



# Shire of Merredin Register of Delegated Authority

REVIEW

There are no reviews to display

## TABLE OF CONTENTS

INTRODUCTION .....	5
Introduction .....	5
Delegations and authorisations under other Legislation .....	6
DELEGATIONS .....	7
DL1.1 - Local Laws and Appointment of Authorised Persons .....	7
DL1.2 - Impounding Goods .....	8
DL1.3 - Power of Entry .....	9
DL1.4 - Commercial Enterprises .....	10
DL1.6 - Local Laws .....	11
DL1.7 - Legal Matters .....	12
DL1.8 - Appointment of Acting Chief Executive Officer .....	13
DL1.9 - Acceptance of tenders for CEACA Inc .....	14
DL2.1 - Demolition Permit .....	15
DL2.2 - Building Orders .....	16
DL2.3 - Grant of Occupancy Certificate and Building Approval Certificate .....	17
DL2.4 - Building Permit .....	18
DL2.5 - Extension of Period of Duration of Occupancy Certificate and Building Certificate Approval .....	19
DL2.6 - Consent to Permitted Users .....	20
DL2.7 - Caravan Parks and Camping Grounds Act 1995 and Regulations 1997 .....	21
DL2.8 - Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata .....	22
DL2.9 - Authority to Commence Prosecution .....	23
DL2.10 - Setback Variation for Single, Grouped and Multiple Residential Dwellings .....	24
DL3.1 - Temporary Closure of Thoroughfares .....	25
DL3.2 - Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land – Public Access .....	26
DL3.3 - License to Deposit Materials on or Excavate Adjacent to a Street .....	27
DL3.4 - Events on Roads .....	28
DL4.1 - Tenders .....	29
DL4.2 - Property Acquisition and Disposal .....	33
DL4.3 - Investments .....	34
DL4.4 - Imposition of Rates and Service Charges .....	35
DL4.5 - Light Vehicles - Replacement .....	36
DL4.6 - Creditors and Payments from Trust, Municipal and Reserve Funds .....	37
DL4.7 - Donations to Community Groups .....	39
DL4.8 - Expressions of Interest for Goods and Services .....	40
DL4.9 - Panels of Pre-Qualified Suppliers for Goods and Services .....	41
DL4.10 - Application of Regional Price Preference Policy .....	42
DL4.11 - Agreement as to Payment of Rates and Service Charges .....	43
DL4.12 - Payments from the Municipal or Trust Funds .....	44

DL5.1 - Offences - Bush Fires Act 1954 .....	47
DL5.2 - Burning, Prohibited and Restricted Times (Variations) .....	48
DL5.3 - Firebreak Order .....	49
DL5.4 - Dog Act 1976 .....	50
DL5.5 - Cat Act 2011 .....	51
DL5.6 - Health Act 1911 .....	52
DL5.7 - Food Act 2008 .....	53
DL5.8 - Building Act 2011 .....	54
DL5.9 - Planning and Development Act 2005 .....	55
DL5.10 - Control of Vehicles (Off-road Areas) Act 1978 .....	56
DL5.11 - Public Health Act 2016 .....	57
AMENDMENTS .....	58

## 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

<b>Delegation</b>	<b>DL1.1 Local Laws and Appointment of Authorised Persons</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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 within 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>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 Shire of Merredin Local Laws
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

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

<b>Delegation</b>	<b>DL1.2 Impounding Goods</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Development Services Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281 Amended 19/03/2019 - CMRef 82339 - removal of Ranger as sub-delegate
<b>Last reviewed</b>	19 March 2019

