-profit community groups, community organisations, or sporting groups and associations.</p> <p>The purpose of this delegation is to assist the Shire in providing cash funding, in-kind contributions, or fee waivers to the value of \$2,500 (ex GST), at the discretion of the CEO, through the Shire's Quick Grant Community Funding Program.</p> <p>In-kind contributions may take the form of waived or discounted fees, materials, and/or staff time, at the discretion of the CEO.</p> <p>Note: This delegation refers to the Shire's Community Funding Quick Grant category only. Council receives a number of requests each year. This delegation reduces red tape and allows the Administration to provide financial and in-kind assistance, as well as fee waivers, in-line with the delegations provided by Council. This delegation aims to strengthen the capacity of the community to meet its own needs. All approved requests under these delegations are to be recorded in Attain.</p>
Delegates	CEO
Conditions	<p>In exercising this delegation the CEO shall observe the following conditions:</p> <ol style="list-style-type: none"> 1. the recipient is an incorporated organisation or is auspiced by an incorporated organisation; 2. organisations are not required to be located within the Shire of Merredin but must prove the application benefits the Shire of Merredin community; 3. the application must align with the Shire of Merredin Strategic Community Plan; 4. the application must demonstrate the ability to deliver the activity; 5. the application must demonstrate a community need being met; 6. under this delegation each organisation can only be considered for a capped cumulative total of \$2,500 (ex GST) per financial year, inclusive of cash, in-kind contributions and fee waivers; and 7. recipients can only receive a maximum of \$2,500 (ex GST) under both delegation 4.7 and 4.13 from the Shire, however, they are still eligible to apply for the Shire's annual Community Grant Funding Program.
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 6.12(1)(c)
Policy	<p>Policy 5.9 - Cummins Theatre – Waived or Discounted Hire Fees</p> <p>Policy 6.16 – Merredin Regional Community and Leisure Centre – Donation of Hire Fees</p> <p>Policy 3.19 - Community Funding</p>
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Major changes to align to new Community Grants structure.	CMRef 83165

Delegation	DL4.8 Expressions of Interest for Goods and Services
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services, and 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.
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995 Section 5.42 & Section 3.57 & Local Government (Functions & General) Regulations 1996 Regulations 21 and 23</i>
Policy	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
Date adopted	20 November 2018
Adoption references	CMRef 82281

Delegation	DL4.9 Panels of Pre-Qualified Suppliers for Goods and Services
Category	Finance
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers. 2. before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted. 3. vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation. 4. reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation. 5. assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous. 6. request clarification of information provided in a submission by an applicant. 7. decline to accept any application. 8. enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. In accordance with Section 5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget; 2. Before making the decision to enter into a contract, or contracts, he/she is satisfied that the specifications and information provided most appropriately matches the assessment criteria specified; and 3. That the assessment process is conducted fairly, impartially and in compliance with the <i>Local Government Act 1995</i> and Regulations, Council Policy 3.12 Purchasing Policy, and any appropriate direction or guideline.
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 & Section 3.57 & <i>Local Government (Functions & General) Regulations 1996</i> Regulations 24AB, 24AC(1)(b), 24AD(3) and (6), and 24AH(2), (3) and (4).
Policy	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
Date adopted	20 November 2018
Adoption references	CMRef 82281

Delegation	DL4.10 Application of Regional Price Preference Policy
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to decide when not to apply the regional price preference policy to a particular future tender.
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Local Government Act 1995 Section 5.42 and Local Government (Functions and General) Regulations 1996 Regulation 24G</i>
Policy	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
Date adopted	20 November 2018
Adoption references	CMRef 82281

