

CITY OF BELMONT

# Delegation Register 2022- 2023

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## City of Belmont

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## Introduction

Council is responsible for the overall government of the City's functions. The CEO is responsible for the day-to-day management of the administration of the City's functions amongst other functions such as advising Council.

Legislation applicable to local government may reserve specific powers and duties to the Council, the CEO or a defined authorised person or class of persons. Where legislation refers to a power or duty of the "local government" this is generally interpreted to mean the Council unless otherwise specified even if the power or duty is operational in nature.

Delegation of authority, where allowed, allows for efficient and timely decision making by local governments. Conditions or limitations may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

The delegation of a power or duty does not preclude a delegator from exercising or performing that power or duty itself or by acting through any employee authorised, by job description or otherwise, to carry out a function as the agent of, and on behalf of, the local government in accordance with approved policies.

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator. Legislation varies in how delegation of authority is provided for, including limitations, conditions and reporting or review requirements. Reviews of delegations, where required by law, are the responsibility of the delegator.

In some instances, it is most appropriate for a function to be exercised by the Council only and as such no delegation is made e.g. consideration of ward reviews and submissions.

Under the *Local Government Act 1995* (the Act) and some other legislation, persons affected by specified decisions made under delegated authority have a right under Part 9 Division 1 of the Act to lodge an objection to the decision, which must be considered by Council, and/or to seek a review of the decision by the State Administrative Tribunal.

## I Delegations by Local Government

The Act allows for the local government (Council) to delegate to the Chief Executive Officer (CEO) the exercise of any of its power or the discharge of any of its duties under the Act in order to effectively manage the day-to-day operations of the City.

The main consideration for a local government when deciding if it should delegate a power or duty is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

Some legislation may restrict the local government to delegating a power or function only to the local government CEO, although some acts provide for the local government to delegate to persons other than the CEO, such as other local

government employees or committees. The CEO may further delegate those powers to other officers only if sub-delegation is permitted by the legislation.

Delegations are required to be made in writing, and for Council delegations, this normally takes the form of a resolution that is recorded in the Council Minutes.

Under the Act, *Cat Act 2011*, *Dog Act 1976*, *Graffiti Vandalism Act 2016* and *Planning and Development (Local Planning Schemes) Regulations 2015*, delegations by Council must be made by absolute majority resolution. Other legislation does not require an absolute majority to grant, amend or revoke a delegation by Council.

The decision to revoke a delegation from the CEO must also be absolute majority.

The Act also allows for the CEO to delegate any powers or discharge of any of the CEO's duties to another employee other than the power of delegation (s 5.44(4)). There is no power other than for the CEO to delegate a power.

All delegations must be in writing and the CEO is able to make the delegation or sub-delegation subject to conditions or limitations. When an employee is acting in a position, they are deemed to be able to carry out the functions delegated to that position.

Delegations and authorisations from the Council directly to officers, other than the CEO, will be avoided unless legislation specifically provides that this is the only manner in which the power can be provided.

The ability to delegate a statutory function, power or duty must be described in a piece of legislation and is known as the power of delegation. It may be stated as a duty, function or power depending on the legislation. Delegations or authorisations may occur under legislation other than the Act, its regulations and the local government's local laws including but not limited to:

- *Planning and Development Act 2005* including regulations
- *Dog Act 1976* and regulations
- *Cat Act 2011* and regulations
- *Bush Fires Act 1954*, regulations and any local law created under that Act
- *Litter Act 1979* and regulations
- *Strata Titles Act 1985*
- *Local Government (Miscellaneous Provisions) Act 1960* as amended
- *Caravan Parks and Camping Grounds Act 1995*
- *Control of Vehicles (Off-Road Areas) Act 1978* and regulations
- *Building Act 2011* and regulations
- *Food Act 2008* and regulations

A Council delegation is not required where the legislation confers a specified function or power directly on the CEO or another defined class of authorised persons.

There also needs to be a specific function or duty that must be carried out under the legislation. The power must be able to be exercised by the person or body wanting to delegate that power and it must be contained in legislation that has an associated power of delegation.

A range of different powers can be delegated. An important aspect of any delegation of power is certainty as to the power being delegated. The person or body delegating authority should clearly specify in the instrument of delegation the statutory power or duty being delegated. This will ensure that the person exercising delegated authority can be certain of the extent of authority conferred by the delegation. The statutory reference to the power being delegated should be included in the instrument of delegation.

Reviewing the above list, it is clear that there is a limited range of legislation under which powers can be delegated. There is no express provision for a local government to delegate its functions under any other legislation. However, this does not prohibit the local government from “acting through” its officers for the purpose of legislation and the manner in which this can be achieved is detailed below.

The *Interpretation Act 1984* provides a standard basis on how terms across all Western Australian legislation can be interpreted such as computation of time. It also provides further information on how delegations work and provides a basis for allowing conditions or limitations to be made on the delegation; revocation of the delegation; the continuance of the delegation if a person is acting in the position to which the power is delegated.

## **II Matters which cannot be delegated**

The following cannot be delegated by Council to the CEO under the Act (s 5.43)

- any power or duty that requires a decision of an absolute majority of the council
- accepting a tender which exceeds an amount determined by the local government
- appointing an auditor
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government
- any of the local government’s powers under
  - s 5.98 – Fees etc for council members
  - s 5.98A – Allowance for deputy mayor or deputy president
  - s 5.99 Annual fee for council members in lieu of fees for attending meetings
  - s 5.99A Allowances for council members in lieu of reimbursement of expenses
  - s 5.100 Payment for certain committee members
- borrowing money on behalf of the local government
- hearing or determining an objection of a kind referred to in s 9.5
- the power under s 9.49A(4) to authorise a person to sign documents on behalf of the local government
- any power or duty that requires the approval of the Minister or the Governor
- such other powers or duties as may be prescribed.

## **III Acting Through**

Section 5.45 of the Act introduces the concept of “acting through.” In relation to delegations, s 5.45 of the Act states that nothing prevents a “local government from performing any of its functions by acting through a person other than the CEO” or “a CEO from performing any of his or her functions by acting through another person.”

While the Act does not specifically define the meaning of the term “acting through, it cites a key difference between a delegation and “acting through” in that a delegate exercises the delegated decision-making function in his or her 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.

For administrative purposes, a person may sign a letter in his or her own name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers is for it to make a policy about particular functions that it performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

#### **IV Register of Delegation**

Section 5.46 of the Act requires the CEO to maintain a register of delegations made to the CEO and to employees. These registers must be reviewed at least once every financial year and the requirement for records to be kept on the exercise of the delegation is also included.

A register of delegations made by the local government to a committee is also required to be kept and reviewed at least once every financial year under s 5.18 of the Act.

#### **V Standard Conditions of Delegation**

Individuals are responsible for ensuring that legislated requirements relating to the exercise of delegated power(s) are complied with.

Any person proposing to exercise a power under delegated authority shall comply with the following standard conditions of delegation:

1. Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation. However, it is understood that other staff may carry out administrative and technical work relating to those decisions.
2. Compliance with all relevant legislative requirements, Local Laws, Council Policies, resolutions of Council and the Business Management System Procedures.

3. Delegated authority cannot be exercised where a Financial Interest or an Interest Affecting Impartiality is evident.
4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall, as a minimum, record:
  - a. Date the decision was exercised;
  - b. Name of the Officer/Committee exercising the decision;
  - c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in Policies, Management Procedures or the Delegation Register;
  - d. Notation of the people or class of people directly affected by the decision (other than Council or Committee members or employees of the City).

Any exercising of a power and discharging of a duty must be recorded on the Record of Exercise of Power – Delegation of Authority Form and registered in ECM Folder 11/005 at the time of exercising the delegation.

