DELEGATED AUTHORITY REGISTER 2025

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REGISTER OF DELEGATIONS

The Local Government Act 1995 (the Act) was introduced on 1 July 1996 and made significant changes to the way local government conducts its business. Its general aim was to enable local governments to provide good, open and accountable government to its people.

It is important to note that not all delegations in this Register are delegations made under the Local Government Act 1995. Although the Local Government Act 1995 allows delegation only to the CEO other Acts allow delegations to be made direct to other employees, for example, the Health Act 1911 and the Dog Act 1976. In some instances, other Acts do not give authority for the person delegated the power to sub-delegate that power. In those instances, if the delegation is made to the CEO, the CEO therefore cannot sub-delegate. This Register attempts to ensure delegations are made to the employee whose task it is to enforce the Act concerned.

One of the changes was the degree of delegated authority available to be passed onto the Chief Executive Officer or a committee in order to manage the day-to-day operations of the Shire.

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. All delegations made by the Council must be by an absolute majority decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government,
- Accepting a tender that exceeds an amount set by the local government,
- Appointing an auditor,
- Acquiring or disposing of property valued at an amount higher than that determined by the local government,
- Any of the local government's powers under section 5.98, 5.99 and 5.100 of the Act,
- Borrowing money on behalf of the local government,
- Hearing or determining an objection of a kind referred to in section 9.5,
- Any power or duty that requires the approval of the Minister or the Governor, or
- Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his/her powers to another employee – this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he/she desires.

A register of delegations (being this document) relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that he/she has been delegated, the Act requires him/her to keep necessary records of the exercise of the power or discharge of the duty. The written record is to contain:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The person or classes of person, other than council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.

The aim of this register of delegations is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.

Acting Through Another Person

***Local Government Act* 1995 – Section 5.45(2)**

Nothing in this Division (Division 4 – Local Government Employees) is to be 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 key difference between a delegation and "acting through" is that a delegate exercises the delegated decision making function in their own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The functions of a local government are spelt out in Section 3.1, "General Function" and Division 2 and Division 3 of Part 3 of the *Local Government Ac*t 1995. The functions of the CEO are set out in Section 5.41 of the *Local Government Act 1*995. The CEO can act through another person by giving instructions to that person to undertake one or more of those functions.

1. Appointment of Acting CEO

Function to be performed	The Chief Executive Officer to appoint an Acting Chief Executive Officer.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation	That CEO appoint an Acting Chief Executive Officer
Conditions	Subject to: • Appointments being no longer than 30 working days; • Council Members to be advised. • The CEO must be satisfied that the person appointed as Acting CEO is suitably qualified for the position (refer to section 5.36(2)(a) of the *Local Government Act*).
Statutory reference	*Local Government Act 1995*; section 5.36 and section 5.41
Council Policy Link	Council Policy Manual

2. Payments from the Municipal Fund and Trust Fund

Function to be performed	Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, 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.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to make payments from the municipal fund, credit card or the trust fund, pursuant to the *Local Government (Financial Management) Regulations 1996*,**Regulation 12(1)(a)(b)**.
Conditions	Subject to the requirements of the *Local Government (Financial Management) Regulations 1996*, **Regulation 13**.
Statutory reference	*Local Government (Financial Management) Regulations 1996*, **Regulation 12(1)(a)(b)**.
Council Policy Link	Council Policy Manual

3. Appointment of Contractors & Consultants

Function to be performed:	The Chief Executive Officer to appoint Consultants and Contractors to enable the proper administration of the Shire's business and operations.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint consultants and contractors, including but not limited to architects, auctioneers, engineers, planners, quantity surveyors, solicitors, surveyors, valuers, selling and leasing agents, to enable the proper administration of the Shire's business and operations.
Conditions:	Subject to: • funding being available in the Budget; • The value of the contract shall not exceed $250,000. • Quotations to be obtained, in accordance with Council Purchasing Policy.
Statutory reference:	*Local Government Act 1995*, ***Sections 3.1, 3.18, 5.41(d)*** *and* ***6.8***.

4. Obtaining Legal Advice

Function to be performed:	A local government may at times require legal advice or assistance.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to obtain legal advice and assistance to enable the proper administration of the Shire's business and operations and to provide advice to the Council, as required.
Conditions:	Subject to Council Policy
Statutory reference:	*Local Government Act 1995*, **Section 5.41(a), (b) and (d)**.
Council Policy Link	Council Policy Manual

5. Preparation of the Annual Report

Function to be performed:	A local government is to prepare an annual report for each financial year.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to prepare an annual report for each financial year.
Conditions:	The Annual Report is to be submitted to the Council for adoption.
Statutory reference:	*Local Government Act 1995*, **Section 5.53**.

6. Making Payments to Employees in Addition to Contract or Award

Function to be performed:	A local government can approve of payments to employees in addition to their contract or Award.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
Conditions:	Subject to: 1. Council Policy 2. Budget allocation.
Statutory reference:	*Local Government Act 1995, **Sections 5.42** and **5.50**.*
Council Policy Link	Council Policy Manual

7. Amending the Rate Record

Function to be performed:	A local government is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer

Sub-delegation to:	Executive Manager Finance and Administration / Consultant Rates Officer
Delegation:	The Chief Executive Officer is delegated the power to determine whether to amend the rate record for the preceding five years, pursuant to the *Local Government Act 1995*, **Section 6.39**.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 6.39(2)**.