Delegation	DL4.11 Agreement as to Payment of Rates and Service Charges
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to make an agreement with a person or persons for the payment of rates or service charges. The Chief Executive Officer may, under exceptional circumstances, authorise that interest is not applied to an assessment for a period of up to 12 months.
Delegates	CEO
Conditions	Agreements must be in writing and ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Subdelegates	Executive Manager Corporate Services Manager Corporate Services Senior Finance Officer
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 and Section 6.49
Policy	Policy 3.2 - Rates Recovery - Agreement for Payment of Rates and Service Charges
Date adopted	19 March 2019
Adoption references	CMRef 82281

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Amendments			
Approved	Type	Amendment	References
19 Mar 2019	---	Addition of Senior Finance Officer as sub-delegate	CMRef 82339
23 May 2023	Amended delegation	Addition of CEO delegation to authorise that interest is not applied to an assessment for a period of up to 12 months.	CMRef 83165
30 April 2024	Amended delegation	Addition of Manager Corporate Services as sub-delegate	CMRef ?????

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Delegation	DL4.12 Payments from the Municipal, <u>Reserve</u> or Trust Funds
Category	Finance
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to make payments from the Municipal, <u>Reserve</u> or Trust Funds. The Authority to make payments is subject to annual budget limitations. All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with Council's policies and the Shire's approved work procedures and each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council, in accordance with the requirements of Regulation 13(1) of the Local Government (Financial Management) Regulations 1996.
Delegates	CEO
Conditions	<p>The Authority to make payments is subject to annual budget limitations.</p> <p>1. All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with Council's policies and the Shire's approved work procedures and each payment from the Municipal Fund, Reserve Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council, in accordance with the requirements of Regulation 13(1) of the Local Government (Financial Management) Regulations 1996. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</p> <p>2. Payments by cheque and EFT transactions must be approved jointly by two Executive Managers or one Executive Manager and the CEO.</p> <p>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</p> <p>4. For any variations to requisition and/or purchase orders, a purchasing order file note is required as per Policy 3.12 – Purchasing Policy. Approval from the CEO is to be sought prior to incurring further liabilities and that the amount has already been approved in the annual budget process (FM Regs 5 & 11). These will be reported to Council monthly and to the Audit Committee.</p> <p>Executive Managers and the CEO have unlimited authority pertaining to payments for EFT transactions, including Creditors and Payroll, and transfers between trust and municipal funds. All transactions require two (2) signatories.</p>
Subdelegates	Executive Manager Corporate Services Executive Manager Development Services Executive Manager Engineering Services Executive Manager Strategy and Community
Sub-delegate Conditions	<p>1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</p> <p>2. Payments by cheque and EFT transactions must be approved jointly by two Executive Managers or one Executive Manager and the CEO.</p> <p>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</p> <p>4. For any variations to requisition and/or purchase orders, a purchasing order file note is required as per Policy 3.12 – Purchasing Policy. Approval from the CEO is to be sought prior to incurring further liabilities and that the amount has already been approved in the annual budget process (FM Regs 5 & 11).</p> <p>Executive Managers and the CEO have unlimited authority pertaining to payments for EFT</p>

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	transactions, including Creditors and Payroll, and transfers between trust, reserve and municipal funds. All transactions require two (2) signatories.
Statutory framework	<i>Local Government Act 1995</i> Section 5.42, Section 5.43 & Section 5.44 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12(1)(a)
Policy	Policy 3.12 - Purchasing Policy
Date adopted	19 February 2019
Adoption references	CMRef 82308

Amendments			
Approved	Type	Amendment	References
25 Jan 2022	Amended delegation	CMRef 82855	CMRef 82308
23 May 2023	Amended delegation	Change of position title from DCEO to EMS&C. Removal of purchasing limits - this is now captured in the Staff Purchasing Policy.	CMRef 83165
30 April 2024	Amended delegation	Movement of conditions from power or duty to conditions section. Addition of sub-delegate conditions section and insertion of relevant items to this section.	CMRef ?????