5. Instruction is provided for each delegation on record keeping requirements. All records relating to an exercise of delegation must be recorded in the main official record keeping system of the City, ECM.

## **VI Delegations from other Agencies and Instruments of Delegation or other Acts**

Where legislation provides for the direct delegation to a person or a class of persons by other agencies or decision makers, no delegation is required from the local government. The authorisation is dealt with in the relevant legislation. Where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette. The Agencies are listed below and updated from time to time.

Department/Legislation
Department of Environment  <i>Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997</i>  Pursuant to section 20 Environmental Protection Act 1986 to the holder of the offices listed.
Department of Environment  <i>Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997</i>  Pursuant to section 20 <i>Environmental Protection Act 1986</i> to the holder of the offices listed.

Western Australian Planning Commission *Planning and Development Act 2005*  
Pursuant to section 16 of the Act (delegation) WAPC resolved on 26 May 2009

Western Australian Planning Commission *Planning and Development Act 2005*  
Pursuant to section 16 of the Act (delegation) WAPC Resolved on 15 December 2015

*Litter Act 1979* Pursuant to section 26 – Authorised officers, appointment and jurisdiction of etc.

*Main Roads Act 1930*

# LOCAL GOVERNMENT ACT 1995 DELEGATIONS

## 1.1 Council to CEO

### 1.1.1 Compensation – Damage Incurred when Performing Executive Functions

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 3.22(1) Compensation s 3.23 Arbitration
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. In accordance with s 3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of the City's functions and make payment of compensation [s 3.22(1)] if requested.</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s 3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Condition</b></p> <p>Financial Limits to Delegation is limited to settlements which do not exceed a material value of \$5000 per claim.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s 3.22(5) compensation is not payable for damage sustained as a result of certain functions s 3.23 Arbitration Schedule 3.1 Powers under notices to owners or occupiers of land Schedule 3.2 Particular things local governments can do on land even though it is not local government property
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	Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: 11/005.

**Version Control:**

1	New: Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.2 Powers of Entry

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 the subdivision applies s 3.32 Notice of entry s 3.34 Entry in an Emergency s 3.36 Opening Fences
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Give a notice of entry.</li> <li>2. Determine that an emergency exists for the purposes of performing local government functions.</li> <li>3. Execute an entry in an emergency.</li> <li>4. Give notice and execute the opening of a fence.</li> <li>5. The power of entry conferred, may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law.</li> </ol> <p><i>Local Government Act 1995 Part 3 Division 3 Subdivision 3 - Powers of entry</i></p>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>This delegation is not to be exercised unless evidence that the following sections of the Act have been complied with:</p> <p>3.31(1)(a) consent obtained from the owner or occupier; 3.31(1)(b) notice has been given under 3.32 3.34(2) Entry in emergency 3.36 (3) Opening fences</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Part 3 Division 3 Subdivision 3 - Powers of entry

	Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	<p>Record decisions to enter property.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg 19</p>

**Version Control:**

1	Incorporates DA02 Powers of Entry in Emergency in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.3 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The Authority to declare that a vehicle is an abandoned vehicle wreck.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 s3.40A</a> <a href="#">Local Government (Functions and General) Regulations 1996</a> Reg 29A Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

#### Version Control:

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.4 Confiscated or Uncollected Goods

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<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>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Nil</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995 s3.40A</a> <a href="#">Local Government (Functions and General) Regulations 1996</a> Regulation 30</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

#### Version Control:

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.5 Disposal of Sick or Injured Animals

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s 3.47A Dispose of sick or injured animals
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To authorise the humane disposal of an impounded animal where it is determined to be too ill or injured to be treated.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004)

#### Version Control:

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.6 Close Thoroughfares to Vehicles

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> Certain provisions about thoroughfares s 3.50 Closing certain thoroughfares to vehicles s 3.50A Partial closure of thoroughfares for repairs or maintenance s 3.51 Affected owners to be notified of certain proposals s 3.52 Public access to be maintained and plans kept
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authorised to close, revoke or vary the closure, of a thoroughfare to vehicles, wholly or partially, to vehicles for a period not exceeding 4 weeks;</li> <li>2. For periods exceeding 4 weeks, after considering any submissions that are received, having given local public notice of the proposed closure of the thoroughfare; and</li> <li>3. Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>This delegation is not to be exercised unless the following are evidenced as being complied with:</p> <ul style="list-style-type: none"> <li>• 3.50A exception to local public notice.</li> <li>• 3.50(4) before it makes an order, wholly or partially closing a thoroughfare, exceeding 4 weeks give local public notice: including location, where, when and why and inviting submissions; and give written notice to each person who is prescribed for the purposes or owns land that is prescribed for the purposes of this section; and allow a reasonable time for submissions to be made; and consider any submissions made.</li> <li>• 3.51(3) affected owners to be notified of certain proposals.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
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<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.
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**Version Control:**

1	Formerly DA03 Road Closures Temporary in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.7 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s 3.53 – Control of certain unvested facilities
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.

#### Version Control:

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.8 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 5(2) Interfering with, or taking from, local government land r 6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r 7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r 7 Encroaching on public thoroughfare – Sch.9.1. s 3(2)  <i>City of Belmont Consolidated Local Law 2020</i> Parts 3,6,7,8,9,10, 11 and 12
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:             <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r 5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r 6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r 6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r 7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r 7].</li> </ol>

	6. To carry out the powers, functions and duties of the City's local laws relevant to the obstruction of footpaths and thoroughfares.
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, if requested, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a> City of Belmont Policy Manual – Council City of Belmont Policy Manual – Operational Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.

	Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.
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**Version Control:**

1	Incorporates DA21 Verge Permits in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.9 Gates Across Public Thoroughfares

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 9 Permission to have gate across public thoroughfare – Sch.9.1 s 5(1)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r 9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r 9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r 9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r 9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r 9(6)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
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	<p><a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a>  City of Belmont Policy Manual – Council  City of Belmont Policy Manual – Operational  Operational Policy: BEXB32 Decision Making Policy –  Decision Level 3</p>
<b>Record Keeping:</b>	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.  Record Keeping requirement of <i>Local Government (Uniform Local Provisions) Regulations 1996</i> must be met.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.10 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 <i>City of Belmont Consolidated Local Law 2020 Part 3,</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r 11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r 11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r 11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r 11(8)].</li> <li>5. To carry out the powers, functions and duties of the City's local laws relevant to thoroughfares.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures
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	<p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a>  City of Belmont Policy Manual – Council  City of Belmont Policy Manual – Operational  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Reviewed ELT 18/5/2022 OCM 28/6/2022

### 1.1.11 Crossing from public thoroughfare to private land or private thoroughfare

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 s 7(2) r 13(1) Requirement to construct or repair crossing – Sch.9.1 s 7(3) <i>City of Belmont Consolidated Local Law 2020 Part 3,</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Upon application, approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land.</li> <li>2. Authority to determine the specifications for the construction of the crossing to the satisfaction of the Local Government.</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair crossing and if the notice is not complied with initiate works to construct/repair crossing and recover costs in accordance with Regulation 13.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a></p>
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	Council Policy 1 Asset Management Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.  Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.12 Requirement to construct and repair crossing

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 13(1) Requirement to construct or repair crossing – Sch.9.1 s 7(3) <i>City of Belmont Consolidated Local Law 2020</i> Part 3,
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r 14(2)(b) Role of Commissioner of Main Roads must be complied with.</li> <li>2. That due process be followed for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> for a notice served under Regulation 14(3).</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><a href="#">City of Belmont Consolidated Local Law 2020</a> Council Policy 1 Asset Management</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index: 11/005.