8. Agreement as to Payment of Rates and Service Charges

Function to be performed:	A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Finance and Administration
Delegation:	The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, pursuant to the *Local Government Act 1995*, **Section 6.49**.
Conditions:	Subject to: • the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following. • Council Policy • The full details of the determination to be recorded in the appropriate rate record.
Statutory reference:	*Local Government Act 1995*, **Section 6.49**.
Council Policy Link	Council Policy Manual

9. Rates or Service Charges Recoverable in Court

Function to be performed:	If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil

Delegation:	The Chief Executive Officer is delegated the power to determine that court action will be taken, pursuant to the *Local Government Act 1995*, **Section 6.56(1)**.
Conditions:	Council Policy 2.8
Statutory reference:	*Local Government Act 1995*, **Section 6.56(1)**.
Council Policy Link	Council Policy Manual

10. Require Lessee to Pay Rent in Satisfaction of Rates or Service Charge

Function to be performed:	If payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine that notice be given to the lessee requiring payment of the rates or service charges, pursuant to the *Local Government Act 1995*, **Sections 6.60(2) and (3)**.
Conditions:	Council Policy
Statutory reference:	*Local Government Act 1995*, **Section 6.60(2)**.
Council Policy Link	Council policy Manual

11. Recover Amount of Rates or Service Charge from Lessee as Debt

Function to be performed:	A local government may recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to recover the amount of rate or service charge as a debt from the lessee if rent is not paid, pursuant to the *Local Government Act 1995*, **Section 6.60(4)**.
Conditions:	Council Policy

Statutory reference:	*Local Government Act 1995*, **Section 6.60(4)**.
Council Policy Link	Council policy Manual

12. Recovery of Debts (other than Rates or Service Charges)

Function to be performed:	If a debt (other than a rate or service charge) remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to take action to recover any outstanding debts pursuant to the *Local Government Act 1995*, **Section 6.10**.
Conditions:	Council Policy
Statutory reference:	*Local Government Act 1995*, **Section 6.10**; and *Local Government (Financial Management) Regulations 1996*, **Regulation 5(a)**.
Council Policy Link	Council policy Manual

13. Signing of Requisitions and Purchase Orders

Function to be performed:	A local government can sign Requisitions and Purchase Orders.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Various staff members as recorded in the Sub-Delegations Register
Delegation:	The Chief Executive Officer is delegated the power to sign Requisitions and Purchase Orders.
Conditions:	Limit as per Signing Authority determined by the CEO. In accordance with Council *"Purchasing"* Policy
Statutory reference:	*Local Government Act 1995*, **Section 3.1**; and *Local Government (Financial Management) Regulations 1996*, **Regulation 5**.
Council Policy Link	Council Policy Manual

14. Issue of Petty Cash Advances

Function to be performed:	A local government can issue Petty Cash Advances.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Finance and Administration
Delegation:	The Chief Executive Officer is delegated the authority to issue Petty Cash Advances.
Conditions:	The acquittal of petty cash advances expended is to be supported by sufficient receipts/ information/documentation to prove the expenditure.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**; and *Local Government (Financial Management) Regulations 1996*, **Regulations 5 and 11**.

15. Submission of Grants and Subsidy Applications

Function to be performed:	A local government can submit grant and subsidy applications.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	• Council's grant officer – at the request of the CEO • Council's Engineers – at the request of the CEO • Council's Accountants – at the request of the CEO • Staff as directed by the CEO
Delegation:	The Chief Executive Officer is delegated the authority to submit grant and subsidy applications.
Conditions:	That sufficient financial resources have been budgeted when the grant requires a co-contribution or there is provision in a reserve account or the grant is such that making application fits in the Strategic Community Plan.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**; and *Local Government (Financial Management) Regulations 1996*, **Regulation 5**.

16. Negotiating Terms and Conditions for Leases and Properties

Function to be performed:	A local government can negotiate Terms and Conditions for Leases and Properties.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the authority to negotiate Terms, Conditions and Assignment of Rent for Leases and Properties.
Conditions:	Finalised Terms and Conditions to be Approved by the Council as soon as practicable.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

17. Representing Local Government in Court

Function to be performed:	A local government shall, in writing, appoint persons to represent the local government in court.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint a persons to represent the local government in court proceedings either generally or in a particular case.
Conditions:	The authorisation is to be recorded on the person's personnel file.
Statutory reference:	*Local Government Act 1995*, **Section 9.29 (2)**.

18. Dog Act 1976

Function to be performed	A local government may delegate to its Chief Executive Officer any power or duty of the local government under another provision of the *Dog Act 1976*
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil

Delegation:	That the Chief Executive Officer be delegated any power or duty under the *Dog Act 1976*
Conditions:	1. The authority to appoint a person under **Section 29(1),** shall only be approved by the Chief Executive Officer. 2. The authority to declare a dog to be dangerous, pursuant to *Dog Act 1976* **Section 33E,** shall only be approved by the Chief Executive Officer. 3. The authority to sign any Warrant to seize, detain and deal with any dog pursuant to *Dog Act 1976* **Section 29 (5a),** in accordance with **Sections 33G or 39,** shall only be approved by the Chief Executive Officer. 4. Withdrawal of an infringement can only be approved by the Chief Executive Officer.
Statutory reference:	*Dog Act 1976*, **Section 10AA**

19. Liquor Control Act 1988 – Issue of Certificates Under Section 39

Function to be performed:	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the Shire of Upper Gascoyne, pursuant to the *Liquor Control Act 1988*, **Section 39**.
Conditions:	Nil
Statutory reference:	*Liquor Control Act 1988*, **Section 39**.

20. Liquor Control Act 1988 – Issue of Certificates Under Section 40

Function to be performed:	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which

	the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the City, pursuant to the *Liquor Control Act 1988*, **Section 40**.
Conditions:	Nil
Statutory reference:	*Liquor Control Act 1988*, **Section 40**.

