



# Shire of Cocos (Keeling) Islands Delegations Register

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## INTRODUCTION

### Introduction

*Local Government Act 1995*  
Administration Part 5

#### Section 5.42. Delegation of some powers and duties to CEO

Section 5.42 of the *Local Government Act 1995* (the Act) allows for:

- (1) A local government by absolute majority to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under -
  - (a) This Act other than those referred to in section 5.43; or
  - (b) *The Planning and Development Act 2005* section 214 (2), (3), or (5).
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

#### Section 5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

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

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

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

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

"Nothing in this Division is to read as preventing –

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

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

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

## Delegations and authorisations under other Legislation

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

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

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

*Planning and Development Act 2005 and associated regulations*  
*Dog Act 1976 and regulations;*  
*Cat Act 2011 and regulations*  
*Bush Fires Act 1954, regulations and local law created under that Act;*  
*Litter Act 1979 and regulations*  
*Local Government (Miscellaneous Provisions) 1960 as amended;*  
*Caravan Parks and Camping Grounds Act 1995;*  
*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

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

## DELEGATIONS

## 01 Authorised Persons

## Authorised Persons

## 1.1 Council to CEO

<b>Delegation</b>	<b>1.1.1 Appoint Authorised Persons</b>
<b>Head of power</b>	01 Authorised Persons
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Building Act 2011:</i> s.127(1) &amp; (3) Delegation: special permit authorities and local government</p> <p><i>Cat Act 2011:</i> s.44 Delegation by local government</p> <p><i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</p> <p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons</p> <p><i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person</p> <p><i>Cat Act 2011:</i> s. 48 Authorised persons</p> <p><i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers</p> <p><i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)</p>

<b>Function</b>	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the <i>Local Government Act</i>. [s.3.24 and s.9.10].</p> <p>2. Authority to appoint authorised person for the purposes of fulfilling the functions of an authorised person under the <i>Cat Act 2011, Building Act 2011</i> (refer Building Reg.5), <i>Food Act 2008</i> and <i>Planning and Development Act 2005</i>.</p> <p>3. Authority to appoint 'authorised officers' under Regulation 70(2) of the <i>Building Regulations 2012</i> and section 9.16 of the <i>Local Government Act 1995</i> for the purposes of issuing <i>Building Act 2011</i> Infringement Notices in accordance with section 6(b) of the <i>Criminal Procedures Act 2004</i>.</p> <p>(Building Reg.70(2) prescribes s.9.10(1) of the <i>Local Government Act 1995</i> as the enabling power for appointment of 'authorised officers'.)</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. A register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> : s.5.44 CEO may delegate some powers and duties to other employees
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

## 02 Local Government Act 1995 Delegations

Local Government Act 1995

### 2.1 Council to CEO

<b>Delegation</b>	<b>2.1.1 Powers of Entry</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise Powers of Entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Delegated authority may only be used where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Governance, Risk & Planning Ranger
<b>Subdelegate conditions</b>	a. Delegated authority may only be used where there is imminent or substantial risk to public safety or property.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

**Commented [FM1]:** Here is the tricky part, you will need to put each change in the table below each action for each of the revised actions



<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Ranger and Manager Infrastructure as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.2 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Governance, Risk & Planning Ranger
<b>Subdelegate conditions</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Infrastructure, Ranger and Governance & Risk Coordinator as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.3 Confiscated or Uncollected Goods</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Governance, Risk & Planning Ranger
<b>Subdelegate conditions</b>	A. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Infrastructure, Ranger and Governance & Risk Coordinator as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.4 Disposal of Sick or Injured Animals</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.47 A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Ranger
<b>Subdelegate conditions</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Ranger as subdelegate	Nil

<b>Delegation</b>	<b>2.1.5 Close Thoroughfares to Vehicles</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50 A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding four weeks [s.3.50(1)].</li> <li>2. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Give local public notice and notify local residents and/or landowners if possible. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Infrastructure Coordinator
<b>Subdelegate conditions</b>	a. Give local public notice and notify local residents and/or landowners if possible. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Infrastructure as subdelegate	Nil

<b>Delegation</b>	<b>2.1.6 Expressions of Interest for Goods and Services</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21]</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Governance Risk & Planning and Procurements Officer
<b>Subdelegate conditions</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Delegation</b>	<b>2.1.7 Tenders for Goods and Services</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services