	Associated Documentation to be retained in relevant ECM index.
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**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.13 Private Works on, over or under Public Places

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r 17(4) & (5) Private works on, over, or under public places r 17(5) Imposition of conditions <i>City of Belmont Consolidated Local Law 2020</i> Parts 3,7,8
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Grant permission or conditional permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>  <a href="#">City of Belmont Consolidated Local Law 2020</a> Council Policy 1 Asset Management  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index.

#### Version Control:

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$250,000) & Associated Contract Variations

<p><b>Delegator:</b></p> <p>Power / Duty assigned in legislation to:</p>	<p>Council</p>
<p><b>Express Power to Delegate:</b></p> <p>Power that enables a delegation to be made</p>	<p><i>Local Government Act 1995:</i></p> <p>s 5.42 Delegation of some powers or duties to the CEO</p> <p>s 5.43 Limitations on delegations to the CEO</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Local Government Act 1995</i></p> <p>s 3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996 Part 4:</i></p> <p>r.11 When tenders must be publicly invited</p> <p>r.13 Requirements when local government invites tenders though not required to do so</p> <p>r.14 Publicly inviting tenders, requirements for</p> <p>r.18 Rejecting and accepting tenders</p> <p>r.20 Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>
<p><b>Delegate:</b></p>	<p>Chief Executive Officer</p>
<p><b>Function:</b></p> <p>This is a precis only.</p> <p>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</p>	<ol style="list-style-type: none"> <li>1. To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation.</li> <li>2. To authorise procurement and accept tenders in accordance with the conditions of this delegation.</li> <li>3. To vary a contract prior to entry into a contract with a successful tenderer in accordance with reg 20.</li> <li>4. To vary a contract already entered subject to reg 21A.</li> <li>5. To authorise procurement and accept quotations in accordance with the conditions of this delegation.</li> <li>6. To make, vary or discharge a contract that is formed through a non-tender process subject to reg 11(2).</li> </ol>
<p><b>Council Conditions on this Delegation:</b></p>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a>. This delegation must be read in conjunction with the Council approved Purchasing Policy and the regulations and the following specific additional conditions for this delegation.</p>

## **Additional Conditions:**

### **1. Tenders:**

Calling of tenders may only occur where there is an approved Council budget provision in the current year.

The Chief Executive Officer:

- may accept tenders, where there is a Council budget provision approved in the current year for the following:
  - Annual supplies of a routine operational nature within budget amount and where the contract is:
    - for no greater than 5-years and
    - expenditure is no more than \$250,000 per annum.
  - New capital items where the tender amount for the capital item is less than amount of \$250,000, including changeover costs where relevant and is within the identified budget amount.
- may reject tenders of any amount ((reg 18(5) *Local Government (Functions and General) Regulations 1996*))
- may accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the *Local Government Act 1995*.

### **2. Exemptions from Tender (Reg 11(2) *Local Government (Functions & General) Regulations 1996*) and Purchases (\$50,000-\$250,000)**

The CEO

- may authorise purchases that are exempt from tendering regulations as outlined in regulation 11.2, excluding 2(d) of the *Local Government (Functions and General) Regulations 1996*, (i.e. State Government Common User Arrangement (CUA); WALGA preferred Suppliers provided a Council approved budget position applies; and
- may approve purchases where there is a Council budget provision approved in the current year for the following:
  - Annual supplies of a routine operational nature within budget amount and where the contract is:
    - for no greater than 5-years; and
    - expenditure is no more than \$250,000 per annum.

- New capital items where the tender amount for the capital item is less than amount of \$250,000, including changeover costs where relevant and is within the identified budget amount.

### **3. Contract Variations**

#### **3.1 Contract Variations - Tender**

##### Pre-Contract:

*Note: A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply ((Local Government (Functions and General) Regulations 1996 Reg 20)), and:*

- *Does not alter the nature of the goods and/or services procured; and*
- *Does not materially alter the specification or structure provided for by the initial tender; and*
- *Is less than 10% of the original tendered price.*

*A tender **cannot** be varied outside the above definition.*

The CEO may approve minor variations (see definition above) regarding the scope of work specified in a tender, following the receipt of submission, but prior to entering into a contract, provided there are sufficient funds being available within the approved budget for that item ((Reg 20 *Local Government (Functions and General) Regulations 1996*)).

##### Post Contract:

The CEO may approve a variation(s) to tender, limited to 10% of the total tender value (cumulative), or the value of their purchasing authority, whichever is the lesser amount after entering into a contract where the variation was unforeseen and is necessary in order for the goods or services to be supplied, and does not significantly change the contract scope in accordance with Reg 21A(a) *Local Government (Functions and General) Regulations 1996*.

#### **3.2 Contract Variations - Exempt and Procurement (\$50,000 - \$250,000)**

##### Pre-Contract:

CEO may approve minor variations (see definition below) regarding to the scope of work specified in the quotation, following the receipt of submission, but **prior to entering into a contract** provided there are sufficient funds being available within the approved budget for that item.

- A minor variation is defined as a variation that the local government is satisfied, is minor having regard to the total goods or services that were invited to supply and:
  - Does not alter the nature of the goods and/or services procured; and
  - Does not materially alter the specification or structure provided for by the initial quotation process; and
  - Is less than 10% of the original quoted price.

**Post Contract:**

CEO may approve minor variations in a contract that has been entered into provided that there are sufficient funds, being available within the approved budget for that item and the variation complies with the definition of a minor variation above.

- Approve minor variations that were unforeseen and necessary for the supply of the goods or services.

Variations (in total) are limited to a maximum of 10% (cumulative total) of the procurement value for the contract; or the value of the delegated officers' purchasing authority, whichever is the lesser.

**4. Extension of Contracts:**

- Contracts formed from tender process:
  - Where a tender is accepted that includes an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option (Reg 21A(b) *Local Government (Functions and General Regulations 1996)*).
- Where any other contract is accepted with an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option.

**5. Expressions of Interest (EOI's) (Reg 21(1) Local Government (Functions & General) Regulations 1996):**

	To call, accept the short listing and if required reject all Expression of Interests.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995</u></a> <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a>  Council Policy 29 Purchasing Policy Operational Policy: BEXB32 Decision Making Policy – Decision Level 3  Purchase Orders – Authority Limits Policy
<b>Record Keeping:</b>	Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents.  Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records, are retained in the City’s record keeping systems.

**Version Control:**

1	Formerly incorporated as DA04 Tenders in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Amended ELT 18/5/2022 OCM 28/6/2022

### I.1.15 Acquisition of Land

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 3.59 Commercial enterprises by local government
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake the function of acquiring land, including lease and purchase.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Acquire 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000. 2. Acquire a leasehold interest in property for a cumulative cost over the life of the lease of up to \$1,000,000
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995:</a> s 3.59 Commercial enterprises by local government <a href="#">Local Government (Functions and General) Regulations 1996</a> Part 3 Council Policy 29 Purchasing Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index.

#### Version Control:

1	Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
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Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022
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### I.1.16 Disposal of Land

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 Disposal of Property
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Undertake the function of disposing of land including through lease and sale.</li> <li>2. Authority to dispose of property to:           <ul style="list-style-type: none"> <li>• the highest bidder at public auction [s 3.58(2)(a)].</li> <li>• 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 tender [s 3.58(2)(b)]</li> </ul> </li> <li>3. Authority to dispose of property by private treaty only in accordance with s 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s 3.58(3)].</li> <li>4. Manage lease / licence clauses, including but not limited to terminations, renewal options, assignments, subletting, and the establishment of special conditions or variations to payment schedules.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Dispose of 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000.</li> <li>2. Dispose of a leasehold interest in property for a cumulative value over the life of the lease of up to \$1,000,000.</li> <li>3. Assignment of leases and licences is subject to appropriate Police Clearances and Credit Checks (where unsatisfactory and the officer recommendation is to proceed refer to Council for decision).</li> </ol> <p><b>Conditions for Additional Conditions 1 and 2:</b>          The exercise of this power does not include the power of delegation.</p>

<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees
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<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995:</u></a> s 3.58 Disposal of Property s 3.59 Commercial enterprises by local government <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> Part 3  Council Policy 29 Purchasing  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	Records of exercise of delegated authority to be retained in ECM index:11/005.  Associated Documentation to be retained in relevant ECM index.