21. Bush Fires Act 1954 – Powers and Duties

Function to be performed:	A local government is empowered with all powers, duties and functions under the *Bush Fires Act 1954*.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of the *Bush Fires Act 1954*.
Conditions:	Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
Statutory reference:	*Bush Fires Act 1954*, **Section 48**.

22. Bush Fires Act 1954 – Firebreaks Around Properties

Function to be performed:	A local government can take measures for preventing a bush fire, including requesting firebreaks around properties.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Shire Appointed Contract Ranger
Delegation:	The Chief Executive Officer is delegated the power to take measures for preventing a bush fire, including requesting firebreaks around properties.
Conditions:	Nil
Statutory reference:	*Bush Fires Act 1954*, **Section 33**.

23. Bushfires Act 1954 – Prohibited Burning Times

Function to be performed:	A local government can determine to vary Prohibited Burning Times, in accordance with the *Bush Fires Act 1954*, **Sections 17(7) and (8)**,regarding: • shortening, extending, suspending or reimposing a period of prohibited burning times; or • imposing a further period of prohibited burning times.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to: • shorten, extend, suspend or reimpose a period of prohibited burning times; or • impose a further period of prohibited burning times.
Conditions:	Nil
Statutory reference:	*Bush Fires Act 1954*, **Section 17(10)**.

24. Bush Fires Act 1954 – Prosecutions and Infringement Notices

Function to be performed:	A local government can consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to institute and carry out legal proceedings for alleged offences against the *Bush Fires Act 1954*, including the power to issue an Infringement Notice.
Conditions:	**Chief Executive Officer to sign any Prosecution Notices.** ***Note: s59A(3) and Bush Fires (Infringements) Regulations 1958, Reg.4(a)provide that only the Shire President or the Chief Executive Officer may withdraw an infringement notice.***
Statutory reference:	*Bush Fires Act 1954*, **Section 59(3)** Prosecution of Offences and **Section 59A(2)** Alternative Procedure – Infringement Notices.

25. Food Act 2008 – Appointment of Authorised Persons

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of the *Food Act 2008*.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 9.10(1)**. *Food Act 2008, Section 122, s.126 (2).*

26. Food Act 2008 – Appointment of Persons to Withdraw Infringement Notices

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	**The Chief Executive Officer is delegated the authority to** withdraw an Infringement or grant an extension of time for payment **pursuant to section 126 (6), (7) & (13) of the Act.**
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 9.10(1)**. *Food Act 2008, S.126 (6), (7) & (13).*

27. Food Act 2008 – Registration of Food Businesses

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer

Delegation:	The Chief Executive Officer is delegated the power to sign and issue any registration approvals to operate a Food Business under the *Food Act 2008*, **s.110**.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 9.10(1)**.

28. Health Act 1911 – Appointment of Deputy, Discharge of Powers and Duties

Function to be performed:	A local government may appoint and authorise any person to be its deputy under the *Health Act 1911* to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer
Delegation:	**The Chief Executive Officer is delegated the power to be its *Health Act 1911* deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.**
Conditions:	The Chief Executive Officer, shall: (i) approve of all legal action and sign Prosecution Notices; and (ii) sign all Notices.
Statutory reference:	*Health Act 1911*, **Section 26**.

29. Approval of Building Permits

Function to be performed:	Approve Building Permits
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract EHO / Building Surveyor
Delegation:	The CEO is delegated the authority to grant or refuse the issue of a **building Permits** in the prescribed form pursuant to *Building Act 2011*, **Section 20, 22 & 127.**

Conditions:	Nil
Statutory reference:	*Building Act 2011*, **Sections 20, 22 and 127**. Division 2 of Part 2. Divisions 1, 2 and 4 of Part 4.

30. Grant of Occupancy Permit, Building Approval Certificate, with or without conditions & extension of period of duration of Occupancy Permit or Building Approval Certificate.

Function to be performed:	Authority to issue occupancy permits, certificates of construction appliance, grant permits, issue building orders and notices and perform associated functions of a permit authority pursuant to the *Building Act 2011*.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract EHO / Building Surveyor
Delegation:	The officers are delegated the power to issue Certificates of Occupancy, Building Approval certificates and extensions of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the *Building Act 2011*, **Sections 58, 59, 62, 65 and 127**.
Conditions:	Nil
Statutory reference:	*Building Act 2011*, **Sections 58, 59, 62, 65 and 127**.

31. Approve a Demolition Permit Other Than for Buildings Classified by the National Trust and Council's Heritage Register

Function to be performed:	To grant or refuse to approve applications for a Demolition Permit.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract EHO / Building Surveyor
Delegation:	The CEO is delegated authority to grant or refuse a **Demolition Permit** other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the *Building Act 2011*, **Sections 21, 22 & 127**.
Conditions:	Nil
Statutory reference:	*Building Act 2011*, **Sections 21, 22 and 127**.

32. Issue Building Orders

Function to be performed:	A Permit Authority may make an Order (a Building Order) in respect of one or more of the following - (a) particular building work; (b) particular demolition work; (c) a particular building or incidental structure, whether completed before or after commencement day.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue Building Orders for works in contravention of the Act, pursuant to the *Building Act 2011*, **Sections 110, 111 and 112**.
Conditions:	1. Chief Executive Officer to sign the Building Order. 2. Subject to Sub-Section 112(2)(b) being conditional as follows; "*The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified".*
Statutory reference:	*Building Act 2011*, **Sections 110, 111 and 112**.