<p><b>Function</b></p>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14 (5)].</li> <li>7. Authority to evaluate tenders, by written evaluation [F&amp;G r.18(4)], and recommend to Council which is the most advantageous, noting that Council may resolve to choose an alternative tender to one recommended.</li> <li>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation or in any case, variation of a contract must not exceed \$10,000 and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20 (1) and (3)].</li> <li>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>10. Authority to:             <ol style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ol> </li> </ol>
<p><b>Delegates</b></p>	<p>Chief Executive Officer</p>
<p><b>Conditions</b></p>	<ol style="list-style-type: none"> <li>a. Sole supplier arrangements may only be approved where a record is retained that evidences:             <ol style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sources through other suppliers;</li> </ol> </li> <li>b. Tenders may only be called where there is an adopted budget for the proposed goods or services.</li> </ol>

<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services Manager Governance, Risk & Planning Procurements Officer
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> </ul> </li> <li>and</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ul> <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services.</p>
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.8 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, 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 [F&amp;G r.24AD(3)].</li> <li>3. Authority to 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 [F&amp;Gr.24AD(6)].</li> <li>4. Authority to 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 [F&amp;G r.24AH(2)].</li> <li>5. Authority to 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 [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into 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 [F&amp;G r.24AJ(1)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$200,000 or less and the expense is included in the adopted Annual Budget.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Manager Finance and Corporate Services Manager Governance, Risk & Planning Infrastructure Coordinator
<b>Subdelegate conditions</b>	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$200,000 or less and the expense is included in the adopted Annual Budget.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.9 Disposing of Property</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
<b>Function</b>	<p>1. Authority to dispose of property to:</p> <p style="padding-left: 40px;">a. to the highest bidder at public auction [s.3.58(2)(a)].</p> <p style="padding-left: 40px;">b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. Where the market value of the property (other than land or building assets) is determined as being less than \$20,000 disposal may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• Must ensure that the best value return is achieved; and</li> <li>• Where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul> <p>Note – In accordance with F&amp;G Reg.30 disposal of property valued less than \$20,000 is excluded from compliance with s.3.58.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services Manager Governance, Risk & Planning

<b>Subdelegate conditions</b>	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. Where the market value of the property (other than land or building assets) is determined as being less than \$20,000 disposal may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• Must ensure that the best value return is achieved; and</li> <li>• Where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul> <p>Note – In accordance with F&amp;GReg.30 disposal of property valued less than \$20,000 is excluded from compliance with s.3.58.</p>
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil

<b>Delegation</b>	<b>2.1.10 Payments from the Municipal or Trust Funds</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Infrastructure Manager Finance and Corporate Services Manager Governance, Risk & Planning and Senior Finance Officer
<b>Subdelegate conditions</b>	a. Authority to make payments is subject to annual budget limitations. b. Senior Finance Officer is limited to when no other delegates officer is available as the second signatory
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Subdelegates: Senior Finance Officer Coordinator Infrastructure Manager Finance and Corporate Services Manager Infrastructure	Nil

<b>Delegation</b>	<b>2.1.11 Defer, Grant Discounts, Waive or Write Off Debts</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt or fee which is owed to the Shire. [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire. [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire. [s.6.12(1)(c)]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</li> <li>b. A debt may only be waived for charitable or not for profit community groups to a limit of \$1,000 to assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire.</li> <li>c. A concession may only be granted for charitable or not for profit community groups to a limit of \$1,000 to assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire.</li> <li>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$1,000 Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services



<b>Subdelegate conditions</b>	<p>a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</p> <p>b. A debt may only be waived for charitable or not for profit community groups to a limit of \$1,000 to assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire.</p> <p>c. A concession may only be granted for charitable or not for profit community groups to a limit of \$1,000 to assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire.</p> <p>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire.</p> <p>e.i. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$1,000 Write off of debts greater than these values must be referred for Council decision.</p>
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil

<b>Delegation</b>	<b>2.1.12 Power to Invest and Manage Investments</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council's Investment Policy.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services

<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council's Investment Policy.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ul>
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Delegation</b>	<b>2.1.13 Rate Record Amendment</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Function</b>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a Delegates must comply with the requirements of s.6.40 of the Act. b. All requests for amendments must be made in writing and include supporting documentary evidence supporting the request.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services
<b>Subdelegate conditions</b>	a Delegates must comply with the requirements of s.6.40 of the Act. b. All requests for amendments must be made in writing and include supporting documentary evidence supporting the request.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil

<b>Delegation</b>	<b>2.1.14 Recovery of Rates or Service Charges</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Function</b>	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Council is to be notified prior to the commencement of any legal action to recover rates or charges.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services
<b>Subdelegate conditions</b>	a. Council is to be notified prior to the commencement of any legal action to recover rates or charges.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil

<b>Delegation</b>	<b>2.1.15 Agreement as to Payment of Rates and Service Charges</b>
<b>Head of power</b>	02 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Manager Finance and Corporate Services
<b>Subdelegate conditions</b>	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil

## 03 Building Act 2011 Delegations

Building Act 2011

## 3.1 Council to CEO

<b>Delegation</b>	<b>3.1.1 Building Permits</b>
<b>Head of power</b>	03 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Manager, Governance, Risk, & Planning

<b>Subdelegate conditions</b>	1. The Shire's employed or contracted specialist must have reviewed and provided a recommendation prior to any delegation being carried out.
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil



<b>Delegation</b>	<b>3.1.2 Demolition Permits</b>
<b>Head of power</b>	03 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Manager Governance, Risk & Planning
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. The Shire's employed or contracted specialist must have reviewed and provided a recommendation prior to any delegation being carried out.</li> </ol>

<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil

<b>Delegation</b>	<b>3.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Head of power</b>	03 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Manager Governance, Risk & Planning
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>1. The Shire's employed or contracted specialist must have reviewed and provided a recommendation prior to any delegation being carried out.</li> </ol>
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil

<b>Delegation</b>	<b>3.1.4 Inspection and Copies of Building Records</b>
<b>Head of power</b>	03 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Function</b>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Manager Governance, Risk & Planning
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil

<b>Delegation</b>	<b>3.1.5 Appoint approved officers and authorised officers</b>
<b>Head of power</b>	03 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint an <b>approved officer</b> for the purposes of section 6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</li> <li>2. Authority to appoint an <b>authorised officer</b> for the purposes of section 6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with regulation 70(2).</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>NOTE: Only employees that also have CEO delegated power under sections 9.19 or 9.20 of the <i>Local Government Act 1995</i> may be appointed as "<b>approved officers</b>".</p> <p>NOTE: Only employees that are also appointed as authorised persons in accordance with s 9.10 of the <i>Local Government Act 1995</i> for the purpose of performing functions under s 9.16 of that Act may be appointed as "<b>authorised officers</b>".</p>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

## 04 Cat Act 2011 Delegations

Cat Act 2011

## 4.1 Council to CEO

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Manager Governance, Risk & Planning Ranger
<b>Subdelegate conditions</b>	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.

<b>Last reviewed</b>	27 November 2024
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<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator and Ranger as Subdelegate	Nil



## 05 Food Act 2008 Delegations

Food Act 2008

## 5.1 Council to CEO

<b>Delegation</b>	<b>5.1.1 Food Business Registrations</b>
<b>Head of power</b>	05 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Subdelegates</b>	Manager Governance, Risk & Planning
<b>Subdelegate conditions</b>	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul>
<b>Date adopted</b>	27 November 2024

<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

<b>Amendments</b>			
<b>Approved</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil

## 06 Planning and Development Act 2005 Delegations

Planning and Development Act 2005

### 6.1 Council to CEO

<b>Delegation</b>	<b>6.1.1 Illegal Development</b>
<b>Head of power</b>	06 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a to remove, pull down, take up, or alter the development; and</li> <li>b to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Date adopted</b>	27 November 2024
<b>Adoption references</b>	10.4.1.
<b>Last reviewed</b>	27 November 2024

## 07 Financial Delegation

Shire of Cocos (Keeling) Island Financial Delegation Manual

### 7.1 Financial: Budgets

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve draft budgets to be forwarded to the council.	<i>For organisation</i>	CEO
Approve budget.	<i>For organisation</i>	Council
Authority to override all delegations and make expenditure decisions to ensure approved budgets can be achieved.	<i>For organisation</i>	CEO
Authority to recommend to council unbudgeted expenditure.	<i>For organisation</i>	CEO
Authorise variations to the annual operational and capital budgets.	<i>For organisation</i>	Council
Authorise variations to Activity budgets within approved operational budgets.	<i>For activities within Divisions</i>	CEO, Managers Coordinators