Delegation	DL4.13 Defer, Grant Discounts, Write/Off Waive or Write Off Debts or Small Fees and Charges
Category	Administration
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> 1. Waive a debt or small fee which is owed to the Shire of up to \$2,500 (ex GST) 2. Grant a concession in relation to money which is owed to the Shire of up to \$2,500 (ex GST) <p>Write off an amount of money up to \$2,500 (ex GST) or or waive small fees and charges of up to \$2,500 (ex GST) where it is considered that the charge is not able to be collected, or to or it is appropriate to allow a concession to assist a not-for-profit community group or incorporated entity in fulfilling a service, social or cultural outcome, or local benefit.</p> <ol style="list-style-type: none"> 3. _____ _____ This delegation allows the CEO to write off or waive small fees to the value of \$2,500 (ex GST) per recipient, per financial year; and allows the EMES to write off or waive small fees to the value of \$1,000 (ex GST) for fees at the Merredin Landfill Site, per recipient, per financial year. _____ This delegation also provides the CEO with the authority to cCharge State Government Organisations at the community rate if an assessment of the purpose is determined to provide community value, to a maximum of \$2,500 (ex GST) per recipient, per financial year. 4. Note: any write-off or waiver will be registered in Attain.
Delegates	CEO
Conditions	<p>In exercising this delegation the CEO shall observe the following conditions:</p> <ol style="list-style-type: none"> 1. the recipient must be an incorporated organisation, or be auspiced by an incorporated organisation; The maximum amount to be written off, deferred, discounted or waived is \$2,500 (ex GST) per recipient per financial year. 2. organisations are not required to be located within the Shire of Merredin, but must prove the application benefits the Shire of Merredin community; 3. the application must align with the Shire of Merredin Strategic Community Plan; 4. the application must demonstrate the ability to deliver the activity; 5. the application must demonstrate a community need being met; 6. under this delegation each organisation can only be considered for a capped cumulative total of \$2,500 (ex GST) per financial year, inclusive of cash, in-kind contributions and fee waivers; 7. 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 therecipients can only receive a maximum of \$2,500 (ex GST) under both Delegation 4.7 and 4.13 from the Shire, however, they are still eligible to apply for the Shire's annual Community Grant Funding Program; and <ol style="list-style-type: none"> 2. Shire 3. Thisdelegation does not include rates or penalties on rates. 4. Any use of this delegation will be registered in Attain.
Subdelegates	Executive Manager Engineering Services

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<p>Subdelegate conditions</p>	<p>The EMES is delegated authority to write off or waive small fees to the value of \$1,000 (ex GST) for fees at the Merredin Landfill Site, per recipient, per financial year.</p> <p>In exercising this delegation, the sub-delegate to the EMES shall observe the following conditions:</p> <ol style="list-style-type: none"> 1. Write-offs / waivers of small fees will be to a maximum of \$1,000 (ex GST) for the Merredin Landfill Site; 2. Each recipient/organisation can only be considered for a capped cumulative total of \$1,000 (ex GST) per financial year; and Waivers are considered in-line with the Shire's policies; 3. Any use of this delegation will be registered in Attain.
<p>Statutory framework</p>	<p>Local Government Act 1995 Section 5.42 & Section 6.12(1)(b & c)</p>
<p>Policy</p>	<p>Policy 5.9 - Cummins Theatre - Waived or Discounted Hire Fees Policy 6.16 - Merredin Regional Community and Leisure Centre - Donation of Hire Fees Policy 3.19 - Community Funding</p>

Date adopted	2 April 2020
Adoption references	CMRef 82529

Amendments			
Approved	Type	Amendment	References
2 Apr 2020	New delegation	New Delegation	CMRef 82529
23 May 2023	Amended delegation	Amended to match new Community Grant Policy. Addition of EMES as sub-delegate, with authority of \$1,000 (ex GST) for Merredin Landfill Site only.	CMRef 83165
30 April 2024	Amended delegation	Change to delegation title to include discounts and deferrals. Movement of conditions from power or duty to conditions section. Conditions reviewed as this delegation should not only relate to community grants. Relevant items inserted as required. Review removal of sub-delegate conditions sections.	CMRef ?????