33. Revoke Building Orders

Function to be performed:	A Permit Authority may, by notice in writing, revoke a Building Order at any time and must serve each person to whom to order is directed with a copy of the notice.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to revoke Building Orders for works in contravention of the Act, pursuant to the *Building Act 2011*, **Section 117**.
Conditions:	Chief Executive Officer to sign the notice to revoke a Building Order.
Statutory reference:	*Building Act 2011*, **Section 117**.

34. Issue Licence to Deposit Material on Street

Function to be performed:	No person shall deposit stones, bricks, lime, rubbish, timber, iron, or other materials on a street, way, or other public place, nor make an excavation on land abutting or adjoining a street, way, or other public place, unless authorised to do so by an Act or unless he has first obtained from the local government in whose district the street, way, public place, or land is situated a licence in writing for that purpose, nor unless, in the case of an excavation he has securely fenced off the place where it is to be made from the street, way, or other public place, nor unless he complies with the conditions, if any, of the licence.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer Contract Building Surveyor
Delegation:	The Chief Executive Officer is delegated the power to issue licenses for the **deposit of materials on a street**, way or other public place and to make an excavation on land abutting or adjoining a street, way, or other public place, pursuant to the *Local Government (Miscellaneous Provisions) Act 1960*, **Section 377**.
Conditions:	Nil
Statutory reference:	*Building Regulations 2012*, **Regulation 64**.

35. Appoint Authorised Persons (Swimming Pool Inspectors)

Function to be performed:	A local government may appoint an Authorised Person to carry out inspections of pools. An **"authorised person"** means a person with appropriate experience or qualifications authorised by the local government for the purposes of this section.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	EHO / BS
Delegation:	**The Chief Executive Officer is delegated the power to appoint authorised persons for the purpose of inspecting private swimming pools and enforcing the provisions of the Act, pursuant to the *Building Regulations 2012*,** Regulation 53(1).
Conditions:	The authorisations to be in writing and recorded on the appropriate file and the person's personal file.
Statutory reference:	*Building Regulations 2012*, **Regulation 53(1)**.

36. Disturbing Local Government Land or Anything On It

Function to be performed:	A person who, without lawful authority interferes with the soil of, or anything on, land that is local government property; or takes anything from land that is local government property, commits an offence.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to interfere with soil or take anything from local government land, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 5(1)** and **Schedule 3.1, Division 2, Item 2** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 5(1)**.

37. Obstructing A Public Thoroughfare

Function to be performed:	A person who, without lawful authority, places on a public thoroughfare anything that obstructs it commits an offence if the person fails to remove the obstruction when requested by the local government to do so, or if anything falls from land, or from anything on land, onto a public thoroughfare and obstructs it, a person who is the owner or occupier of the land commits an offence if the person fails to remove the obstruction when requested by the local government to do so.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to obstruct a public thoroughfare, pursuant to the *Local Government (Uniform Local Provisions) Regulations 199*6, **Regulation 6 (1) and Schedule 3.1, Division 2, Item 2** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 6(1)**.

38. Encroaching A Public Thoroughfare

Function to be performed:	A person who is the owner or occupier of land and, without lawful authority erects on the land a structure that encroaches upon a public thoroughfare; or permits a tree or other plant growing on the land to encroach upon a public thoroughfare, commits an offence if the person fails to remove the structure or plant, to the extent that it is encroaching, when requested by the local government to do so.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to erect a structure or permit a tree that encroaches a public thoroughfare, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 7(1) and Schedule 3.1, Division 2, Item 2** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 7(1)**.

39. Offences Relating to the Repair of Gates and Fences

Function to be performed:	A person who is the owner or occupier of land commits an offence if any fence or gate that separates the land from a public thoroughfare is not kept in good repair. A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to provide a gate or other device across a public thoroughfare or serve a Notice to request the owner or occupier to repair a gate or fence, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*,**Regulation 8(1) and Schedule 3.1, Division 2, Item 2** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 8(1)**.

40. Dangerous Excavation in or Near Public Thoroughfare

Function to be performed:	If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous it may fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	**The Chief Executive Officer is delegated the power to deem an excavation to be dangerous and to fill in or fence the excavation, or serve a Notice to request the owner or occupier to fill or securely fence the excavation, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*,** Regulation 11(1) and Schedule 3.1, Division 2, Item 2 **and *Local Government Act 1995*,** Section 3.25(1)(b).
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 11(1)**.

41. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare Without Approval

Function to be performed:	Upon application the local government may approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 12(1)**.
Conditions:	Approvals are subject to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 14(2)**.
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 12(1)**.

42. Requirement to Construct and Repair a Crossover

Function to be performed:	A local government may give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. If the person fails to comply with the notice, the local government may construct or repair the crossing and recover 50% of the cost.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing if the person does not comply, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulations 13(1)** and **(2)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 13(1) and (2)**.

43. Private Works On, Over Or Under Public Places

Function to be performed:	A local government may grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 17** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Approvals are subject to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 14(2)**.
Statutory reference	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 17(2)**.

44. Offences Relating to Watercourses, Drains, Tunnels and Bridges

Function to be performed:	A local government may grant permission to a person to, alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant permission to a person to alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 18** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Approvals are subject to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 14(2)**.
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 18(1)**.

45. Offences Relating to the Protection of Thoroughfares from Water Damage

Function to be performed:	A local government may grant permission to a person to alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant permission to a person to alter, obstruct, or interfere with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is local government property, pursuant to the ***Local Government (Uniform Local Provisions) Regulations 1996*****,** Regulation 19 **and *Local Government Act 1995*,** Section 3.25(1)(b)**.**
Conditions:	Approvals are subject to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 14(2)**.
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 19(1)**.