**Version Control:**

1	Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.17 Disposal of Property (other than land)

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 Disposal of Property <i>Local Government (Functions and General) Regulations 1996 –</i> r 30 (3) Dispositions of property excluded from Act s 3.58
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Dispose (includes to sell, lease, or otherwise dispose of whether absolutely or not) of assets (not including land surplus to the City’s operational needs.  <b>Dispose</b> as defined in the Act includes to sell, lease, or otherwise dispose of whether absolutely or not. <b>Property</b> as defined in the Act includes the whole or any part of the interest of a local government in property, but does not include money.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limited to the disposal of minor plant or asset with a depreciated value of less than \$20,000 without the requirement for Council approval. 2. Limited to the disposal of a plant item or asset with a depreciated value of no more than \$90,000 in accordance with the requirements of s 3.58. 3. Donation of low value equipment, machinery and other materials in accordance with policy 51 <i>Donation of Disused Equipment, Machinery and Other Materials</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

**Version Control:**

1	Formerly incorporated as DA06 Disposal of Assets in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.18 Municipal or Trust Funds: Payments and Procedures

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.7 Municipal fund s 6.9 (3) Trust fund  <i>Local Government (Financial Management) Regulations 1996</i> r 11 Payments, procedures for making etc. r 12 Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Make payments from the Trust and Municipal Fund in accordance with procedures.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> - r 5 CEO's duties as to financial management r 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual  Council Policy 29 Purchasing
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	<p>Council Policy 30 Corporate Credit and Debit Cards  Council Policy 43 Organisational Record Keeping  Operational Policy: BEXB32 Decision Making Policy –  Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 r 19</i></p> <p>Minute details of Council’s resolution to receive the Authorised Cheque Listing and retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments.</p> <p>Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation to be retained in relevant ECM index.</p>

**Version Control:**

1	Formerly DA07 Municipal and Trust Fund/Procedures and Payments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.19 Grant Concession, Waive or Write Off Debts

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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(1)(b), (c) and (3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the City of Belmont [s 6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the City of Belmont [s 6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the City of Belmont [s 6.12(1)(c)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>1. Authorise a waiver, grant a concession or write off an amount of money owed to the City to a maximum value of \$5,000 per individual sundry debtor per financial year.</li> <li>2. Write offs to be reported to Council on a quarterly basis with the Sundry Debtors Listing.</li> <li>3. Reversals of incorrectly charged debts are not considered to be a write off.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995</a></p> <p>Council Policy 43 Organisational Record Keeping</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 r 19</i></p> <p>Records of exercise of delegated authority to be retained in ECM index: 11/005.</p> <p>Associated Documentation to be retained in relevant ECM index.</p>
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**Version Control:**

1	Formerly incorporated as DA08 Waiver or Concessions – Granting in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.20 Investments

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the <i>Trustees Act 1962</i> .  Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> -  Council Policy 31 Investment Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19 Delegates to keep certain records are retained in the City's record keeping systems.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly incorporated as DA09 Investments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.21 Recovery of Unpaid Rates

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.55 Recovery of rates and service charges. s 6.56 (1) Rates or service charges recoverable in court. s 6.60 Local government may require lessee to pay rent. s 6.64 Actions to be taken. s 6.69 (2) (3) Right to pay rates, service charges and costs, and stay proceedings. s 6.74 (1) Power to have land retested in the Crown if rates in arrears 3 years. Schedule 6.2(1) [1] Provisions relating to lease of land where rates or service charges unpaid [s 6.65]. Schedule 6.3(1) [4] and (4) [1] Provisions relating to sale or transfer of land where rates or service charges unpaid [s 6.68(3)].
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake recovery of overdue unpaid rates, as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction.  As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Legal representation is limited by the Magistrates Court (Civil Proceedings) Act 2004.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees
<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> – <ul style="list-style-type: none"> <li>Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</li> </ul>

	<ul style="list-style-type: none"> <li>• refer s 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s 6.60</li> </ul> <p><a href="#"><u>Local Government (Financial Management) Regulations 1996</u></a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p><a href="#"><u>Interpretation Act 1984</u></a> <a href="#"><u>Magistrates Court (Civil Proceedings) Act 2004</u></a> – Part 4</p> <p>Council Policy 32 Collection of Rates Council Policy 33 Pensioner’s Outstanding Refuse Charges Council Policy 34 Pensioner/Senior Rates Arrears Council Policy 35 Financial Hardship Policy (COVID-19) Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA10 Recovery of Unpaid Rates in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.22 Administration of Local Laws

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>	Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws:  Consolidated Local Laws 2020 Health Local Laws 2002
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To administer the City of Belmont Local Laws.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995</i></li> <li>• Determinations under Part 13 of the Consolidated Local Law 2020 require a Resolution of Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Part 9 Division 1 Objections and Review Part 9 Division 2 Enforcement and Legal Proceedings  <a href="#">Fines Penalties and Infringement Notices Enforcement Act 1994</a>  Council Policies Council Policy 47 Dangerous Trees Council Policy 48 Urban Forest Policy
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	<p>Council Policy 55 Naming Or Renaming Of Street, Parks And Reserves</p> <p>Council Policy 58 Personalisation Of Council Owned Buildings By Users</p> <p>Council Policy 44 Street Numbering, Renumbering and Renaming</p> <p>Operational policies</p> <p>BB4 Manholes and Stormwater Connections</p> <p>BEXB24 Refuse Charges</p> <p>NB2 Storm Water Disposal from Private Properties</p> <p>SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups</p> <p>SB13 Community Clothing Collection Bins</p> <p>SB14 Temporary Caravan Accommodation</p> <p>SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate Within the City</p> <p>SB20 Dogs – Keeping of Three Dogs</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 4</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor (Removal Local Law delegation reference Change to Council Policy Numbering) Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.23 Extension for Rate Exemption Application

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.76 Grounds of objection
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Determine an application to extend the time for lodging an objection to the rate record where an objection is to be made relating to a rates exemption in accordance with s 6.26 Rateable Land beyond 42 days from the date of service of the rate notice.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Applications for an extension are to be made in writing. 2. A recommendation on a rates exemption is to be referred to Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Part 6 Division 6 Subdivision 7 Objections and Review  Council Policy 32 Collection of Rates  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record decision to approve or not approve the application for extension of time and insert ECM-links to evidentiary documents

**Version Control:**

1	Formerly DA 12 Extension for Rate Exemption Application in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.24 Variation of Meeting Date – Annual Electors Meeting

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 5.27 Electors' general meetings
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To vary the Annual Electors Meeting date from the date as outlined in Council Policy 7 Council, Committee and Briefing Meeting Schedule should the need arise.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate Appointed by CEO</b>	The CEO has exercised the right not to sub-delegate this Delegation
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<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Council Policy 7 Council, Committee and Briefing Schedule Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
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<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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### Version Control:

1	Formerly DA 13 Authorised Officers – Variation of Meeting Date – Annual Electors Meeting in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.25 Bank Accounts

