

CITY OF BELMONT REGISTER OF DELEGATED AUTHORITY 2020-2021

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A BACKGROUND TO DELEGATIONS AND AUTHORISATIONS

Delegations and authorisations are the means by which decision making bodies can administer power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power/ duty to a person/body from another that is vested with the responsibility to exercise that statutory function.

An authorisation is the designation of an officer or a body as an entity that is capable of exercising a specific statutory power.

When one exercises delegated authority they do so “on behalf” of the delegator, and in doing so, the person or body exercising delegated authority forms the relevant state of mind to make the decision “on behalf” of the delegator. An authorised person or body exercises a statutory function in their own right.

The Western Australian local government statutory regime also provides for the Council and CEO to “act through” other officers, agents and bodies to achieve statutory functions. “Acting through” is not the exercise of delegated authority, or an authorised power, and must be handled differently.

The Department of Local Government, Sport and Cultural Industries provide a guideline on delegation to local governments in Western Australia. ([Local Government Operational Guidelines, Number 17 – January 2007 - Delegations](#))

The Governance Structure

The Western Australian local government governance regime provides that the Council appoints a CEO and the CEO appoints employees. All local government employees are responsible to the CEO, who, in turn, is responsible to the Council.

Wherever possible, the City will endeavour to ensure authorisations and delegations conform to this governance structure. Delegations will be established from the Council to the CEO; the CEO can then delegate power to officers or authorise officers as the CEO sees fit.

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.

Delegations

This section provides guidance on the statutory framework for delegated authority. It addresses the two statutory requirements for delegated authority – the power to delegate and the power being delegated. This section also addresses some common conditions on delegation that apply in the local government setting.

The Power to Delegate

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. The ability to delegate powers is the first statutory requirement for an effective delegation. The following powers of delegation are contained in legislation relevant to this register.

Legislation		Delegation From	Delegation To	Function	Restrictions
<i>Local Government Act 1995</i>	s5.16	Council	Committees	Powers and duties of Council under the <i>Local Government Act 1995</i>	s5.17
<i>Local Government Act 1995</i>	s5.42	Council	CEO	Powers and duties of the Council under the <i>Local Government Act 1995</i>	s5.43
<i>Local Government Act 1995</i>	s5.44	CEO	Any employee of the local government	Powers and duties of the CEO under the <i>Local Government Act 1995</i>	s5.44
<i>Bush Fires Act 1954</i>	s48	Council	CEO	Powers and duties of the Council under the <i>Bush Fires Act 1954</i>	s48
<i>Cat Act 2011</i>	s.44	Council	CEO	Powers and duties of the Council under the <i>Cat Act 2011</i>	s.45(6)
<i>Planning and Development Act 2005</i>	s16(3)	Commission	A local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government	Functions of the Commission under the <i>Planning and Development Act 2005</i>	
<i>Strata Titles Act 1985</i>	s25 s27	Commission	A local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government	Functions of the Commission under the <i>Planning and Development Act 2005</i>	

Legislation		Delegation From	Delegation To	Function	Restrictions
<i>Dog Act 1976</i>	s26	Council	CEO	The authority to determine applications on the keeping of three dogs under the <i>Dog Act 1976</i>	
<i>Main Roads Act 1930</i>	s33C	Council	CEO	All powers, duties and functions of local government under the <i>Main Roads Act 1930</i>	
<i>Food Act 2008</i>		Council	CEO	The authority to serve a prohibition order, register a food business and initiate proceedings under the <i>Food Act 2008</i> .	
<i>Building Act 2011</i>	s127	Council	CEO	The authority to approve or refuse to grant permits and issue building orders	

The Power Being Delegated

The second statutory requirement for an effective delegation is the existence of a power to be delegated. 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.

Standard Conditions of Delegation

Each power of delegation may be subject to its own conditions and these are noted in the above list. However, there are some broad conditions of delegation that are detailed as follows:

The Interpretation Act 1984

Sections 58 and 59 of the *Interpretation Act 1984* place restrictions upon the exercise of the power of delegation and effects of delegation; these sections apply to all delegations under written laws however they may be varied by the statute which provides the power of delegation.