46. Actions Against Persons in Relation to Wind Erosion and Sand Drifts

Function to be performed:	A local government may give a notice under this regulation to a person who is the owner or occupier of land, if the local government considers that clearing the land of vegetation may cause the land having a common boundary with land that comprises local government property to be adversely affected by wind erosion or sand drift.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to serve a Notice on a person to prevent wind erosion or sand from escaping a property onto other private land or land that is local government property, pursuant to the *Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 21** and *Local Government Act 1995*, **Section 3.25(1)(b)**.
Conditions:	Nil
Statutory reference:	*Local Government (Uniform Local Provisions) Regulations 1996*, **Regulation 21(1)**.

47. Unauthorised Works in a Street – Serving of Notices

Function to be performed:	A local government may serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission.
Conditions:	Chief Executive Officer to sign any Notices.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

48. Works in the Street

Function to be performed:	A local government may grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations or individuals, including the approval of applications to protect verges.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations or individuals, including the approval of applications to protect verges.
Conditions:	(i) That the proposed works are legal and do not adversely affect the safety, functionality and aesthetics of the street or adjoining properties to an unacceptable degree. (ii) The owners and occupiers of adjoining properties should be consulted as appropriate prior to approval being determined. (iii) If there are objections to the proposal, it be referred to the Council for determination.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

49. Reinstatement of Roads and Footpaths

Function to be performed:	A local government may grant and impose conditions for persons or agencies undertaking works in the street and to apportion responsibility for the cost of road and footpath reinstatements resulting from works undertaken by other persons' or agencies' undertakings.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant and impose conditions for persons or agencies undertaking works in the street and to apportion responsibility for the cost of road and footpath reinstatements resulting from works undertaken by other persons' or agencies' undertakings.
Conditions:	Subject to the lodgement of a bond for work performance and the payment of the cost of any re-instatement works.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

50. Approval of Works Orders to Public Utility Service Authorities

Function to be performed:	A local government may approve the issuing of works orders to public utility service authorities for service modifications or upgrading associated with approved projects.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to approve the issuing of works orders to public utility service authorities for service modifications or upgrading associated with approved projects.
Conditions:	That the works are associated with projects that have obtained the approval of the Council as necessary and are within the approved budget allocation.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

51. Approval of Design Projects

Function to be performed:	A local government may approve detailed design plans for projects or components of projects that have been approved by the Council to concept plan level.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract Building Surveyor Environmental Health Officer Town Maintenance Supervisor
Delegation:	The Chief Executive Officer is delegated the power to approve detailed design plans for projects or components of projects that have been approved by the Council to concept plan level.
Conditions:	That the detailed designs are consistent with the concept plans approved by the Council.
Statutory reference:	*Local Government Act 1995*, **Section 3.1**.

52. Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land

Function to be performed:	A local government may give a person a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue a notice in writing relating to the land requiring the person to do anything specified in **Schedule 3.1**, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2 including the following: 1. prevent **water** from dripping or running from a building; 2. placing a **number** on a property to indicate an address; 3. **repair** a public thoroughfare; 4. ensure that land that adjoins a public thoroughfare is suitably **enclosed**; 5. ensure **unsightly land** is enclosed; 5A. ensure **overgrown vegetation, rubbish or disused material** is removed from land; 5B. ensure that **graffiti** is obliterated; 6. take measures to prevent movement of **sand, rocks** etc.; 7. ensure that land adjoining a **public thoroughfare** is not overgrown; 8. removing a **tree** or part that is obstructing a thoroughfare; 9. ensuring that a tree that endangers any person is made safe (**dangerous tree**); 10. taking specified measures to prevent damage to the public or property from **cyclonic activity**; 11. remove **bees** that are a danger or nuisance; 12. ensure that **unsightly dilapidated or dangerous fence** is modified or repaired; 13. take measures to prevent **artificial light** or other light being omitted or reflected to remove a nuisance; 14. make safe anything that is **obstructing a private thoroughfare**.
Conditions:	The Chief Executive Officer may form an opinion that the things to be performed is necessary to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
Statutory reference:	*Local Government Act 1995*, **Section 3.25**.

53. Additional Powers When Giving a Notice Under S.3.25 of the Act

Function to be performed:	If a person who is given a notice under Section 3.25 of the Act fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to do anything that they consider necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
Conditions:	The Chief Executive Officer may form an opinion that the things to be performed is necessary to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
Statutory reference:	*Local Government Act 1995*, **Section 3.26**.

54. Performing Particular Things on Land which is not Local Government Property

Function to be performed:	A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to carry out things prescribed in **Schedule 3.2** even though the land is not local government property and the local government does not have consent to do it, as follows: 1. Carry out works for the **drainage of land**. 2. Do **earthworks** or other works on land for preventing or reducing flooding. 3. **Take from land** any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the

	local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate. 4. **Deposit and leave on land** adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engage in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require. 5. Make a **temporary thoroughfare** through land for use by the public as a detour while work is being done on a public thoroughfare. 6. Place on land **signs** to indicate the names of public thoroughfares. 7. **Make safe a tree** that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations. 8. **Obliterate graffiti** that is visible from a public place and that has been applied without the consent of the owner or occupier.
Conditions:	The Chief Executive Officer may form an opinion that the things to be performed is essential to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
Statutory reference:	*Local Government Act 1995*, **Section 3.27**.

55. Power of Entry

Function to be performed:	The power of entry is conferred on a local government which is performing any function under the *Local Government Act 1995*.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to authorise persons with the powers of entry, when performing any function of the local government.
Conditions:	Record in the appropriate file
Statutory reference:	*Local Government Act 1995*, **Section 3.28**.