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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> s6.6 Funds to be established  <i>Local Government (Financial Management) Regulations 1996</i> r 8 Separate bank etc. accounts required for some moneys
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Maintain separate accounts with a bank or other financial institution for money required to be held in: <ul style="list-style-type: none"> <li>• the municipal fund;</li> <li>• the trust fund;</li> <li>• reserve accounts; and</li> </ul> common investment authorised by the Act.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Part 6 Division 4  Council Policy 31 Investment  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 11 Bank Accounts in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.26 Discretionary Gratuity Payments

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 5.50– Payments to employees in addition to contract or award
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine if a discretionary Gratuity payment should be made to a finishing employee under clause 23.1.1(d) of the City of Belmont Certified Agreement (2004) or clause 21.1.1(d) of the City of Belmont Certified Agreement (Operations) 2006.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Any discretionary payments made through this delegation are to be advertised in accordance with s 5.50 and must comply with the limitations contained in the regulations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s5.50. (2) <a href="#">Local Government (Administration) Regulations 1996</a> 19A. Payments in addition to contract or award, limits of (Act s 5.50(3))  Fair Work Act 2009  Council Policy 39 Gratuity Payments and Gifts to Employees City of Belmont Certified Agreement (2004) - Inside Staff Certified Agreement (Operations) 2006  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 14 Discretionary Gratuity Payments in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.27 Determination of Applications for Legal Representation for Elected Members and Employees

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.7 Municipal fund s 9.56 Certain persons protected from liability for wrongdoing.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine an application seeking financial assistance for Legal Representation not exceeding an amount of \$5000.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. The authority to approval applications for legal representation for Council members and employees is limited to a maximum of \$5,000 as per Council Policy 28 Legal Representation for Elected Members and Employees. Amounts above \$5,000 are to be determined by Council. 2. Council is to be informed of any exercise of this delegation in accordance with Council Policy; 3. The determination must be made pursuant to Council Policy 28 Legal Representation for Council Members and Employees’.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s6.7 (2) s9.56 Certain persons protected from liability for wrongdoing  Local Government Operational Guideline Legal Representation for Council Members and Employees
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	<p>Council Policy 28 Legal Representation for Elected Members and Employees</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 2</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA 15 Determination of Applications for Legal Representation for Council Members and Employees in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.28 Donations – Disaster Relief

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.7 Municipal Fund <i>Local Government (Financial Management) Regulations 1996</i> Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To approve the provisions of funds towards appeals where natural disasters have occurred in accordance with the Donations – Financial Assistance Policy (Council Policy 50)
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limit on Delegation is \$5,000 as outlined within Council Policy 50 Donations – Financial Assistance. 2. The amount to be proposed must be undertaken in liaison with the Mayor. 3. All Elected Members are to be consulted on the proposed donation amount, and if no agreement is reached a decision will then be referred to Council for further determination. 4. All amounts over \$5,000 are to be determined by Council resolution.
<b>Delegator:</b> Power / Duty assigned in legislation to:	Council

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s 6.7 Municipal Fund  <a href="#">Local Government (Financial Management) Regulations 1996</a> : 12. Payments from municipal fund or trust fund, restrictions on making  Council Policy 50 Donations - Financial Assistance
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	Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA16 Donations – Disaster Relief in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

## I.1.29 Community Contribution Funds

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.7 Municipal Fund <i>Local Government (Financial Management) Regulations 1996:</i> 12. Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To approve applications for the release of funds as part of the Community Contribution Fund through requests for financial assistance in accordance with the Donations – Financial Assistance policy (Council Policy 50)
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Limit on Delegation is \$5,000 as outlined within Council Policy 50 Donations – Financial Assistance. 2. All amounts over \$5,000 are to be determined by Council resolution. 3. Expenditure to be within approved budget and must be in accordance with programs outlined in Council Policy 50 Donations – Financial Assistance. 4. Delegation is only to be exercised where there is a direct benefit to the City of Belmont Residents and communities.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s 6.7 Municipal Fund <a href="#">Local Government (Financial Management) Regulations 1996:</a> 12. Payments from municipal fund or trust fund, restrictions on making  Council Policy 50 Donations - Financial Assistance  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
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<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA 17 Community Contribution Funds in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.30 Belmont Business Innovation Grants

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 6.7 Municipal Fund <i>Local Government (Financial Management) Regulations 1996:</i> 12. Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Undertake the function of approving the release of funds as part of the Belmont Business Innovation Grants (BBIG) to a maximum limit of \$10,000 per application.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Expenditure to be within approved Budget and in accordance with approved guidelines
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> s 6.7 Municipal Fund <a href="#">Local Government (Financial Management) Regulations 1996:</a> 12. Payments from municipal fund or trust fund, restrictions on making  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly DA 18 Belmont Business Innovation Grants in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022

### I.1.31 Receiving Legal Documents to be Served on the City

<b>Delegator:</b> Power / Duty assigned in legislation to:	Council
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s 9.51 giving documents to local government
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To receive legal documents served upon the City by another party (i.e. subpoenas), these include documents prepared for compliance with; <ul style="list-style-type: none"> <li>• <i>Magistrates Court Act 2004</i></li> <li>• <i>District Court of WA Act 1969</i></li> <li>• <i>Supreme Court Act 1975</i></li> <li>• <i>High Court of Australia Act 1979</i></li> </ul>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  1. Unless a position title is included in the document this delegation does not extend to documents being served personally on an individual by name.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2.
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	Formerly DA 19 Receiving of Legal Documents to be served on the City in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# BUILDING ACT 2011 DELEGATIONS

## 2.1 Council to CEO / Employees

### 2.1.1 Grant a Building Permit

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<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>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>

	<ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals to grant Permits.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#"><u>Building Act 2011</u></a> s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit s 17 Uncertified application to be considered by building surveyor</p> <p><a href="#"><u>Building Regulations 2012</u></a> – r 25 Review of decision to refuse to extend time during which permit has effect (s 32(3)) – reviewable by SAT</p> <p><a href="#"><u>Building Services (Registration Act) 2011</u></a> – Section 7 <a href="#"><u>Home Building Contracts Act 1991</u></a> – Part 3A, Division 2 – Part 7, Division 2 <a href="#"><u>Building and Construction Industry Training Levy Act 1990</u></a> <a href="#"><u>Heritage Act 2018</u></a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3.</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

#### Version Control:

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 2.1.2 Demolition Permits

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<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>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>

	<ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals to grant Permits.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#"><u>Building Act 2011</u></a> s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit <a href="#"><u>Building Services (Complaint Resolution and Administration) Act 2011</u></a> – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 <a href="#"><u>Heritage Act 2018</u></a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<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>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>• In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)
<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> s 59 time for granting occupancy permit or building approval certificate s 60 Notice of decision not to grant occupancy permit or grant building approval certificate

	<p>s 121 Occupancy permits and building approval certificates – application for review by SAT</p> <p><a href="#"><u>Building Services (Complaint Resolution and Administration) Act 2011</u></a> – Part 7, Division 2</p> <p><a href="#"><u>Building and Construction Industry Training Levy Act 1990</u></a></p> <p><a href="#"><u>Heritage Act 2018</u></a></p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 96(3) authorised persons s 99(3) Limitation on powers of authorised person
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s 96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s 99(3)].</li> </ol> <p>NOTE: An <i>authorised person</i> for the purposes of s 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Decisions under this delegated authority should be in accordance with r 5 of the <i>Building Regulations 2012</i>.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011:</a> s 97 each designated authorised person must have an identity card. r 5A Authorised persons (s 3) – definition Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 2.1.5 Building Orders