Delegation	DL5.1 Offences - Bush Fires Act 1954
Category	Other
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to consider allegations of offences alleged to have been committed against the <i>Bush Fires Act 1954</i> within the district, and if the CEO thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences.</p> <p>The CEO, Ranger, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer are delegated authority to issue infringement notices in accordance with the provisions of Section 59 of the <i>Bush Fires Act 1954</i>.</p> <p>The CEO, EMDS, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer are delegated authority to withdraw infringement notices in accordance with the provisions of Section 59 of the <i>Bush Fires Act 1954</i>.</p>
Delegates	CEO
Conditions	Nil
Subdelegates	Executive Manager Development Services
Subdelegate conditions	The EMDS is only delegated authority to withdraw infringements.
Statutory framework	<i>Bush Fires Act 1954</i> Section 59 <i>Local Government Act 1995</i> Section 5.42 & Section 5.44
Policy	Policy 4.2 - Bush Fire Control
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Separation of the issue and withdrawal of infringements within duty delegated section. EMDS delegated authority to withdraw infringements.	CMRef 83165
11 Dec 2023	Amended delegation	Sections added to tidy up change in May 2023.	CMRef 83298

Delegation	DL5.2 Burning, Prohibited and Restricted Times (Variations)
Category	Other
Delegator	Council
Express power or duty delegated	The Shire President, in consultation with the Chief Bush Fire Control Officer, is delegated authority to vary the prohibited burning times and restricted burning times, provided that the Department of Fire and Emergency Services is consulted before the authority under this delegation is exercised.
Delegates	Shire President
Conditions	Nil
Statutory framework	<i>Bush Fires Act 1954</i> Section 17(10) & Section 18(5)(c)
Policy	Policy 4.2 - Bush Fire Control
Date adopted	17 November 2015
Adoption references	CMRef 81690

Amendments			
Approved	Type	Amendment	References
15 Mar 2016	---	Change delegated authority from CEO to President in accordance with Section 17(10) of the Bush Fires Act 1956	CMRef 81749
23 May 2023	Amended delegation	Addition of 'Shire' to President in Delegates.	CMRef 83165

Delegation	DL5.3 Firebreak Order
Category	Other
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to approve the format and content, and authorise the issue, of the annual Shire of Merredin Firebreak Order.
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Bush Fires Act 1954</i> Section 48 and Section 33(1)
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Delegation	DL5.4 Dog Act 1976
Category	Other
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Dog Act 1976</i> and its subsidiary legislation, except where an Absolute Majority of Council is required.</p> <p>The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the <i>Dog Act 1976</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Dog Act 1976</i>.</p>
Delegates	CEO
Conditions	
Subdelegates	Executive Manager Development Services
Subdelegate conditions	The sub-delegation to the EMDS does not include: 1. the authority to appoint Authorised Persons; or 2. the authority to commence legal proceedings.
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 and Section 5.44 <i>Dog Act 1976</i> Section 10AA(1)
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Amendments			
Approved	Type	Amendment	References
20 Nov 2018	---	Notation that a delegation cannot be exercised on powers which require an "Absolute Majority" of Council as defined by the Local Government Act 1995. These powers are prohibited from delegation as a delegate is unable to fulfil the requirements of Section 1.4 and Section 5.43(a) of the Local Government Act 1995.	CMRef 82281
23 May 2023	Amended delegation	Removal of condition 1, allowing the EMDS to withdraw notices and/or infringements.	CMRef 83165