56. General Procedure for Entering Property

Function to be performed:	A person authorised by the local government may lawfully enter land or premises or thing without the consent of the owner or occupier, unless the owner or occupier objects to the entry.

Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to authorise a local government person to lawfully enter land or premises or thing without the consent of the owner or occupier, unless the owner or occupier objects to the entry.
Conditions:	Record in the appropriate file
Statutory reference:	*Local Government Act 1995*, **Section 3.31(2)**.

57. Power to Remove and Impound Goods

Function to be performed:	An employee authorised by a local government may remove and impound any goods that are involved in a contravention that can lead to impounding and may use reasonable force to exercise the power.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to authorise an employee of the local government to remove and impound any goods that are involved in a contravention that can lead to impounding and may use reasonable force to exercise the power.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 3.39**.

58. Impounded – Non-Perishable Goods

Function to be performed:	Where any non-perishable goods have been removed and impounded, the local government is required to either: (a) institute a prosecution against the alleged defender; or (b) give the alleged offender notice that the goods may be collected from, specifying such hours.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to: (a) institute a prosecution against the alleged offender; or (b) give the alleged offender notice that the goods may be collected from, specifying such hours.

Conditions:	The Chief Executive Officer shall approve of all prosecutions and sign all Prosecution Notices.
Statutory reference:	*Local Government Act 1995*, **Section 3.39**.

59. Declaring a Vehicle to be an Abandoned Vehicle Wreck

Function to be performed:	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated authority to declare that a vehicle is an abandoned vehicle wreck under the *Local Government Act 1995,* **Section 3.40A(4)**.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Section 3.40A(4)**.

60. Disposing of Confiscated Goods

Function to be performed:	A local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under *Local Government Act 1995*, **Section 3.47**.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any goods that have been ordered to be confiscated subject to the *Local Government Act 1995*, **Section 3.47(1,2 & 2a)**.
Conditions:	The sale or disposal of goods or vehicles is to be recorded in appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.47(1, 2 & 2a)**.

61. Disposing of Uncollected Vehicles

Function to be performed:	A local government may sell or otherwise dispose of any vehicle that has not been collected within two months of a notice having been given under **Section 3.40(3)** or seven days of declaration being made that a vehicle is an abandoned vehicle wreck.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any vehicle not collected pursuant to the *Local Government Act 1995*, **Section 3.47(2)**.
Conditions:	Details of the sale or disposal of uncollected vehicles is to be recorded in the appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.47(2)**.

62. Disposing of Uncollected Impounded Goods

Function to be performed:	A local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in **Section 3.47(2b)** of the date a notice is given under the *Local Government Act 1995*, **Sections 3.42(1)(b) or 3.44**.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any uncollected impounded goods pursuant to the *Local Government Act 1995*, **Section 3.47(2a)**.
Conditions:	Details of the sale or disposal of uncollected impounded goods is to be recorded in the appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.47(2a)**.

63. Disposal of Sick or Injured Impounded Animals

Function to be performed:	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.
Delegated by:	The Shire of Upper Gascoyne Council

Delegated to:	Chief Executive Officer
Sub-delegation to:	Works and Services Manager
Delegation:	The Chief Executive Officer is delegated the power to determine that a sick or injured impounded animal be destroyed pursuant to the *Local Government Act 1995*, **Section 3.47A(1)**.
Conditions:	The details of sick or injured animals disposed of are to be recorded in the appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.47(1)**.

64. Recovery of Impounding Expenses

Function to be performed:	If goods are removed and impounded under **Section 3.39** and the offender is convicted, the local government may, if the goods are not sold, recover any expenses incurred in removing and impounded the goods and disposing of them.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine that court action be taken to recover impounding expenses pursuant to the *Local Government Act 1995*, **Section 3.48**.
Conditions:	The Chief Executive Officer shall approve of all legal action and sign all legal documents. The actions taken to recover impounding expenses are to be recorded in the appropriate record to meet legislative requirements.
Statutory reference:	*Local Government Act 1995*, **Section 3.48**.

65. Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)

Function to be performed:	A local government may close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the *Local Government Act 1995*, **Section 3.50 & 3.50(A)**
Conditions:	Nil

Statutory reference:	*Local Government Act 1995*, **Section 3.50 & 3.50(A)**.

66. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)

Function to be performed:	A local government may, after providing public notice of its intentions and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding four weeks.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the *Local Government Act 1995*, **Sections 3.50**.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995*, **Sections 3.50(1a) and 3.50(4)**.

67. Closing Certain Thoroughfares to Vehicles (Revocation)

Function to be performed:	An order to close a thoroughfare may be revoked by the local government.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to revoke an order to close a thoroughfare, pursuant to the *Local Government Act 1995*, **Section 3.50(6)**.
Conditions:	Details of the revocation of an order to close thoroughfares must be recorded in the appropriate register
Statutory reference:	*Local Government Act 1995*, **Section 3.50(6)**.

68. Partial Closure of Thoroughfare for Repairs and Maintenance

Function to be performed:	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is

	for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager Works and Services
Delegation:	The Chief Executive Officer is delegated the power to partially and temporarily close a thoroughfare, pursuant to the *Local Government Act 1995*, **Section 3.50A**.
Conditions:	• The road closure being limited to a minimum period as is practicable. • Access being maintained to properties. • Compliance with the Local Government Act 1995. Details of the closure to be recorded on the appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.50A**.