### 7.2 Financial: Operational Expenditure

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve Expenditure.	<i>For organization \$ 200,000 Within approved budget and subject to compliance with legislation.</i>	CEO
<i>(Under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.)</i>	<i>For business units \$50,000 (Up to) for any one item under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Managers, Coordinators

## 7.3 Financial: Capital Expenditure and Asset Control

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve alterations/renovations to buildings within budget.	<i>For organisation - \$200,00 within approved budget and subject to compliance with legislation.</i>	CEO
Authority to replace essential items of equipment included in approved capital budget/funding agreement.	<i>For business units \$50,000 (Up to) for any one item under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Manager Coordinators
Approve hire of plant equipment or facilities (hired under terms and conditions deemed appropriate in the circumstances and with minimal risk to council).	<i>For organisation \$ 200,000 within approved budget and subject to compliance with Legislation.</i>	CEO
	<i>For business units \$50,000 (up to) under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Managers Coordinators
Approve the transfer/disposal of any assets (in accordance with legislation/guidelines).	<i>For organisation</i>	Council
	<i>\$200,000 (Up to)</i>	CEO
Approval of sale or purchase of land or building.	<i>For organisation</i>	Council
Approval of development of new buildings.	<i>For organisation</i>	Council

## 7.4 Financial: Purchase Orders and Invoices

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve purchase orders.  <i>(Within approved budget and subject to any restrictions outlined elsewhere in this document)</i>	<i>For organisation \$ 200,000 Within approved budget and subject to compliance with legislation.</i>	CEO
	<i>For business units \$50,000 (up to) under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Managers Coordinators
Approve Quotation Exemption.	<i>For organisation \$ 200,000 Within approved budget and subject to compliance with legislation.</i>	CEO
	<i>For business units \$50,000 (up to) under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Manager Coordinator

## 7.5 Financial: Salaries and Deductions

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve staff reimbursement for expenditure on behalf of council.  <i>Within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	<i>\$5,000 (Up to) For all staff</i>	Finance Manager
	<i>Over \$5,000 for all staff</i>	CEO
	<i>For CEO</i>	Shire President
Compile and approve staff timesheets.	<i>For all staff</i>	Manager Coordinators
Approve for payment all payroll related transactions.	<i>For all staff Comprising group tax remittal, payroll tax settlement, superannuation contribution payments, and transfers of employee payroll deductions to authorized entities and payment of GST and PAYG payments.</i>	Finance Manager, CEO

## 7.6 Financial: Investment

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve investment of funds	<i>For organisation</i>	CEO
Approve draw down of investment funds for deposit into operational accounts.	<i>For organisation</i>	CEO
Approve banking and investment account arrangements, including authorising the opening of new accounts.	<i>For organisation</i>	Finance Manager

## 7.7 Financial: ATM, Receipts and Banking

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Authority to invoice, receive, code and bank income and approve issue of receipts.	<i>For all services (provided suitable facilities are in place to enable the secure lodgment of payments, and subject to staff receiving adequate training)</i>	Customer Service Officers, Finance Officers

## 7.8 Financial: Petty Cash and Bank Imprest Accounts

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Authority to operate, control and reimburse petty cash.	<i>\$5,000 (Up to) In accordance with approved budget</i>	Finance Manager

## 7.9 Financial: Cheques

<b>Function</b>	<b>Amount and/ or Qualification (Where applicable)</b>	<b>Delegated Authority</b>
Authority to issue cheque requisitions.  <i>(Under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.)</i>	<i>For organisation \$ 200,000 Within approved budget and subject to compliance with legislation.</i>	CEO
	<i>For business units \$50,000 (up to) under direct control, within approved budget and subject to any restrictions outlined elsewhere in this document.</i>	Managers Coordinators
Approve and sign cheques.	<i>For organisation (Any two, must include CEO) \$200,00</i>	CEO, Managers
Approve EFT bank File.	<i>For organisation No Limit</i>	CEO, Managers
Approval to stop payment on cheques.	<i>For organisation</i>	CEO, Finance Manager
Approval change and/or add cheque signatories.	<i>For organisation</i>	CEO, Finance Manager