58. Delegates, performance of functions by

Where under a written law the performance of a function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that function may be performed by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter.

59. Power to delegate, construction of

- (1) *Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –*
 - (a) *such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;*
 - (b) *such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;*
 - (c) *if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;*
 - (d) *such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified officer or class of office;*
 - (e) *such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;*
 - (f) *in the case of a power conferred upon a person by reference to the term designating an office, such a delegation shall not cease to have effect by reason only of a change in the person lawfully acting in or performing the functions of that office.*
- (2) *The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.*
- (3) *Where under a written law an act or thing may or is required to be done to, by reference to or in relation to, a person and that person has under a written law delegated a relevant function conferred or imposed on him with respect to or in consequence of the doing of that act or thing, the act or thing shall be regarded as effectually done if done to, by reference to or in relation to the person to whom the function has been delegated.*

The Concept of ‘Acting Through’

[Extracted from DLSCI Guideline No. 17 – Delegations]

In addition to covering delegations, the *Local Government Act 1995* introduces the concept of “acting through.” In relation to delegations, section 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.

Register of Delegations

The *Local Government Act 1995* requires the local government to maintain a register of delegations made to committees (s5.18) and to the CEO (s5.46). These registers must be reviewed at least once every financial year.

Committees

The local government has not delegated any of its powers or duties to a committee.

CEO

The register of delegations to the CEO and other officers is listed following the Standard Conditions of Delegation.

Additionally, the City is to maintain a register of the exercise of delegations. The register must include prescribed information detailing how delegated authority has been exercised in a range of circumstances. The requirement to record the prescribed information applies only to delegations made using the power of delegation under part of the *Local Government Act 1995* and does not extend to other legislation.

STANDARD CONDITIONS

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).
5. Wherever possible the requirements of point 4 above shall be incorporated into administrative documents such as memos, file notes, cheque vouchers, etc.
6. Instruction is provided for each delegation on record keeping requirements.

NOTE: Where no other documentation is created and recorded in the City's record keeping system that will evidence a decision, the decision must be recorded by entering the details required at point 4 above in the form accessed via either BelNet or ECM 'templates' and subsequently registered in folder #11/005

LOCAL GOVERNMENT ACT 1995 DELEGATIONS TO CEO

DA01 – APPOINTMENT OF AUTHORISED OFFICERS

Power/Duty originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • s5.42 Delegation of some powers or duties to CEO • s5.43 Limitations on delegations to CEO <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> • s44 Delegation by local government <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> • s10AA (1) Delegation of local government powers and duties <p><i>Food Act 2008</i></p> <ul style="list-style-type: none"> • s118(2)(b) Functions if enforcement agencies and delegation <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s127 Delegation: special permit authorities and local governments <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • s21 Enforcement agency may delegate <p><i>Health (Miscellaneous Provisions) Act 1911</i></p> <ul style="list-style-type: none"> • s26 Powers of local government <p><i>Bush Fires Act 1954</i></p>
Delegation to	Chief Executive Officer
Power/Duty Delegated	<p><i>Local Government Act 1995</i></p> <ul style="list-style-type: none"> • <u>s3.24</u> Authorising persons under this subdivision (Part 3 Division 3, Subdivision 2 – Certain Provisions about land) • s9.10 Appointment of Authorised Officers <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> • s48 Authorised persons <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> • s29(1) Power to seize dogs • <u>s11</u> Staff and Services • s44 <u>Enforcement proceedings</u> <p><i>Food Act 2008</i></p> <ul style="list-style-type: none"> • s122(1) Appointment of authorised officers <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> • s96(3) Authorised Persons <p><i>Litter Act</i></p> <ul style="list-style-type: none"> • s26 Authorised officers, appointment and jurisdiction of etc <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> • <u>s24</u> Designation of authorised officers