69. Power to Invest

Function to be performed:	Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with the *Trustees Act 1962*, Part III.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to invest money and establish investment internal control procedures, pursuant to the *Local Government Act 1995*, **Section 6.14** and *Local Government (Financial Management) Regulations 1996*, Regulation 19.
Conditions:	Subject to Council Policy
Statutory reference:	*Local Government Act 1995*, **Section 6.14(1)**; and *Local Government (Financial Management) Regulations 1996*, **Regulation 19**.
Council Policy Link	*Council Policy Manual 2.1 Investment Policy*

70. Extension of Time for Objection to the Rate Record

Function to be performed:	A local government may, on application by a person proposed to make an objection to the rate record, extend the time for making the objection for such period as it thinks fit.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to grant an extension to the time to make an objection, pursuant to the *Local Government Act 1995*, **Section 6.76(4)**.
Conditions:	An extension will only be granted for a maximum period of 30 days. The full details of the determination to be recorded in the appropriate rate record.
Statutory reference:	*Local Government Act 1995*, **Section 6.76(4)**.

71. Consider Objection to the Rate Record

Function to be performed:	A local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to consider any objection to the rate record and may either disallow it or allow it, wholly or in part, pursuant to the *Local Government Act 1995*, **Section 6.76(5)**.
Conditions:	The full details of the determination to be recorded in the appropriate rate record.
Statutory reference:	*Local Government Act 1995*, **Section 6.76(5)**.

72. Disposal of Surplus Plant, Equipment or Material

Function to be performed:	A local government can dispose of surplus plant, equipment or material
Delegated by:	The Shire of Upper Gascoyne Council

Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to dispose of plant, equipment or material.
Conditions:	Refer to Council Policy 2.11
Statutory reference:	*Local Government Act 1995*, **Section 3.58(2,3**.)
Council Policy Link	Council Policy Manual

73. Determining That Tenders Do Not Have to be Invited for the Supply of Goods and Services Function

Function to be performed:	A local government does not have to publicly invite tenders before it enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than $250,000 if it has good reason to believe that, because of the unique nature of the goods or services required or for any other reasons, it is unlikely that there is more than one potential supplier.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine that the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than $250,000.
Conditions:	The determination is to be supported by a detailed report. The determination is to be recorded in the appropriate record.
Statutory reference:	*Local Government Act 1995*, **Section 3.57(1)**; and *Local Government (Functions and General) Regulations 1996*, **Regulation 11(2)(f)**.

74. Tenders to be Invited for Certain Contracts

Function to be performed:	A local government is to publicly invite tenders before it enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than $250,000.

	Tenders do not have to be publicly invited according to the requirements, if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to publicly invite tenders before the Shire enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than $250,000, pursuant to the *Local Government (Functions and General) Regulations 1996*, **Regulation 11(1)** and *Local Government Act 1995*, **Section 3.57(1)**. The CEO is not required to publically invite tenders if meeting the requirements of section 11(2) of the Local Government (Functions and General) Regs 1996.
Conditions:	Tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future or separately approved by the Council. *Acceptance of the most advantageous tender is subject to the Regulations*. The invitation to tender is to be entered into the Tender Register in the prescribed manner.
Statutory reference:	*Local Government Act 1995*, **Section 3.57(1)**; and *Local Government (Functions and General) Regulations 1996*, **Regulation 11(1)(2) & 14.**

75. Minor Variation in Tender for the Supply of Goods or Services

Function to be performed:	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power, with the approval of the tenderer, to make a minor variation in the contract for goods or services before the Shire enters the contract with the successful tenderer, pursuant to the *Local Government (Functions and General) Regulations 1996*, Regulation 20(1,2 & 3).
Conditions:	That the variation is minor having regard to the total goods or services that tenderers were invited to supply.

Statutory reference:	*Local Government (Functions and General) Regulations 1996*, **Regulation 20(1, 2 & 3)**.

76. Seeking Expressions of Interest

Function to be performed:	If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services before entering the tender process.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to seek expressions of interest with respect to the supply of the goods or services before entering the tender process, pursuant to the *Local Government (Functions and General) Regulations 1996*, **Regulation 21(1)**.
Conditions:	Details of the express of interest sought must be recorded in the appropriate record and in the Tender Register as required by the *Local Government (Functions and General) Regulations 1996*, **Regulation 17**.
Statutory reference:	*Local Government (Functions and General) Regulations 1996*, **Regulation 21(1)**.

77. Minor Amendments to Policies and Delegations

Function to be performed:	Minor amendments to existing policies and delegations
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	That the Chief Executive Officer be delegated authority to make administrative amendments to Delegations and Policies, due to any changes in name or title of an officer or committee, re-numbering, reformatting or similar administrative requirement.
Conditions:	Providing any such amendment does not constitute a major change of duties or responsibilities of an officer or committee affected.
Statutory reference:	Local Government act 1995 - 5.42

78. Complaints Officer

Function to be performed:	To investigate complaints against the Council.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	Appoints the CEO as the complaints officer for the Shire of Upper Gascoyne for the purposes of compliance with the *Local Government Act 1995 s. 5.120*
Conditions:	Nil
Statutory reference:	*Local Government Act 1995 s. 5.120*

79. Appointment of Authorised Officers

Function to be performed:	To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the *Local Government Act 1995*.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	That the CEO be delegated the authority to appoint persons as authorised officers.
Conditions:	Nil
Statutory reference:	*Local Government Act 1995* s3.24 Authorising persons under this subdivision (*Subdivision 2 – Certain provisions about land*)s9.10 Appointment of authorised persons