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



<b>Delegation</b>	<b>DL1.3 Power of Entry</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Development Services Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL1.4 Commercial Enterprises</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL1.6 Local Laws</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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"> <li>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).</li> <li>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).</li> <li>3. After the Local Law has been published in the Gazette give State-wide public notice in accordance with Section 3.12(6).</li> <li>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.</li> <li>5. Give State-wide public notice stating intention to review a Local Law as required under Section 3.16(2).</li> <li>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).</li> <li>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).</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL1.7 Legal Matters</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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"> <li>• Deputy Chief Executive Officer</li> <li>• Executive Manager of Development Services</li> <li>• Executive Manager of Engineering Services</li> <li>• Executive Manager of Corporate Services</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Legal proceedings may only be initiated with the prior approval of Council subject to adequate provision in the Budget.</p> <p>The above delegation is in addition to, and not in derogation of, the provisions under Section 358 of the <i>Health Act 1911</i> which states that an environmental health officer of a local government may, by virtue of his 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 shall be reimbursed out of the funds of the local government all costs and expenses which he may incur or be put to in or about such proceedings.</p>
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i> Section 5.42</p> <p><i>Local Government Act 1995</i> Section 9.10(1)</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	<p>CMRef 81690</p> <p>2017 Review - CMRef 82081</p> <p>2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
20 Dec 2016	---	Inclusion of conditions under Section 358 of the Health Act 1911	CMRef 81893

<b>Delegation</b>	<b>DL1.8 Appointment of Acting Chief Executive Officer</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is delegated authority to give approval for the Deputy Chief Executive Officer 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 Deputy Chief Executive Officer be on leave at the same time as the Chief Executive Officer, the Chief Executive Officer shall appoint another Officer 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 the authority to appoint an Acting Chief Executive Officer shall be determined by Council.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42, Section 5.43 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL1.9 Acceptance of tenders for CEACA Inc</b>
<b>Category</b>	Administration
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	That the CEO be delegated authority to accept tenders for the Central East Aged Care Alliance (CEACA) project to the value of \$6,000,000.
<b>Delegates</b>	CEO
<b>Conditions</b>	The delegated authority to accept tenders only applies to work required on the CEACA project, and not any other tender called by the Shire of Merredin.
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 <i>Local Government (Functions and General) Regulations 1996</i>
<b>Policy</b>	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
<b>Date adopted</b>	21 February 2017
<b>Adoption references</b>	CMRef 81935 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.1 Demolition Permit</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>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.</p> <p>A report listing the licenses issued under this delegation is to be provided to Council on a monthly basis.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>Conditions on sub-delegation include:</p> <ol style="list-style-type: none"> <li>1. Delegated Authority to approve the issue of a demolition licence; and</li> <li>2. The Chief Executive Officer is to be advised of the intention to issue a demolition license prior to the final license being issued.</li> </ol>
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<p><i>Building Act 2011</i>  <i>Local Government Act 1995</i> Section 5.44</p>
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	<p>CMRef 81690  2017 Review - CMRef 82081  2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.2 Building Orders</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

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



<b>Delegation</b>	<b>DL2.3 Grant of Occupancy Certificate and Building Approval Certificate</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Building Act 2011</i> Section 58 & Section 127 <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

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

<b>Delegation</b>	<b>DL2.4 Building Permit</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>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>, but where a plan and specification so submitted conforms to:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.5 Extension of Period of Duration of Occupancy Certificate and Building Certificate Approval</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation.
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.6 Consent to Permitted Users</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to consent to planning applications with a "P" use within the zoning table of Local Planning Scheme No. 6 that comply with the relevant development standards and the requirements of the Scheme.
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation.
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 8.18 - Delegated Approval or Refusal of Development Applications and Town Planning
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.7 Caravan Parks and Camping Grounds Act 1995 and Regulations 1997</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<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
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
20 Dec 2016	---	Inclusion of authority to appoint persons or classes of persons	CMRef 81893

<b>Delegation</b>	<b>DL2.8 Grant of Occupancy Certificate - Strata and Building Approval Certificate - Strata</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<i>Building Act 2011</i> <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Policy 8.14 - Delegation of Building Approval
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281 19/03/2019 - CMRef 82339 - Addition of EMDS as sub-delegate
<b>Last reviewed</b>	19 March 2019

Amendments			
Approved	Type	Amendment	References
19 Mar 2019	---	Addition of EMDS as sub-delegate	CMRef 82339

<b>Delegation</b>	<b>DL2.9 Authority to Commence Prosecution</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Building Act 2011</i> Section 133
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL2.10 Setback Variation for Single, Grouped and Multiple Residential Dwellings</b>
<b>Category</b>	Development
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to grant approval for setback variations for Single, Grouped and Multiple Residential Dwellings subject to consideration of the requirements and processes of the Residential Design Codes and the Local Planning Scheme No. 6 (as amended).
<b>Delegates</b>	CEO
<b>Conditions</b>	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.
<b>Statutory framework</b>	<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
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018