Local Government Act 1995

	<p><u>Health (Asbestos) Regulations 1992</u> <u>R15D(5) Infringement Notices</u> <i>Bush Fires Act 1954</i></p> <ul style="list-style-type: none"> s38 Local government may appoint bush fire control officer <p><i>Health Local Law 2002</i> <i>Dogs Local Law</i> <i>Parking and Parking Facilities Local Law 2002</i> <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i></p> <p><i>Fencing Local Law 2004</i> <i>Dust and Liquid Waste Local Law 2007</i> <i>Urban Environment and Nuisance Local Law</i> <i>Stable Premises Local Law 2015</i> <u>All City of Belmont Local Laws</u></p>
Function	Appoint authorised officers in writing and issue certificates of authorisation to allow for the enforcement of the above Acts, associated Regulations and <u>any City of Belmont</u> Local Laws.
Conditions	<p>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</p> <p>A power or duty under section 63, 64 or 65 of the <i>Cat Act 2011</i> cannot be delegated to an authorised person.</p> <p>As per s9.10 (2) of the <i>Local Government Act 1995</i> and the specific regulatory provisions of the appointment, the City is to issue each person so authorised a certificate and/or letter of authorisation. Authorised persons may be required to produce letter/certificate when exercising authorised functions.</p> <p><u>Dog Act 1976: The CEO may delegate the above powers.</u></p>
Record Keeping	<p>Record details of authorisations issued.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems</p>
References:	<u>Operational Policy: BEXB32 Decision Making Policy – Decision Level 3</u>
Power to sub delegate:	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> s5.44. <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> s45 <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> Section 10AA(3) <p><i>Food Act</i></p>

Local Government Act 1995

	<ul style="list-style-type: none">• Nil <i>Building Act 2011</i> <ul style="list-style-type: none">• s127(6A) <i>Public Health Act 2016</i> <ul style="list-style-type: none">• Nil <i>Health (Miscellaneous Provisions) Act 1911</i> <ul style="list-style-type: none">• Nil <i>Bush Fire Control Act 1954</i> <ul style="list-style-type: none">• Nil
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DA02 – POWERS OF ENTRY IN AN EMERGENCY

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> Part 3, Division 3, Subdivision 3.34 – Entry in an emergency
Function	To give effect to powers of entry as required in performing the functions of the <i>Local Government Act 1995</i> .
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record decisions to enter property. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 2
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA03 – ROAD CLOSURES – Temporary

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s3.50 Closing certain thoroughfares to vehicles s3.50 A Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals s3.52 Public access to be maintained and plans kept
Function	All duties and functions described in the delegated sections of the <i>Local Government Act 1995</i> .
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record decision to undertake a closure. Record advice to owners/occupiers. Record agreements for maintenance of private structures in public thoroughfares /places. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 2
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA04 – TENDERS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> Part 4 – regs. 11 to 24
Function	To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation. To authorise purchases and accept tenders in accordance with the conditions of this delegation.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Authorise purchases that are exempt from tendering regulations as outlined in regulation 11.2, excluding 2(d), of the <i>Local Government (Functions and General) Regulations 1996</i> , where the purchase value is no more than \$250,000 per annum. Calling of tenders may only occur where there is an approved Council budget provision in the current year. Accept tenders where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> • Annual supplies of a routine operational nature within budget amount and where the tender contract is <ol style="list-style-type: none"> a. for no greater than 5-years and b. expenditure is no more than \$250,000 per annum; • Replacement plant, equipment, furniture and maintenance within a net (changeover) cost of less than \$250,000; • New plant, equipment, furniture and construction where the tender is for less than an amount of \$250,000 and within budget amount. • Goods or Services where an appropriate budget provision exists in the current year and the purchase value is under \$250,000.