Delegation	DL5.5 Cat Act 2011
Category	Other
Delegator	Council
Express power or duty delegated	<p>The Chief Executive Officer is delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Cat Act 2011</i> and its subsidiary legislation.</p> <p>The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the <i>Cat Act 2011</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Cat Act 2011</i>.</p>
Delegates	CEO
Conditions	
Subdelegates	Executive Manager Development Services
Subdelegate conditions	<p>The sub-delegation to the EMDS does not include:</p> <ol style="list-style-type: none"> 1. the authority to appoint Authorised Persons; or 2. the authority to commence legal proceedings.
Statutory framework	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p> <p><i>Cat Act 2011</i> Section 44</p>
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Removal of condition 1, allowing the EMDS to withdraw notices and/or infringements	CMRef 83165

Delegation	DL5.7 Food Act 2008
Category	Other
Delegator	Council
Express power or duty delegated	<p>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>:</p> <ol style="list-style-type: none"> 1. Appoint authorised officers in accordance with Section 122; 2. Appoint designated officers to issue infringement notices in accordance with Section 126(2); 3. Withdraw infringement notices; 4. 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); 5. Issue prohibition orders in accordance with Section 65 6. Clear and remove a prohibition order in accordance with Section 66 7. Provide written notification not to issue a certificate of clearance in accordance with Section 67; and 8. Grant, apply conditions to, refuse, vary or cancel registration of a food business in accordance with Section 110 and Section 112. <p>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>.</p>
Delegates	CEO
Conditions	
Subdelegates	Executive Manager Development Services
Subdelegate conditions	<p>The sub-delegation to the EMDS does not include:</p> <ol style="list-style-type: none"> 1. the authority to appoint authorised officers or designated officers; or 2. the authority to commence legal proceedings.
Statutory framework	<i>Local Government Act 1995</i> Section 5.42 and Section 5.44 and Section 5.45 <i>Food Act 2008</i> various Sections
Policy	Policy 8.15 - Outdoor Eating Areas Policy 8.25 - Food Act 2008 Compliance and Enforcement
Date adopted	20 December 2016
Adoption references	CMRef 81893

Amendments			
Approved	Type	Amendment	References
23 May 2023	Amended delegation	Addition of condition 3, allowing the EMDS to withdraw infringement notices.	CMRef 83165

Delegation	DL5.8 Building Act 2011
Category	Other
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions contained within the <i>Building Act 2011</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Building Act 2011</i> .
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Building Act 2011</i> Section 96(3) <i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Delegation	DL5.9 Planning and Development Act 2005
Category	Other
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions contained within the <i>Planning and Development Act 2005</i> and its subsidiary legislation, and to issue to each authorised person a certificate stating that the person is an authorised person for the purpose of the <i>Planning and Development Act 2005</i> .
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Planning and Development Act 2005</i> Section 234 <i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Delegation	DL5.10 Control of Vehicles (Off-road Areas) Act 1978
Category	Other
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is delegated authority to act as an authorised officer and to appoint authorised officers for the purposes of the <i>Control of Vehicles (Off-road Areas) Act 1978</i> and its subsidiary legislation, and to issue to each authorised officer a certificate stating that the person is an authorised officer for the purpose of the <i>Control of Vehicles (Off-road Areas) Act 1978</i> .
Delegates	CEO
Conditions	Nil
Statutory framework	<i>Control of Vehicles (Off-road Areas) Act 1978</i> Section 38(3) <i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81893

Delegation	DL5.11 Public Health Act 2016
Category	Other
Delegator	Council
Express power or duty delegated	Pursuant to Section 21(1)(b)(i) Part 2 of the <i>Public Health Act 2016</i> the Chief Executive Officer is delegated authority to exercise all the powers and undertake all the duties conferred or imposed on Council by the <i>Public Health Act 2016</i> .
Delegates	CEO
Conditions	Nil
Subdelegate	Executive Manager Development Services
Subdelegate conditions	Subdelegate is not able to approve appointment of Authorised Officers.
Statutory framework	<i>Public Health Act 2016</i> Section 21(1)(b)(i) Part 2 <i>Local Government Act 1995</i> Section 5.42
Policy	Nil
Date adopted	20 December 2016
Adoption references	CMRef 81887