<b>Delegation</b>	<b>DL3.1 Temporary Closure of Thoroughfares</b>
<b>Category</b>	Engineering
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>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 in accordance with Section 3.50 and Section 3.50A of the <i>Local Government Act 1995</i>.</p> <p>Proposals to close a thoroughfare for any period exceeding 3 months shall be referred to Council.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL3.2 Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land – Public Access</b>
<b>Category</b>	Engineering
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL3.3 License to Deposit Materials on or Excavate Adjacent to a Street</b>
<b>Category</b>	Engineering
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government (Miscellaneous Provisions) Act 1960</i> <i>Local Government Act 1995</i> Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL3.4 Events on Roads</b>
<b>Category</b>	Engineering
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	The CEO shall have regard to Section 3.50 and Section 3.50A of the <i>Local Government Act 1995</i> .
<b>Subdelegates</b>	Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281 19/03/2019 - CMRef 82339 - Addition of EMES as sub-delegate
<b>Last reviewed</b>	19 March 2019

Amendments			
Approved	Type	Amendment	References
19 Mar 2019	---	Addition of EMES as sub-delegate	CMRef 82339

<b>Delegation</b>	<b>DL4.1 Tenders</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council

<p><b>Express power to delegate</b></p>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. call tenders.</li> <li>2. invite tenders although not required to do so.</li> <li>3. determine in writing, before tenders are called, the criteria for acceptance of tenders. determine the information that is to be disclosed to those interested in submitting a tender.</li> <li>4. 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.</li> <li>5. evaluate tenders, by written evaluation, and decide which is the most advantageous. accept, or reject tenders, only within the dollar value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations.</li> <li>7. 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 dollar value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract.</li> <li>8. seek clarification from tenderers in relation to information contained in their tender submission.</li> <li>9. decline any tender.</li> <li>10. 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.</li> <li>11. 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>12. Exercise an extension option that was included in the original tender specification and contract in accordance with Regulation 11(2)(j).</li> <li>13. 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.</li> <li>14.</li> </ol> <p>On exercising this delegation the CEO is to ensure:</p> <p>in accepting a tender that the consideration involved, or net changeover cost (including a trade-in) does not exceed \$200,000 provided that appropriate provision is made in Council's Budget;</p> <ol style="list-style-type: none"> <li>1. the decision to accept a tender above \$200,000 remains with Council;</li> <li>2. before making the decision to accept a tender, he/she is satisfied that the tender specifications and information provided by the tenderer most appropriately match the assessment criteria specified;</li> <li>3. that the tender process is conducted fairly, impartially and in compliance with the Local Government Act 1995 and Regulations, Council Policy 3.12 Purchasing Policy, and any appropriate direction or guideline; and</li> <li>4. that any decision to accept a tender under \$200,000 is made fairly, impartially and based upon a proper assessment of the stipulated criteria and that represents the best value for the Shire.</li> </ol>
---	---

<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. call tenders.</li> <li>2. invite tenders although not required to do so.</li> <li>3. determine in writing, before tenders are called, the criteria for acceptance of tenders.</li> <li>4. determine the information that is to be disclosed to those interested in submitting a tender.</li> <li>5. 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.</li> <li>6. evaluate tenders, by written evaluation, and decide which is the most advantageous.</li> <li>7. accept, or reject tenders, only within the dollar value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations.</li> <li>8. 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 dollar value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract.</li> <li>9. seek clarification from tenderers in relation to information contained in their tender submission.</li> <li>10. decline any tender.</li> <li>11. 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.</li> <li>12. 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>13. Exercise an extension option that was included in the original tender specification and contract in accordance with Regulation 11(2)(j).</li> <li>14. 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.</li> </ol> <p>On exercising this delegation the CEO is to ensure:</p> <ol style="list-style-type: none"> <li>1. in accepting a tender that the consideration involved, or net changeover cost (including a trade-in) does not exceed \$200,000 provided that appropriate provision is made in Council's Budget;</li> <li>2. the decision to accept a tender above \$200,000 remains with Council;</li> <li>3. before making the decision to accept a tender, he/she is satisfied that the tender specifications and information provided by the tenderer most appropriately match the assessment criteria specified;</li> <li>4. that the tender 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; and</li> <li>5. that any decision to accept a tender under \$200,000 is made fairly, impartially and based upon a proper assessment of the stipulated criteria and that represents the best value for the Shire.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy

<b>Date adopted</b>	2 April 2020
<b>Adoption references</b>	2 April 2020 - CMRef82529

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
20 Nov 2018	---	Removal of Sub-delegation, and inclusion of specific tasks relating to the tender process	CMRef 82281



<b>Delegation</b>	<b>DL4.2 Property Acquisition and Disposal</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$50,000 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>
<b>Delegates</b>	CEO
<b>Conditions</b>	<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>
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 3.20 - Disposal of Assets
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	<p>CMRef 81690</p> <p>2017 Review - CMRef 82081</p> <p>2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL4.3 Investments</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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 either the DCEO or EMCS.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Corporate Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 3.5 - Investment Policy
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL4.4 Imposition of Rates and Service Charges</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Corporate Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Nil
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL4.5 Light Vehicles - Replacement</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Engineering Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 2.2 - Motor Vehicle Replacement Policy Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL4.6 Creditors and Payments from Trust, Municipal and Reserve Funds</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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"> <li>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 Manage Development Services (EMDS) and/or Deputy Chief Executive Officer (DCEO).</li> <li>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 DCEO, 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.</li> <li>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.</li> </ol> <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"> <li>1. the payee's name;</li> <li>2. the amount of the payment;</li> <li>3. the date of the payment; and</li> <li>4. sufficient information to identify the transaction.</li> </ol> <p>The CEO is delegated authority to make transfers to and from the Municipal Reserve Fund.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	In accordance with the original delegation
<b>Subdelegates</b>	Executive Manager of Corporate Services
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 3.22 - Credit Card Policy
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018



<b>Delegation</b>	<b>DL4.7 Donations to Community Groups</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to make donations up to the value of \$1,500, as outlined in Council Policy 5.9 Cummins Theatre – Waived or Discounted Hire Fees and Council Policy 6.16 – Merredin Regional Community and Leisure Centre – Donation of Hire Fees.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>In exercising this delegation the CEO shall observe the following conditions:</p> <ol style="list-style-type: none"> <li>1. the organiser is a not-for-profit organisation and the event is not-for-profit;</li> <li>2. the event targets all members of the community (private functions will not be considered);</li> <li>3. positive and lasting outcomes from the event for the community can be demonstrated;</li> <li>4. the event is widely marketed and can be seen to promote Merredin as a vibrant and sustainable community;</li> <li>5. the event does not compromise any existing bookings at the venue;</li> <li>6. the event acknowledges the sponsorship of the Shire of Merredin; and</li> <li>7. the organiser has not received another donation from the Shire within the financial year.</li> </ol>
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 6.12(1)(c)
<b>Policy</b>	<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>
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	<p>CMRef 81690</p> <p>2017 Review - CMRef 82081</p> <p>2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL4.8 Expressions of Interest for Goods and Services</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 3.57 & <i>Local Government (Functions &amp; General) Regulations 1996</i> Regulations 21 and 23
<b>Policy</b>	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
<b>Date adopted</b>	20 November 2018
<b>Adoption references</b>	CMRef 82281
<b>Last reviewed</b>	20 November 2018



<b>Delegation</b>	<b>DL4.9 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. request clarification of information provided in a submission by an applicant.</li> <li>7. decline to accept any application.</li> <li>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.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>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.</li> </ol>
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 & Section 3.57 & <i>Local Government (Functions &amp; General) Regulations 1996</i> Regulations 24AB, 24AC(1)(b), 24AD(3) and (6), and 24AH(2), (3) and (4).
<b>Policy</b>	Policy 3.3 - Regional Price Preference Policy Policy 3.12 - Purchasing Policy
<b>Date adopted</b>	20 November 2018
<b>Adoption references</b>	CMRef 82281
<b>Last reviewed</b>	20 November 2018