	<p>The Chief Executive Officer may reject tenders of any amount.</p> <p>Accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with Section 3.47 of the <i>Local Government Act 1995</i></p> <p>Approve minor variations to the scope of work specified in a tender following the receipt of submissions but prior to entering into a contract provided there are sufficient funds being available within the approved budget for that item.</p> <p>A minor variation is defined as follows:</p> <ol style="list-style-type: none"> 1. Does not alter the nature of the goods and/or services procured; 2. Does not materially alter the specification or structure provided for by the initial tender; and 3. Is less than 10% of the original tendered price. <p>A tender cannot be varied outside the above definition.</p> <p>Each delegated officer's capacity to approve a variation to tender is limited to 10% of the tender value, or the value of their purchasing authority, whichever is the lesser amount.</p> <p>Where a tender is accepted with an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option.</p> <p>To call, accept the short listing and if required reject all Expression of Interests.</p>
Record Keeping	<p>Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.</p>
References:	<p><u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 3 BEXB7.1 Purchasing</p>
Power to sub delegate:	<p><i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees</p>

DA05 – ACQUISITION AND DISPOSAL OF LAND

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s3.58 (2) (3) Disposing of property
Function	Undertake the function of acquiring and disposal of land, including lease and purchase.
Conditions	<p>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</p> <p>Acquire and dispose of 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000.</p> <p>Acquire and dispose of a leasehold interest in property for a cumulative cost over the life of the lease of up to \$1,000,000.</p> <p>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.</p> <p>Assignment of leases and licences is subject to appropriate Police Clearances and Credit Checks (where unsatisfactory refer to Council).</p>
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> .
References:	Operational Policy : BEXB32 Decision Making Policy – Decision Level 2
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA06 – DISPOSAL OF ASSETS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s3.58 Disposing of property <i>Local Government (Functions and General) Regulations 1996 –</i> reg.30 (3) Dispositions of property excluded from Act s3.58
Function	Dispose of assets surplus to the City's operational needs.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Authorise the disposal of minor plant or asset with a depreciated value of less than \$20,000 without the requirement for Council approval. Authorise the disposal of a plant item or asset with a depreciated value of no more than \$90,000 in accordance with the requirements of s3.58.
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 2
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA07 – APPOINT ACTING CHIEF EXECUTIVE OFFICER

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s5.36 (1) (a) Local government employees
Function	To provide for the appointment of one of the City's Directors to perform the role of Acting Chief Executive Officer during absences of the Chief Executive Officer. In making this delegation the Council has determined that the City's Directors are suitably qualified to perform the role of Acting Chief Executive Officer.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Appointment to the role of Acting Chief Executive Officer must be made in writing to the nominee for a defined period, which does not exceed 3 months to align with long service leave entitlements. Directors will be appointed to the role of Acting Chief Executive Officer generally on a rotational basis at the discretion of the Chief Executive Officer however, dependent on availability and operational requirements. The City's incumbent Directors are: <ul style="list-style-type: none"> • Director Corporate and Governance • Director Development and Communities • Director Infrastructure Services
Record Keeping	Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	BEXB32 Decision Making Policy – Decision Level 2
Power to sub-delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees
CEO delegation to:	CEO has exercised the right not to sub-delegate this delegation.

DA08 ~~DA07~~ – MUNICIPAL AND TRUST FUND/PROCEDURES AND PAYMENTS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.7 Municipal fund s6.9 (3) Trust fund <i>Local Government (Financial Management) Regulations 1996</i> reg.11 Payments, procedures for making etc. reg.12 Payments from municipal fund or trust fund, restrictions on making
Function	Make payments from the Trust and Municipal Fund in accordance with procedures.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	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. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA09 ~~DA08~~ – WAIVER OR CONCESSIONS – Granting

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.12 (1) (b) (c) and (3) Power to defer, grant discounts, waive or write off debts
Function	Waive or grant concessions in relation to money owed to the City, write off money owed to the City, and determine the conditions to be applied to waive, grant a concession or write off money owed to the City.
Conditions	<p>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</p> <p>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.</p> <p>Write offs to be reported to Council on a quarterly basis with the Sundry Debtors Listing.</p> <p>Reversals of incorrectly charged debts are not considered to be a write off.</p>
Record Keeping	<p>Record decisions and insert ECM-links to relevant evidentiary documents.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.</p>
References:	<u>Operational Policy</u> :BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees.