## 7.10 Financial: Banking Institutions

<b>Function</b>	<b>Amount and/ or Qualification (Where applicable)</b>	<b>Delegated Authority</b>
Authority to act as verifying officer.	<i>For organisation</i>	CEO
Authority to approve requests for additional electronic banking users.	<i>For organisation</i>	CEO, Finance Manager
Authorised contact for Council's bank accounts.	<i>For all enquiries</i>	CEO, Finance Manager



## 7.11 Financial: Corporate Credit Cards

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Credit limits on corporate charge cards (subject to terms and conditions in the Corporate Credit Card Policy)  Exception: Business Case Considered	Maximum limits Monthly limit \$20,000 Single Transaction \$10,000	CEO
	Maximum limits Monthly limit \$10,000 Single transaction \$5,000	Managers
	Maximum limits Monthly limit \$5,000 Single transaction \$1,000	Coordinators

## 7.12 Financial: Bad Depts

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve write-off of bad debts.	In accordance with Regulation 32 of LG General Regulations	Council
Approve write-off of cash losses; thefts or shortages; furniture, plant or equipment losses, thefts or destruction.	In accordance with Regulation 32 of LG General Regulations	Council
Approve debt recovery payment terms.	\$5,000 (May not exceed)	Finance Manager
	\$50,000 (May not exceed)	CEO
	\$50,000 (In excess of)	Council
Correct administrative errors.	\$50,000 (May not exceed)	Finance Manager
	\$50,000 (In excess of)	CEO

## 7.13 Financial: Credit Notes

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Approve credit notes.	\$5,000 (In excess of)	CEO
	\$5,000 (May not exceed)	Manager

## 7.14 Financial: Fee and Charges

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Negotiation with fee and charges.	\$5,000 (In excess of)	Council
	\$5,000 (May not exceed)	CEO
	\$1,000 (May not exceed)	Manager

## 7.15 Financial: Grants

Function	Amount and/ or Qualification (Where applicable)	Delegated Authority
Applying for grants.	Where related (direct or indirect) future financial commitment to Council is up to \$50k	Manager Coordinators
	Where related (direct or indirect) future financial commitment to Council is up to \$200k	CEO
	Where related (direct or indirect) future financial commitment to Council is > \$200k	Council

## AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
2.1.1 Powers of Entry	15 Dec 2021	Amended delegation	Added Ranger and Manager Infrastructure as Subdelegates	Nil
2.1.2 Declare Vehicle is Abandoned Vehicle Wreck	15 Dec 2021	Amended delegation	Added Manager Infrastructure, Ranger and Governance & Risk Coordinator as Subdelegates	Nil
2.1.3 Confiscated or Uncollected Goods	15 Dec 2021	Amended delegation	Added Manager Infrastructure, Ranger and Governance & Risk Coordinator as Subdelegates	Nil
2.1.4 Disposal of Sick or Injured Animals	15 Dec 2021	Amended delegation	Added Ranger as subdelegate	Nil
2.1.5 Close Thoroughfares to Vehicles	15 Dec 2021	Amended delegation	Added Manager Infrastructure as subdelegate	Nil
2.1.7 Tenders for Goods and Services	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil
2.1.8 Panels of Pre-Qualified Suppliers for Goods and Services	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil
2.1.9 Disposing of Property	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services and Manager Infrastructure as Subdelegates	Nil
2.1.10 Payments from the Municipal or Trust Funds	15 Dec 2021	Amended delegation	Added Subdelegates: Senior Finance Officer Coordinator Infrastructure Manager Finance and Corporate Services Manager Infrastructure	Nil
2.1.11 Defer, Grant Discounts, Waive or Write Off Debts	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil
2.1.13 Rate Record Amendment	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil
2.1.14 Recovery of Rates or Service Charges	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil

<b>Delegation</b>	<b>Approved or adopted</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
2.1.15 Agreement as to Payment of Rates and Service Charges	15 Dec 2021	Amended delegation	Added Manager Finance and Corporate Services as Subdelegate	Nil
3.1.1 Building Permits	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil
3.1.2 Demolition Permits	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil
3.1.3 Occupancy Permits or Building Approval Certificates	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil
3.1.4 Inspection and Copies of Building Records	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil
4.1.1 Cat Registrations	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator and Ranger as Subdelegate	Nil
5.1.1 Food Business Registrations	15 Dec 2021	Amended delegation	Added Governance & Risk Coordinator as Subdelegate	Nil