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

<b>Delegation</b>	<b>DL4.11 Agreement as to Payment of Rates and Service Charges</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to make an agreement with a person or persons for the payment of rates or service charges
<b>Delegates</b>	CEO
<b>Conditions</b>	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.
<b>Subdelegates</b>	Executive Manager of Corporate Services Senior Finance Officer
<b>Statutory framework</b>	<i>Local Government Act 1995</i> Section 5.42 and Section 6.49
<b>Policy</b>	Policy 3.2 - Rates Recovery - Agreement for Payment of Rates and Service Charges
<b>Date adopted</b>	19 March 2019
<b>Adoption references</b>	CMRef 82281 19/03/2019 - CMRef 82339 - Addition of Senior Finance Office as sub-delegate
<b>Last reviewed</b>	19 March 2019

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
19 Mar 2019	---	Addition of Senior Finance Officer as sub-delegate	CMRef 82339

<b>Delegation</b>	<b>DL4.12 Payments from the Municipal or Trust Funds</b>
<b>Category</b>	Finance
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The Chief Executive Officer is delegated authority to make payments from the Municipal 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 <i>Local Government (Financial Management) Regulations 1996</i> .
<b>Delegates</b>	CEO

Conditions	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.		
	2. Payments by cheque and EFT transactions must be approved jointly by two delegates, one of whom must be the Executive Manager Corporate Services or Deputy Chief Executive Officer.		
	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.		
	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.		
	5. The authority to approve requisitions and purchase orders and for the supply of goods and services authorised by the CEO to employees is subject to the following maximum individual amounts:		
	<b>Authority by Employee Title</b>		
	<b>Limit</b>	<b>Operating Value Limit</b>	<b>Capital Value</b>
	Construction Supervisor	\$500	\$500
	Community Liaison Officer	\$1,100	\$1,100
	Ranger 00		\$1,100
	Cummins Theatre Manager	\$2,500	\$2,500
	Regional Manager Library	\$2,500	\$2,500
	Media & Communications Officer	Nil	\$2,500
	Pool Manager		\$2,500
	Central Wheatbelt Visitors Centre Manager	\$2,500	\$2,500
	Executive Assistant to the CEO	\$2,750	\$2,750
	Environmental Health Officer	Nil	\$2,750
	Building Project Manager	\$10,000	\$10,000
	Executive Manager Corporate Services	\$55,000	\$55,000
	Executive Manager Development Services	\$55,000	\$55,000
	Executive Manager Engineering Services	\$55,000	\$55,000
	Deputy Chief Executive Officer	\$55,000	\$55,000
	Chief Executive Officer	Unlimited	Unlimited
	Executive Managers/Deputy CEO/CEO Unlimited – This authority pertains to payments for EFT transactions, including Creditors and Payroll and transfers between trust and municipal funds. All transactions require two (2) signatories.		

<b>Subdelegates</b>	Deputy Chief Executive Officer Executive Manager of Corporate Services Executive Manager of Development Services Executive Manager of Engineering Services
<b>Statutory framework</b>	<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)
<b>Policy</b>	Policy 3.12 - Purchasing Policy
<b>Date adopted</b>	19 February 2019
<b>Adoption references</b>	CMRef 82308
<b>Last reviewed</b>	19 February 2019

<b>Delegation</b>	<b>DL5.1 Offences - Bush Fires Act 1954</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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>In consultation with each other the CEO, Ranger, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer are delegated authority to issue and withdraw infringement notices in accordance with the provisions of Section 59 of the <i>Bush Fires Act 1954</i>.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> Section 59 <i>Local Government Act 1995</i> Section 5.42 & Section 5.44
<b>Policy</b>	Policy 4.2 - Bush Fire Control
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.2 Burning, Prohibited and Restricted Times (Variations)</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	The 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.
<b>Delegates</b>	President
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> Section 17(10) & Section 18(5)(c)
<b>Policy</b>	Policy 4.2 - Bush Fire Control
<b>Date adopted</b>	17 November 2015
<b>Adoption references</b>	CMRef 81690 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Mar 2016	---	Change delegated authority from CEO to President in accordance with Section 17(10) of the Bush Fires Act 1956	CMRef 81749