DA10 DA09 – INVESTMENTS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> reg.19 Investments, control procedures for
Function	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.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of documented procedures; the subsequent amendment of procedures and 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 (Act s5.46(3)), are retained in the City's record keeping systems.
References:	Operational Policy : BEXB32 Decision Making Policy – Decision Level 3 BEXB7.3 Investment of Funds
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA11 ~~DA10~~ – RECOVERY OF UNPAID RATES

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.56 (1) Rates or service charges recoverable in court s6.60 Local government may require lessee to pay rent s6.64 Actions to be taken s6.69 (2) (3) Right to pay rates, service charges and costs, and stay proceedings s6.74 (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 [Section 6.65] Schedule 6.3(1) [4] and (4) [1] Provisions relating to sale or transfer of land where rates or service charges unpaid [Section 6.68(3)]
Function	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.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Legal representation is limited by the <i>Magistrates Court (Civil Proceedings) Act 2004</i> .
Record Keeping	Record decision to take action (Summons) and insert ECM-links to 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 (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3 <i>Magistrates Court (Civil Proceedings) Act 2004</i> – Part 4

Local Government Act 1995

Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA12 ~~DA11~~ – BANK ACCOUNTS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.6 Funds to be established <i>Local Government (Financial Management) Regulations 1996</i> reg.8 Separate bank etc. accounts required for some moneys
Function	Maintain separate accounts with a bank or other financial institution for money required to be held in: <ul style="list-style-type: none"> • the municipal fund; • the trust fund; • reserve accounts; and • common investment authorised by the Act.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of accounts opened and maintained. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA13 ~~DA12~~ – EXTENSION FOR RATE EXEMPTION APPLICATION

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.76 Grounds of Objections
Function	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 s6.26 Rateable Land beyond 42 days from the date of service of the rate notice.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Applications for an extension are to be made in writing. A recommendation on a rates exemption is to be referred to Council.
Record Keeping	Record decision to approve or not approve the application for extension of time and insert ECM-links to 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 (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA14 ~~DA13~~ – AUTHORISED OFFICERS – Variation of Meeting Date – Annual Electors Meeting

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s5.27 Electors' general meetings
Function	To vary Change the Annual Electors Meeting date from the date as outlined in Council Policy BEXB1.3 Council, Committee and Briefing Meeting Schedule should the need arise.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 2 BEXB1.3 Council, Committee and Briefing Meeting Schedule
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

*Local Government Act 1995***DA15 – DOGS – Keeping of Three Dogs**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Dog Act 1976</i> s26 Limitation as to numbers
Function	To determine applications for keeping of three dogs in accordance with Council Policy.
Conditions	As detailed in Council Policy SB20 Dogs—Keeping of Three Dogs. Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of decisions. Ensure that evidentiary documents are retained in the City's record keeping systems that meet the requirements of <i>Local Government (Administration) Regulations 1996 reg. 19 Delegates to keep certain records (Act s5.46(3))</i> , are retained in the City's record keeping systems
References:	BEXB32 Decision Making Policy—Decision Level 2 SB20 Dogs—Keeping of Three Dogs City of Belmont Dogs Local Law
Power to sub-delegate:	Nil