80. Cat Act 2011 – Appointment of Authorised Officers

Function to be performed:	To appoint officer(s) to administer the *Cat Act 2011*.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to appoint Authorised Persons as required for the purposes of administering the requirements of the *Cat Act 2011*.
Conditions:	Nil

Statutory reference:	*Cat Act 2011* (s44 and s48)

81. Road Traffic (Events on Roads) Regulations

Function to be performed:	Temporarily close roads in order to hold events.
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	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 the *Road Traffic (Events on Roads) Regulations 1991.*
Conditions:	The Chief Executive Officer shall have regard to Section 3.50 of the *Local Government Act* 1995.
Statutory reference:	*Road Traffic (Events on Roads) Regulations 1991*

82. Local Government Elections & Other Polls

Function to be performed:	Fix a date for an extra – ordinary election
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	Council delegates its power to the Chief Executive Officer under Section 4.9(1)(b) of the Local Government Act to fix the day on which a poll is held for an extraordinary election if the Shire President has not already done so.
Conditions:	Compliance with the *Local Government (Elections) Regulations 1997.*
Statutory reference:	*Local Government Act 1995* Part 4.9

83. Insurance

Function to be performed:	Ensure that the Shire is adequately covered by insurance

Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance on behalf of the Shire.
Conditions:	Nil
Statutory reference:	Local Government Act 1995 – S6.7(2)

84. Authority to instigate legal proceedings

Function to be performed	The Chief Executive Officer to instigate legal proceedings
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation	That CEO instigate legal proceedings under the following acts including the Acts Subsidiary Legislation: • *Local Government 1995* • *Building Act 2011* • *Planning & Development Act 2005* • *Cat Act 2011* • *Dog Act 1976* • *Health Act 1911* • *Bush Fires Act 1954* • *Food Act – 2008* • *Local Government (Miscellaneous Provisions) Act 1960*
Conditions	Nil
Statutory reference	*Local Government Act 1995*; section 5.42

85. Town Planning Schemes 1 & 2 Planning Determinations

Function to be performed	The Chief Executive Officer to determine matters pertaining to planning where they conform to Council Policy, the Town Planning Scheme and or Planning Codes.

Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health / Building Officer
Delegation	1) Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies, as outlined below; 2) Determination of planning applications for uses listed as 'P' within the Town Planning Scheme provided the application conforms with all Scheme requirements and standards and any adopted policy of Council; 3) Determination of planning applications involving the discretionary powers of the Residential Design Codes providing the consultation process outlined within the Codes is adhered to and no objections were received from surrounding landowners; 4) Refusal of planning applications where the proposed use is not permitted by the Town Planning Scheme or does not comply with the non-discretionary powers of the Residential Design Codes or a mandatory statutory requirement of the Schemes or adopted Council Policy; 5) Providing responses to subdivision applications referred from the WAPC where the application generally complies with the provisions of the relevant Town Planning Scheme and adopted Council Policy or an endorsed Subdivision Guide Plan; 6) Providing responses to subdivision applications referred from the WAPC where the application requires Council to apply discretion under the Town Planning Scheme provided no objections were received during the advertising period and compliance with the objectives stated within the Town Planning Scheme; 7) Determination of applications for home occupations, home businesses and home offices subject to compliance with Council's adopted policy with respect to such applications. Any proposed home occupation, which received objections during the public consultation, will be referred to Council for determination; 8) Endorse submitted Deposited Plans for final clearance of subdivisions provided all conditions any adopted policy of Council have been satisfactorily complied with; 9) Issuing of planning consents and vary setbacks where minor adjustments to building setbacks are in accordance with Council Policy, Town Planning Schemes and

	Residential Design Codes; 10) Applications for planning consent for extensions/alterations to nonconforming uses in accordance with Town Planning Scheme; 11) Granting of planning approval with or without conditions under TPS 1 and 2 to development on a local reserve under the Scheme for the purpose for which it is reserved; 12) Granting of planning approval with or without conditions under TPS 1 and 2 for land zoned Restricted, Additional or Special Use for the purpose specified; 13) Determination of clearance of planning conditions imposed by planning approvals.
Conditions	Nil
Statutory reference	*Local Government Act 1995*; section 5.42

86. Execution of Documents

Function to be performed:	To sign documents on behalf of the Local Government.
Delegated by:	The Shire of Upper Gascoyne Shire Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	To generally sign documents on behalf of the Local Government.
Conditions:	Nil
Statutory reference:	Local Government Act 1995, section 9.49A

87. Authority to determine rate concessions

Function to be performed	To determine rate Concessions
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Executive Manager of Finance and Administration

Delegation	To decide whether to grant a concession in relation to a rate in respect of which a written application for a rate concession has been made by the leaseholder of pastoral land in the district that is within the Unimproved Value Pastoral Rating category – subject to, and in accordance with, the Conditions specified below.
Conditions	1. The principal factor in considering each application is the capacity of the applicant to pay. 2. A concession cannot exceed $20,000 per rating year. 3. A concession may be granted only in respect of one rating year. 4. A concession is not transferable.
Statutory reference	*Local Government Act 1995*; section 5.42 *Local Government Act 1995*; section 6.47

88. Authority to Accept or Reject Tenders

Function to be performed	To Accept or Reject Tenders
Delegated by:	The Shire of Upper Gascoyne Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation	To accept or reject tenders.
Conditions	1. Prior Council approval is required that stipulates the tender and the maximum tender amount the CEO can accept or reject, as the case requires. 2. Provides Council with a detailed assessment / justification report as soon as practicable.
Statutory reference	*Local Government Act 1995*; section 5.42 *Local Government Act 1995*; section 5.43 Local Government (Functions & General) Regulations 1996 – Reg 18