<b>Delegation</b>	<b>DL5.3 Firebreak Order</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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.
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Bush Fires Act 1954</i> Section 48 and Section 33(1)
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.4 Dog Act 1976</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The sub-delegation to the EMDS does not include:</p> <ol style="list-style-type: none"> <li>1. the authority to withdraw notices and/or infringements;</li> <li>2. the authority to appoint Authorised Persons; or</li> <li>3. the authority to commence legal proceedings.</li> </ol>
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p> <p><i>Dog Act 1976</i> Section 10AA(1)</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	<p>CMRef 81893</p> <p>2017 Review - CMRef 82081</p> <p>2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
20 Nov 2018	---	<p>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.</p>	CMRef 82281

<b>Delegation</b>	<b>DL5.5 Cat Act 2011</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The sub-delegation to the EMDS does not include:</p> <ol style="list-style-type: none"> <li>1. the authority to withdraw notices and/or infringements;</li> <li>2. the authority to appoint Authorised Persons; or</li> <li>3. the authority to commence legal proceedings.</li> </ol>
<b>Subdelegates</b>	Executive Manager of Development Services
<b>Statutory framework</b>	<p><i>Local Government Act 1995</i> Section 5.42 and Section 5.44</p> <p><i>Cat Act 2011</i> Section 44</p>
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	<p>CMRef 81893</p> <p>2017 Review - CMRef 82081</p> <p>2018 Review - CMRef 82281</p>
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.6 Health Act 1911</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<p>The Chief Executive Officer is appointed as deputy in accordance with Section 26 of the <i>Health Act 1911</i> and in that capacity delegated authority to perform any or all of the powers/duties of the local government contained within the <i>Health Act 1911</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>Health Act 1911</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>Health Act 1911</i>.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Health Act 1911</i> Section 26 <i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.7 Food Act 2008</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	<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"> <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> <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>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>The sub-delegation to the EMDS does not include:</p> <ol style="list-style-type: none"> <li>1. the authority to appoint authorised officers or designated officers; or</li> <li>2. the authority to commence legal proceedings.</li> </ol>
<b>Subdelegates</b>	Executive Manager of Development Services
<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>Policy</b>	Policy 8.15 - Outdoor Eating Areas Policy 8.25 - Food Act 2008 Compliance and Enforcement
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.8 Building Act 2011</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Building Act 2011</i> Section 96(3) <i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.9 Planning and Development Act 2005</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Planning and Development Act 2005</i> Section 234 <i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

<b>Delegation</b>	<b>DL5.10 Control of Vehicles (Off-road Areas) Act 1978</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Control of Vehicles (Off-road Areas) Act 1978</i> Section 38(3) <i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81893 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018



<b>Delegation</b>	<b>DL5.11 Public Health Act 2016</b>
<b>Category</b>	Other
<b>Delegator</b>	Council
<b>Express power or duty delegated</b>	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> .
<b>Delegates</b>	CEO
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Public Health Act 2016</i> Section 21(1)(b)(i) Part 2 <i>Local Government Act 1995</i> Section 5.42
<b>Policy</b>	Nil
<b>Date adopted</b>	20 December 2016
<b>Adoption references</b>	CMRef 81887 2017 Review - CMRef 82081 2018 Review - CMRef 82281
<b>Last reviewed</b>	20 November 2018

## 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	---	Removal of Ranger of sub-delegate	CMRef 82339
DL1.5 Proceedings under the Dog Act 1976 and Cat Act 2011	20 Dec 2016	---	Deletion of delegation upon addition of new delegations	CMRef 81893
DL1.7 Legal Matters	20 Dec 2016	---	Inclusion of conditions under Section 358 of the Health Act 1911	CMRef 81893
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
DL2.7 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
DL3.4 Events on Roads	19 Mar 2019	---	Addition of EMES as sub-delegate	CMRef 82339
DL4.1 Tenders	20 Nov 2018	---	Removal of Sub-delegation, and inclusion of specific tasks relating to the tender process	CMRef 82281
DL4.11 Agreement as to Payment of Rates and Service Charges	19 Mar 2019	---	Addition of Senior Finance Officer as sub-delegate	CMRef 82339
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

Delegation	Approved or adopted	Type	Amendment	References
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