Amendments			
Approved	Type	Amendment	References
30 April 2024	Amended delegation	Addition of subdelegate and subdelegate conditions.	CMRef XXXXX

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AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
DL1.1 Local Laws and Appointment of Authorised Persons	20 Dec 2016	---	Delegation amended to refer to only the Local Government Act 1995 & the Shire's Local Laws	CMRef 81893
DL1.2 Impounding Goods	19 Mar 2019	Amended delegation	Removal of Ranger as sub-delegate	CMRef 82339
DL1.7 Legal Matters	20 Dec 2016	---	Inclusion of conditions under Section 358 of the Health Act 1911	CMRef 81893
DL1.7 Legal Matters	23 May 2023	Amended delegation	Movement of Health Act 1911 reference to Note. Change of Deputy Chief Executive Officer to Executive Manager Strategy and Community.	CMRef 83165
DL1.8 Appointment of Acting Chief Executive Officer	23 May 2023	Amended delegation	Update of delegation to account for change of Deputy Chief Executive Officer role to Executive Manager Strategy & Community.	CMRef 83165
DL1.9 Acceptance of tenders for CEACA Inc	16 Jun 2017	Revoked	Deletion of delegation	CMRef 81935 2017 Review - CMRef 82081 2018 Review - CMRef 82281 2020 Review - CMRef 82569
DL2.1 Demolition Permit	23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165
DL2.1 Demolition Permit	11 Dec 2023	Amended delegation	Movement of conditions from delegates conditions to sub-delegate conditions and line added to conditions for delegates.	CMRef 83298
DL2.2 Building Orders	20 Dec 2016	---	Inclusion of Section 127 of the Building Act 2011	CMRef 81893
DL2.3 Grant of Occupancy Certificate and Building Approval Certificate	20 Dec 2016	---	Inclusion of Section 127 of the Building Act 2011	CMRef 81893
DL2.3 Grant of Occupancy Certificate and Building Approval Certificate	23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165

Delegation	Approved or adopted	Type	Amendment	References
DL2.6 Consent to Permitted Users	23 May 2023	Amended delegation	Addition of Planning and Development Act 2005 reference.	CMRef 83165
DL2.7 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997	20 Dec 2016	---	Inclusion of authority to appoint persons or classes of persons	CMRef 81893
DL2.8 Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata	19 Mar 2019	---	Addition of EMDS as sub-delegate	CMRef 82339
DL2.8 Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata	23 May 2023	Amended delegation	Removal of Policy 8.14 Delegation of Building Approval reference.	CMRef 83165
DL2.10 Setback Variation for Single, Grouped and Multiple Residential Dwellings	23 May 2023	Amended delegation	Addition of 'associated outbuildings' to Express Power or Duty Delegated.	CMRef 83165
DL3.1 Temporary Closure of Thoroughfares	23 May 2023	Amended delegation	Movement of Act reference and addition of Manager of Projects as a sub-delegate.	CMRef 83165
DL3.2 Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land – Public Access	23 May 2023	Amended delegation	Addition of Manager of Projects as a sub-delegate.	CMRef 83165
DL3.3 License to Deposit Materials on or Excavate Adjacent to a Street	23 May 2023	Amended delegation	Addition of Executive Manager Engineering Services as a sub-delegate.	CMRef 83165
DL3.4 Events on Roads	19 Mar 2019	---	Addition of EMES as sub-delegate	CMRef 82339
DL3.4 Events on Roads	23 May 2023	Amended delegation	Addition of Manager of Projects as a sub-delegate.	CMRef 83165
DL4.1 Tenders	20 Nov 2018	---	Removal of Sub-delegation, and inclusion of specific tasks relating to the tender process	CMRef 82281