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Building Act 2011:</i> s 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s 110(1) A permit authority may make a building order s 111(1) Notice of proposed building order other than building order (emergency) s 117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s 118(2) and (3) Permit authority may give effect to building order if non-compliance s 133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to:             <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s 110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1)(c)].</li> <li>3. Authority to revoke a building order [s 117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:             <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s 118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s 118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to s 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>

	<ul style="list-style-type: none"> <li>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all Orders issued.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#"><u>Building Act 2011:</u></a></p> <p>s 111 Notice of proposed building order other than building order (emergency)</p> <p>s 112 Content of building order</p> <p>s 113 Limitation on effect of building order</p> <p>s 114 Service of building order</p> <p>Part 9 Review - s 122 Building orders – application for review by SAT</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly part of DA20 Building Act 2011 in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 2.1.6 Alternative Solutions – Private Pool Barriers and Smoke Alarms

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 51 Approvals by permit authority. r 55 Terms used (alternative building solution approval). r 61 Local government approval of battery powered smoke alarms.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to approve requirements for alternatives to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements satisfy the relevant requirements of r 51(2), (3) &amp; (5).</li> <li>2. Authority to approve alternative solutions to meet the requirements of the Building Code relating to fire detection and early warning.</li> <li>3. Authority to approve or refuse to approve battery operated smoke alarms and determine the form of an application for such approval (r 61).</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>• In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</li> </ul> <p>Notify Council of all refusals.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> <a href="#">Building Regulations 2012</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 2.1.7 Designate Employees as Approved and Authorised Persons (r70)

<b>Delegator:</b> Power / Duty assigned in legislation to:	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<p>1. Authority to appoint an approved officer for the purposes of s 6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). NOTE: Only employees delegated under s 5.44(1) of the <i>Local Government Act 1995</i> with power under s 9.19 or 9.20 may be appointed as “approved officers”.</p> <p>2. Authority to appoint an authorised officer for the purposes of s 6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). NOTE: Only employees appointed under s 9.10 of the <i>Local Government Act 1995</i> <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</p>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b> Nil</p>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation - CEO)

<b>Compliance Links:</b>	<p><a href="#">Building Act 2011:</a> s 97 each designated authorised person must have an identity card. r 5A Authorised persons (s 3) – definition Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# BUSH FIRES ACT 1954 DELEGATIONS

## 3.1 Council to CEO and Bush Fire Control Officer

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Bush Fires Act 1954:</i> s 48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i>
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	All powers duties and functions of the local government under the <i>Bush Fires Act 1954</i> including s59 & S59A, and associated Regulations
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Delegation to</b>	Chief Bushfire Control Officer Manager Safer Communities
<b>Express Power or Duty Delegated:</b>	s 59 Prosecution of Offences s 59A Alternative Procedure – infringement notices
<b>Conditions of Delegation</b>	Standard Conditions as above apply. Withdrawal of Infringements may only be made by the Chief Executive Officer ( <i>r4(a) Bush Fire (Infringement)Regulations 1978</i> )
<b>Express Power to Sub-Delegate:</b>	NIL – Sub-delegation is prohibited by s 48(3)

<b>Compliance Links:</b>	<a href="#">Bush Fires Act 1954</a> <a href="#">Bush Fire (Infringement) Regulations 1978</a> <a href="#">Bush Fire Regulations 1954</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3.
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly DA24 Bush Fires Act – Powers and Functions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# CAT ACT 2011 DELEGATIONS

## 4.1 Council to CEO

### 4.1.1 Cat Act 2011 – Administration and Enforcement

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 s 26 Cat control notice may be given to cat owner s 37 Approval to Breed Cats s 38 Cancellation of approval to breed cats s 39 Certificate to be given to approved cat breeder s 49(3) s 73 Prosecutions <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable Schedule 3, cl1(2) & (3) <i>Cat (Uniform Local Provisions) Regulations 2013:</i> r 8 Application to keep additional number of cats. r 9 Grant of approval to keep additional number of cats.  <i>City of Belmont Consolidated Local Law 2020</i> relevant sections pertaining to animals.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authorised to: 1. Exercise any of the City's powers or the discharge of any of its duties under the <i>Cat Act 2011</i> . Appoint such persons to be Authorised Persons for performing particular functions under this Act.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> <ul style="list-style-type: none"> <li>• s 48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s 62 (Infringement notices).</li> <li>• 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>.</li> </ul>

	<ul style="list-style-type: none"> <li>Reduction or waiver of fees in relation to any class of cat must be a decision of Council and included in the Fees and charges in accordance with s 6.16,6.17 &amp; 6.18 of <i>Local Government Act 1995</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Cat Act 2011:</i> s 45 Delegation by CEO of local government Note: s 45(6) A power or duty under s 63, 64 or 65 cannot be delegated to an authorised person.</p>

<b>Compliance Links:</b>	<p><a href="#">Cat Act 2011</a> <a href="#">Cat Regulations 2012</a> r 11 Application for registration (s 8(2)), prescribes the Form of applications for registration. r 12 Period of registration (s 9(7)) r 11 Changes in registration r 14 Registration certificate (s 11(1)(b)) r 15 Registration tags (s 76(2)) r 21 Application for approval to breed cats (s 36(2)) r 22 Other circumstances leading to refusal of approval to breed cats (s 37(2)(f)) r 23 Person who is not refused approval to breed cats (s 37(5)) r 24 Duration of approval to breed cats (s 37(6)) r 25 Certificate given to approved cat breeder (s 39(1)) <a href="#">Cat (Uniform Local Provisions) Regulations 2013</a> Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>. <a href="#">City of Belmont Consolidated Local Law 2020</a></p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 2</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA31 Cat Act 2011 in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# DOG ACT 1976 DELEGATIONS

## 5.1 Council to CEO

### 5.1.1 Dog Act 1976 – Power or duty of the local government under any provision of the Act

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Dog Act 1976</i> s10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i> s 15(2) & (4A) Registration period and fees s 16(3) Registration procedures s 17A(2) s 17(4) & (6) s 29(5) power to seize dogs s 29(11) s 33E (1) Individual dog may be declared to be dangerous dog (declared) s 33F(6) Owners to be notified of making of declaration s 33G(4) Seizure and destruction s 33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy s 33M(1)(a) Local Government expenses to be recoverable s 44 Enforcement proceedings
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To carry out the functions of the <i>Dog Act 1976</i> , associated regulations and local laws.  To determine the registration procedures and to <ul style="list-style-type: none"> <li>• determine to refuse a dog registration</li> <li>• determine and provide notice for the non-renewal, cancellation or refusal to register due to reasons in accordance with the Act and associated regulations</li> <li>• discount or waive a registration fee</li> <li>• apply for seizure and following seizure dealt with in accordance with s17(6)</li> </ul> Authority to grant, refuse to grant or cancel a kennel licence [s 27(4) and (6)].  Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s 29(5)].  Authority to dispose of or sell a dog which is liable to be destroyed [s 29(11)]

	<p>Authority to declare an individual dog to be a dangerous dog [s 33E(1)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)].</p> <p>Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)]</p> <p>Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)].</p> <p>Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]:  (a) a notice declaring a dog to be dangerous; or  (b) a notice proposing to cause a dog to be destroyed.</p> <p>Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s 33H(5)].</p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p>s 10AA (3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

<b>Compliance Links:</b>	<p><a href="#"><u>Dog Act 1976</u></a> Includes recovery of expenses relevant to: s 30A(3) Operator of dog management facility may have dog microchipped at owner's expense s 33M Local government expenses to be recoverable. s 47 Veterinary service expenses recoverable from local government</p> <p><a href="#"><u>Dog Regulations 2013</u></a> r 31 Local government expenses as to dangerous dogs (declare)</p> <p><a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA29 Dogs in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 5.1.2 Keeping of Three Dogs