DA16-DA154 – DISCRETIONARY GRATUITY PAYMENTS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s5.50 – Payments to employees in addition to contract or award
Function	<p><u>To determine if a discretionary Gratuity payment should be made to a terminating 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.</u></p> <p>In recognition of longstanding and satisfactory service, employees will be entitled to consideration of a gratuity payment upon retirement due to age or ill health in accordance with conditions specified in their relevant Industrial Agreement and/or Council Policy BEXB10.1 – Gratuity Payments and Gifts to Employees.</p>
Conditions	<p>Must act in accordance with the City’s “Standard Conditions Relating to Delegations”.</p> <p>Must act in accordance with the City’s Enterprise Bargaining Agreement and <u>and the <i>Local Government Act 1995</i>/or Council Policy BEXB10.1 – Gratuity Payments and Gifts to Employees.</u></p> <p><u>If a decision is made by the CEO under this delegation then in accordance with s5.50(2) a public notice is to be given in relation to the payment made.</u></p> <p><u>The amount of any payment made is to be in accordance with s5.50(3) and must not exceed the value prescribed or provided for by regulation.</u></p>
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City’s record keeping systems (including relevant personnel files)
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 2 BEXB10.1 – Gratuity Payments and Gifts to Employees
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA17-DA165 – DETERMINATION OF APPLICATIONS FOR LEGAL REPRESENTATION FOR COUNCIL MEMBERS & EMPLOYEES

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s6.7 Municipal fund s9.56 Certain persons protected from liability for wrongdoing
Function	To determine an application seeking financial assistance for Legal Representation not exceeding an amount of \$5000.
Conditions	As detailed in Council Policy BEXB6.1 Legal Representation for Elected Members and Employees. In accordance with Council Policy BEXB6.1 any decision by the CEO to provide financial assistance under this delegation is to be reported to the next Ordinary Meeting of Council for information. Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)),are retained in the City's record keeping systems.
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 2 BEXB6.1 Legal Representation for Elected Members and Employees
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

Local Government Act 1995**DA18 – COMMON SEAL**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s9.49A Execution of documents
Function	In conjunction with the Mayor, sign and affix the Common Seal to documents on behalf of the Local Government either generally or subject to conditions or restrictions.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Must be reported in the Common Seal Register and reported monthly via the Councillor Portal.
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	BEXB32 Decision Making Policy — Decision Level 2
Power to sub-delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees
CEO delegation to:	CEO has exercised the right not to sub-delegate this Delegation.

DA19176 – DONATIONS – Disaster Relief

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i>
Function	The Chief Executive Officer in liaison with Elected Members will determine the provision of funds towards appeals where natural disasters have occurred.
Conditions	Contributions in this area are to be set at a maximum of that outlined within Council Policy SB1.2 Donations – Financial Assistance. The amount to be proposed must be undertaken in liaison with the Mayor. 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. Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 2 SB1.2 Donations – Financial Assistance
Power to sub delegate:	Nil

DA20-DA187 – COMMUNITY CONTRIBUTION FUNDS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i>
Function	Undertake the function of approving the release of funds as part of the Community Contribution Fund to a maximum limit of \$5,000 per application.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Expenditure to be within approved Budget and in accordance with Council Policy SB1.2 Donations – Financial Assistance. Direct benefit to the City of Belmont residents and communities.
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	SB1.2 Donations – Financial Assistance <i>Resolved OCM 28/08/12 – Item 12.3. (Refer to Council Report)</i>
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

DA198 – BELMONT BUSINESS INNOVATION GRANTS

<u>Power/Duty originally assigned to</u>	<u>Local Government</u>
<u>Power to Delegate</u>	<u>Local Government Act 1995</u> <u>s5.42 Delegation of some powers or duties to CEO</u> <u>s5.43 Limitations on delegations to CEO</u>
<u>Delegation to</u>	<u>Chief Executive Officer</u>
<u>Power/Duty Delegated</u>	<u>Local Government Act 1995</u>
<u>Function</u>	<u>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.</u>
<u>Conditions</u>	<u>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</u> <u>Expenditure to be within approved Budget and in accordance with Council Policy BSB1.1 Belmont Business Innovation Grants.</u>
<u>Record Keeping</u>	<u>Record details of authorisations issued.</u> <u>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.</u>
<u>References:</u>	<u>BSB1.1 Belmont Business Innovation Grants.</u>
<u>Power to sub delegate:</u>	<u>Local Government Act 1995</u> <u>s5.44 CEO may delegate powers and duties to other employees</u>
<u>CEO delegation to</u>	<u>The CEO has chosen not to exercise this power in this instance.</u>