Delegation	Approved or adopted	Type	Amendment	References
DL4.1 Tenders	23 May 2023	Amended delegation	Full review as per the WALGA Delegations Register template. Addition of Executive Managers and Manager of Projects as sub-delegates.	CMRef 83165
DL4.2 Property Acquisition and Disposal	23 May 2023	Amended delegation	Change to the value of property (other than land) that can be acquired or disposed of by the CEO.	CMRef 83165
DL4.3 Investments	23 May 2023	Amended delegation	Change to signatories to match change of DCEO role title.	CMRef 83165
DL4.5 Light Vehicles - Replacement	23 May 2023	Amended delegation	Addition of Manager of Projects as sub-delegate.	CMRef 83165
DL4.6 Creditors and Payments from Trust, Municipal and Reserve Funds	23 May 2023	Amended delegation	Addition of Policy 3.12 and line relating to transfer of funds. Update of delegation to account for change of DCEO role to EMS&C	CMRef 83165
DL4.7 Cash Funding, In-kind Contributions, and Fee Waivers	23 May 2023	Amended delegation	Major changes to align to new Community Grants structure.	CMRef 83165
DL4.11 Agreement as to Payment of Rates and Service Charges	19 Mar 2019	---	Addition of Senior Finance Officer as sub-delegate	CMRef 82339
DL4.11 Agreement as to Payment of Rates and Service Charges	23 May 2023	Amended delegation	Addition of CEO delegation to authorise that interest is not applied to an assessment for a period of up to 12 months.	CMRef 83165
DL4.12 Payments from the Municipal or Trust Funds	25 Jan 2022	Amended delegation	CMRef 82855	CMRef 82308
DL4.12 Payments from the Municipal or Trust Funds	23 May 2023	Amended delegation	Change of position title from DCEO to EMS&C. Removal of purchasing limits - this is now captured in the Staff Purchasing Policy.	CMRef 83165
DL4.13 Write/Off Waive Small Fees and Charges	2 Apr 2020	New delegation	New Delegation	CMRef 82529
DL4.13 Write/Off Waive Small Fees and Charges	23 May 2023	Amended delegation	Amended to match new Community Grant Policy. Addition of EMES as sub-delegate, with authority of \$1,000 (ex GST) for Merredin Landfill Site only.	CMRef 83165

Delegation	Approved or adopted	Type	Amendment	References
DL5.1 Offences - Bush Fires Act 1954	23 May 2023	Amended delegation	Separation of the issue and withdrawal of infringements within duty delegated section. EMDS delegated authority to withdraw infringements.	CMRef 83165
DL5.1 Offences - Bush Fires Act 1954	11 Dec 2023	Amended delegation	Sections added to tidy up change in May 2023.	CMRef 83298
DL5.2 Burning, Prohibited and Restricted Times (Variations)	15 Mar 2016	---	Change delegated authority from CEO to President in accordance with Section 17(10) of the Bush Fires Act 1956	CMRef 81749
DL5.2 Burning, Prohibited and Restricted Times (Variations)	23 May 2023	Amended delegation	Addition of 'Shire' to President in Delegates.	CMRef 83165
DL5.4 Dog Act 1976	20 Nov 2018	---	Notation that a delegation cannot be exercised on powers which require an "Absolute Majority" of Council as defined by the Local Government Act 1995. These powers are prohibited from delegation as a delegate is unable to fulfil the requirements of Section 1.4 and Section 5.43(a) of the Local Government Act 1995.	CMRef 82281
DL5.4 Dog Act 1976	23 May 2023	Amended delegation	Removal of condition 1, allowing the EMDS to withdraw notices and/or infringements.	CMRef 83165
DL5.5 Cat Act 2011	23 May 2023	Amended delegation	Removal of condition 1, allowing the EMDS to withdraw notices and/or infringements	CMRef 83165
DL5.6 Health Act 1911	11 Dec 2023	Repealed	As per conversations with WALGA, this is not a delegation therefore has been removed from the register.	CMRef 83298
DL5.7 Food Act 2008	23 May 2023	Amended delegation	Addition of condition 3, allowing the EMDS to withdraw infringement notices.	CMRef 83165