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Dog Act 1976</i> s 10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i> s 26 Limitation as to numbers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	To determine applications for keeping of three dogs in accordance with Council Policy.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.
<b>Express Power to Sub-Delegate:</b>	s 10AA (3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Compliance Links:</b>	<a href="#">Dog Act 1976</a> <a href="#">Dog Regulations 2013</a> <a href="#">City of Belmont Consolidated Local Law 2020</a>  SB20 Dogs – Keeping of Three Dogs  Operational Policy: BEXB32 Decision Making Policy – Decision Level 2
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly DA30 Keeping of Three Dogs in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. .
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# FOOD ACT 2008 DELEGATIONS

## 6.1 Council to CEO/ Employees

### 6.1.1 Determine Compensation

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 56(2) Compensation to be paid in certain circumstances s 70(2) and (3) Compensation
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s 56(2)]. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2) and (3)].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> 1. In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000.00. Compensation requests above this value are to be reported to Council.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008</a> Operational Policy: BEXB32 Decision Making Policy –

	Decision Level 3
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 6.1.2 Prohibition Orders

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008</i> s 118 Functions of enforcement agencies and delegations s 119 Conditions on performance of functions by enforcement agencies s 120 Performance of functions by enforcement agencies and authorised officers
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> s 65 Prohibition order s 66 Certificate of clearance to be given in certain circumstances s 67 Request for re-inspection
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	This delegation provides authority to: - 1. Serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008</i> ; 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices; 3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008</a> <a href="#">City of Belmont Consolidated Local Laws 2020</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA26 Prohibition Orders in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 6.1.3 Registration of Food Business

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008</i> s 118 Functions of enforcement agencies and delegations s 119 Conditions on performance of functions by enforcement agencies s 120 Performance of functions by enforcement agencies and authorised officers
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008</i> s 110 Registration of food business s 112 Variation of conditions or cancellation of registration of food businesses.
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	The delegation provides the authority to: - 1. Register a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration; 2. After considering an application, determine to grant (with or without conditions) or refuse the application; 3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> .
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008</a> <a href="#">City of Belmont Consolidated Local Laws 2020</a> Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly DA27 Registration of Food Business in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 6.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Food Act 2008</i> s 118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s 119] and guidelines adopted [s 120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s 122(1) Appointment of authorised officers s 126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or the s 24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s 126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s 126(6)] and determining withdrawal of an infringement notice [s 126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3

<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly included in DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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 54 Cost of destruction or disposal of forfeited item s 125 Institution of proceedings
<b>Delegate:</b>	Chief Executive Officer Director Development and Communities Manager Safer Communities
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s 125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  Nil.
<b>Express Power to Sub-Delegate:</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Food Act 2008</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	Formerly included in DA28 Food Act 2008 Prosecutions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# GRAFFITI VANDALISM ACT 2016 DELEGATIONS

## 7.1. Council to CEO

### 7.1.1 Graffiti Vandalism Act – Administration and Enforcement

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Graffiti Vandalism Act 2016:</i> s 16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s 28 Notice of entry s 29 Entry under warrant
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authorised to exercise any of the City's powers or the discharge of any of its duties under the <i>Graffiti Vandalism Act 2016</i> .
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p><i>Graffiti Vandalism Act 2016</i></p> <ul style="list-style-type: none"> <li>• s 21 Advice of objection and review rights: Whenever a notice is given under section 18, the person giving it is to ensure that, as soon as practicable after the notice is given, the affected person is given written reasons for being given the notice and is informed of the person's rights under this Division to object against, and apply for a review of, the decision to give the notice.</li> <li>• s 20 Affected person: If the person to whom a local government gives a notice under section 18 is not the owner of the property to which the notice relates, the owner is also an affected person, and a reference in this Division to the affected person includes both the owner and the person to whom the notice was given.</li> <li>• s 24 Suspension of effect of notice: Any objection to a notice must be dealt with by the local government as if it were an objection to a decision of the local government under the <i>Local Government Act 1995</i> Part 9 and section 9.6 of that Act applies when dealing with that objection.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s 17 Delegation by CEO of local government.

<b>Compliance Links:</b>	<p><a href="#">Graffiti Vandalism Act 2016</a>  <a href="#">City of Belmont Consolidated Local Laws 2020</a></p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# PUBLIC HEALTH ACT 2016 DELEGATIONS

## 8.1 Council to CEO

### 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Health (Asbestos) Regulations 1992:</i> r 15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r 15D(5) Infringement Notices
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r 15D(5)].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

<b>Compliance Links:</b>	<a href="#">Public Health Act 2016</a> <a href="#">Health (Asbestos) Regulations 1992</a> <a href="#">Criminal Procedure Act 2004</a>  <a href="#">City of Belmont Consolidated Local Laws 2020</a> <a href="#">City of Belmont Health Local Law 2012</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.

	<p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>
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**Version Control:**

1	Formerly Incorporated into DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016:</i> s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s 22 Reports by and about enforcement agencies
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City of Belmont [s 22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s 22(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)].</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].

<b>Compliance Links:</b>	<p><a href="#">Public Health Act 2016</a> s 20 Conditions on performance of functions by enforcement agencies.</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p>

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 8.1.3 Designate Authorised Officers

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016:</i> s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s 24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> <li>The <i>Public Health Act 2016</i> or other specified Act</li> <li>Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>an environmental health officer or environmental health officers as a class; OR</li> <li>a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>a mixture of the two. [s 24(1) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ol style="list-style-type: none"> <li>Subject to each person so appointed being; <ul style="list-style-type: none"> <li>Appropriately qualified and experienced [s 25(1)(a)]; and</li> <li>Issued with a certificate, badge or identity card identifying the authorised officer [s 30 and 31].</li> </ul> </li> <li>A Register (list) of authorised officers is to be maintained in accordance with s 27.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].
<b>Compliance Links:</b>	<a href="#">Public Health Act 2016</a> s 20 Conditions on performance of functions by enforcement agencies.

	<p>s 25 Certain authorised officers required to have qualifications and experience.</p> <p>s 26 Further provisions relating to designations</p> <p>s 27 Lists of authorised officers to be maintained</p> <p>s 28 When designation as authorised officer ceases</p> <p>s 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s 30 Certificates of authority</p> <p>s 31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s 32 Certificate of authority to be returned.</p> <p>s 136 Authorised officer to produce evidence of authority</p> <p><a href="#">Criminal Investigation Act 2006</a>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016</i></p> <p>The Criminal Code, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016</i></p> <p><a href="#">Dog Act 1974</a>  <a href="#">Cat Act 2011</a>  <a href="#">City of Belmont Consolidated Local Law 2020</a>  <a href="#">City of Belmont Health Local Law 2012</a></p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly included DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

### 8.1.4 Determine Compensation of Seized Items

<b>Delegator:</b> Power / Duty assigned in legislation to:	Enforcement Agency (defined as Local Government)
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Public Health Act 2016:</i> s 21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s 264 Compensation
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s 264].
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> Compensation is limited to a maximum value of \$5000, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].

<b>Compliance Links:</b>	<a href="#">Public Health Act 2016</a> s 20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  <a href="#">City of Belmont Consolidated Local Law 2020</a> <a href="#">City of Belmont Health Local Law 2012</a>  Operational Policy: BEXB32 Decision Making Policy – Decision Level 3
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.

	Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.
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**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# PLANNING AND DEVELOPMENT ACT 2005

## DELEGATIONS

### 9.1 Council to CEO

#### 9.1.1 Illegal Development

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<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>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<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>Council Conditions on this Delegation:</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <p>Nil</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	<a href="#">Planning and Development Act 2005</a>
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	<p><a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2015</u></a></p> <p><a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3.</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 9.2 Local Planning Scheme 15– Council to CEO

### 9.2.1 Development Applications

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, s 82(1) Delegations by local government
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2</i> s 68 Determination of applications s 70 Form and date of determination s 77 Amending or cancelling applications  Planning and Development (Development Assessment Panel) Regulations 2011 17A Amendment or cancellation of development approval by responsible authority.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Interpret and apply the provisions of Local Planning Scheme No. 15 and any relevant statutory planning framework, including Local and State Planning Policies.  To determine development applications by issuing refusals, deemed refusals, approvals with relevant conditions and amendments to development approvals in respect of applications determined under delegated authority.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b>  This delegation must not be exercised by the delegated officer where: <ul style="list-style-type: none"> <li>• The estimated cost of development, excluding any development undertaken by the City, exceeds \$5 million.</li> <li>• The City, or an authorised party acting on behalf of the City, is proposing development, unless the development is on land owned or under the care and control of the City and its estimated cost does not exceed \$2 million.</li> </ul>

	<ul style="list-style-type: none"> <li>• The development proposal has a strategic impact and as a result involves issues in which Council has a direct interest.</li> <li>• A significant variation to the development standards listed in Local Planning Scheme No. 15 is evident.</li> <li>• A significant variation to a Local Planning Policy is evident and the variation is not consistent with the objectives of the Local Planning Policy.</li> <li>• A development application proposes a use which is a use that is not listed in the Local Planning Scheme No. 15 Zoning Table and the use has not previously been determined by Council.</li> <li>• A formal written objection has been received during the advertising of an application, unless in the opinion of the Chief Executive Officer or his delegate: <ul style="list-style-type: none"> <li>a. The proposal is consistent with the objectives and intent of Local Planning Scheme No.15, the Residential Design Codes and any relevant Council Policy; and</li> <li>b. The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or</li> <li>c. The objection does not relate to the matter for which it has been referred and/or does not relate to valid planning and development considerations associated with the proposal; or</li> <li>d. The application is refused.</li> </ul> </li> <li>• A development application proposes a variation to the Deemed-to-Comply provisions (Part 5) or the Element Objectives and/or Acceptable Outcomes (Part 6) of the Residential Design Codes and that variation does not satisfy the related Design Principles (Part 5 only).</li> <li>• The height of a proposed residential development exceeds three storeys or other height specified by Local Planning Scheme No. 15 or other statutory planning framework.</li> </ul>
<b>Specific Delegation to</b>	Director Development and Communities Manager Planning Services Coordinator Planning Coordinator Planning Projects
<b>Function:</b>	<p><b>Amendments and Cancellations to Previously Approved Development</b></p> <p>Authority is granted to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications</p>

<b>Specific Delegation to</b>	Director Development and Communities Manager Planning Services
<b>Function:</b>	<b>Approvals for Development Applications – Use Not Listed – Types Previously Determined by Council</b>  Authority granted to make determinations on development applications for “Use Not Listed” types that have previously been determined by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 s 83(1) Local government CEO may delegate powers.

<b>Compliance Links:</b>	<a href="#"><u>Planning and Development Act 2005</u></a> <a href="#"><u>Planning and Development (Local Planning Schemes) Regulations 2015</u></a>  <a href="#"><u>City of Belmont Consolidated Local Law 2020</u></a>  Note –Decisions under this delegation may be referred for review by the State Administration Tribunal  Operational Policy: BEXB32 Decision Making Policy – Decision Level 4 (Extract below).
<b>Record Keeping:</b>	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.  Records of exercise of delegated authority to be retained in ECM index:11/005.  Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.

**Version Control:**

1	Formerly DA21 Development Applications in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2.	Amended OCM 22/2/22 Change to Officer title
	Reviewed ELT 18/5/2022 OCM 28/6/2022

## 9.2.2 Preliminary and Final Built Strata Approval

<b>Delegator:</b> Power / Duty assigned in legislation to:	Local Government
<b>Express Power to Delegate:</b> Power that enables a delegation to be made	<i>Planning and Development Act 2005</i> s16 (3) (e) Delegation by Commission
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> s16 (3) (e) Delegation by Commission  <i>Strata Titles Act 1985</i> s15 s21 s22 s25 Certificate of Commission; and s27 Review of Commission decision
<b>Delegate:</b>	Director Development and Communities Manager Planning Services Coordinator Planning Services Coordinator Planning Projects Senior Planning Officer
<b>Function:</b> This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Determine applications for preliminary built strata approval, and final built strata approval and endorse the applicable Form 26 after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission.
<b>Council Conditions on this Delegation:</b>	Any person proposing to exercise a power under delegated authority shall comply with the <a href="#">Standard Conditions of Delegation</a> and the following specific additional conditions for this delegation.  <b>Additional Conditions:</b> This delegation must not be exercised by the delegated officer for applications that: <ul style="list-style-type: none"> <li>• Propose the creation of a vacant lot;</li> <li>• Propose vacant air stratas in multi-tiered strata scheme developments; and</li> <li>• Where, in the opinion of the WAPC as notified to the relevant local government as notified to the WAPC in writing, relate to a type of development and/or land within an area which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ul>

<b>Express Power to Sub-Delegate:</b>	Nil
<b>Compliance Links:</b>	<p><a href="#">Planning and Development Act 2005</a> Delegation 2020/01 (Refer Delegation 10.2.3)</p> <p><a href="#">Strata Titles Act 1985</a></p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record Keeping:</b>	<p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p>

**Version Control:**

1	Formerly DA22 Preliminary and Final Built Strata in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Change of Officer Title Approved OCM 22/2/2022
	Reviewed ELT 18/5/2022 OCM 28/6/2022

# STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT AUTHORITIES

## 10.1 *Environmental Protection Act 1986*

### **10.1.1 Noise Control – Environmental Protection Notices [Reg 65(1)]**

Delegation 52

### **10.1.2 Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events**

Delegation 112

### **10.1.3 Noise Management Plans – Construction Sites**

Delegation 119 EPA Noise Regulations

## 10.2 *Planning and Development Act 2005*

### **10.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner**

WAPC\_DEL\_Authorisation\_Instrument\_Minister\_of\_Lands\_(local\_gov\_CEOs).pdf

### **10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)**

Govt Gazette 30/5/17 &

WAPC\_DEL\_Powers\_of\_Local\_Governments\_and\_DoT.pdf

Govt Gazette 2/6/17

WAPC\_DEL\_Powers\_of\_Local\_Governments\_and\_DoT\_correction\_notice\_2Jun2017.pdf

Government Gazette 18/12/18

WAPC\_DEL\_Amendment\_Powers\_of\_local\_governments\_and\_DOT\_MRS\_18Dec2018.pdf

### **10.2.3 WA Planning Commission – Section 25 of the *Strata Titles Act 1985***

Powers of Local Governments - s 15 of the *Strata Titles Act 1985* (DEL.2020/01)

## 10.3 *Main Roads Act 1930*

### **10.3.1 Traffic Management – Events on Roads & Works on Roads**

MRWA / Authority to use Traffic Signs & Devices at Events- Instrument ... of Au...  
DSID 2588809

MRWA / Authority to use Traffic Signs & Devices at Events- Instrument ...

Main Roads /Delegation of Authority For Parking Control on Verges of M...

### **10.3.2 Control of Advertisements**

Guidelines-for-advertising-signs-within-and-beyond-state-road-reserves.pdf

[MRWA / Copy original delegation letter 28/05/73 - Control of advertisi...](#)

## **10.4 Road Traffic (Vehicles) Act 2012**

### **10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles**

EmergencyVehicle\_Yellow\_WarningLights.pdf