DA21 – AUTHENTICATION OF DOCUMENTS NOT REQUIRING THE COMMON SEAL

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s9.49 Documents, how authenticated
Function	To sign, and authorise officers to sign formal documentation that is entered into by the City for the purpose of various documentation including but not limited to; <ul style="list-style-type: none"> • Leases, Licences and occupancy agreements • Consultancy agreements • Contracts • Confidentiality agreements • Memorandum of Understandings, and • Any other agreement to which the City is a party.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	BEXB32 Decision Making Policy – Decision Level 2
Power to sub-delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees
CEO delegation to:	Director Corporate and Governance Director Infrastructure Services Director Development and Communities Supplementary Conditions: Above stated conditions apply.

DA22-DA2019 – RECEIVING OF LEGAL DOCUMENTS TO BE SERVED ON THE CITY

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government Act 1995</i> s9.51 Giving documents to local government
Function	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"> • <i>Magistrates Court Act 2004</i> • <i>District Court of WA Act 1969</i> • <i>Supreme Court Act 1975</i> • <i>High Court of Australia Act 1979</i>
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". Unless a position title is included in the document this delegation does not extend to documents being served personally on an individual by name
Record Keeping	Record details of authorisations issued. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 2
Power to sub delegate:	<i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

BUILDING ACT 2011**~~DA23~~ DA240 – BUILDING ACT 2011**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Building Act 2011</i> s127 Delegation: special permit authorities and local governments
Delegation to	Chief Executive Officer
Power/Duty Delegated	<p><i>Building Act 2011</i></p> <p>The following Permit Authority functions as required by the <i>Building Act 2011</i> and subsidiary Regulations</p> <p>s18 Further Information</p> <p>s20 Grant of building permit</p> <p>s21 Grant of demolition permit</p> <p>s22 Further grounds for not granting an application</p> <p>s27 Conditions imposed by permit authority</p> <p><u>s55 Further information</u></p> <p>s58 Grant of occupancy permit, building approval certificate</p> <p>s62 Conditions imposed by permit authority</p> <p>s65 Extension of period of duration</p> <p>s110 Building orders</p> <p>s111 Notice of proposed building order other than building order (emergency)</p> <p>s117 Revocation of building order</p> <p><u>s118 Permit authority may give effect to building order if non-compliance</u></p> <p><u>s133 A permit authority may commence a prosecution for an offence against this Act.</u></p> <p><u><i>Building Regulations 2012:</i></u></p> <p><u>r.23 Application to extend time during which permit has effect (s.32)</u></p> <p><u>r.24 Extension of time during which permit has effect (s.32(3))</u></p> <p><u>r.26 Approval of new responsible person (s.35(c))</u></p> <p><u>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</u></p>
Function	The Authority to approve or refuse to grant permits and issue Building Orders:
Conditions	<p>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</p> <p>In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied.</p> <p>Notify Council of all refusals to grant Permits and Building Orders issued.</p>

Building Act 2011

Record Keeping	<p>Any Permit granted or Building Order duly completed is sufficient record for the purposes of this Delegation.</p> <p>Ensure that evidentiary documents that meet the requirements of the <i>Building Act 2011</i> and the <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.</p>
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	<p><i>Building Act 2011</i> s127 (6(A) The CEO of a local government may delegate to any other local government employee</p>

DA24-DA221 – VERGE PERMITS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to CEO s5.43 Limitations on delegations to CEO
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> reg.6 Obstruction of public thoroughfare by things placed and left
Function	Consider and issue Verge Permits, with or without conditions in accordance with the requirements of reg.6.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi Judicial Role' are applied.
Record Keeping	As per Building / Demolition Permits, a Verge Permit duly completed is sufficient record for the purposes of this Delegation. Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems.
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 4
Power to sub delegate:	<i>Building Act 2011</i> s127 (6A) The CEO of a local government may delegate to any other local government employee. <i>Local Government Act 1995</i> s5.44 CEO may delegate powers and duties to other employees

LOCAL PLANNING SCHEME No 15**DA25-DA232 – DEVELOPMENT APPLICATIONS**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl. 82(1) Delegations by local government
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2</i> s68 Determination of applications s70 Form and date of determination s77 Amending or cancelling applications <i>Planning and Development (Development Assessment Panel) Regulations 2011</i> 17A Amendment or cancellation of development approval by responsible authority.
Function	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.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". This delegation must not be exercised by the delegated officer where: <ul style="list-style-type: none"> • The estimated cost of development, excluding any development undertaken by the City, exceeds \$5 million. • 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. • The development proposal has a strategic impact and as a result involves issues in which Council has a direct interest. • A significant variation to the development standards listed in Local Planning Scheme No. 15 is evident. • A significant variation to a Local Planning Policy is evident and the variation is not consistent with the objectives of the Local Planning Policy.

Planning and Development Act 2005

	<ul style="list-style-type: none"> • 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. • 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"> 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 b. The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or 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 d. The application is refused. • 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). • 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.
Specific Delegation:	<p>Amendments and Cancellations to Previously Approved Development</p> <p>Authority is granted to the Director Development and Communities and the Manager Planning Services, Coordinator Planning and Coordinator Design Projects to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications</p>
Specific Delegation:	<p>Approvals for Development Applications – Use Not Listed – Types Previously Determined by Council</p> <p>Authority granted to Director Development and Communities and Manager Planning Services to make determinations on development applications for “Use Not Listed” types that have previously been determined by Council.</p>
Record Keeping	<p>Delegation proforma register to ECM11/005.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City’s record keeping systems.</p>

Planning and Development Act 2005

References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 4
Power to sub delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl. 83(1) Local government CEO may delegate powers.

Amended OCM 27.08.2019 Item 12.9 Change in Director Development and Communities position title

Amended OCM 25.02.2020 Item 12.9: Specific Delegation

*Planning and Development Act 2005***DA26-DA243– PRELIMINARY & FINAL BUILT STRATA APPROVAL**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Planning and Development Act 2005</i> s16 (3) (e) Delegation by Commission
Delegation to	Director Development and Communities Manager Planning Services Coordinator Planning Services Coordinator Design Projects Senior Planning Officer
Power/Duty Delegated	<i>Planning and Development Act 2005</i> s16 (3) (e) Delegation by Commission <i>Strata Titles Act 1985</i> s25 Certificate of Commission; and s27 Review of Commission decision
Function	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.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations". This delegation must not be exercised by the delegated officer for applications that: <ul style="list-style-type: none"> • Propose the creation of a vacant lot; • Propose vacant air stratas in multi-tiered strata scheme developments; and • 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.
Record Keeping	Delegation proforma register to ECM11/005. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 4
Power to sub delegate:	Nil

BUSH FIRES ACT 1954**~~DA27~~ ~~DA254~~ – BUSH FIRES ACT – Powers and Functions**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s48 Delegation by local governments
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Bush Fires Act 1954</i>
Function	All powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> <u>including s59 & 59A-</u>
<u>Specific Delegation to</u>	<u>Chief Bush Fire Control Officer</u>
<u>Specific Power/Duty Delegated</u>	<u>s59 Prosecution of Offences</u> <u>s59A Alternative Procedure – infringement notices</u>
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Maintain records of activities and decisions made under this delegation. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	Nil

MAIN ROADS ACT 1930**~~DA28~~ DA265 – MAIN ROADS – Control of Advertisements**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Main Roads Act 1930</i> s33C Commissioner may delegate powers etc. under regulations to local government
Delegation to	Chief Executive Officer
Power/Duty Delegated	<i>Main Roads Act 1930</i>
Function	All powers, duties and functions of the local government under the Main Roads Act 1930.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Maintain records of activities and decisions made under this delegation. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	Nil

FOOD ACT 2008**~~DA29~~ DA276 – PROHIBITION ORDERS**

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Food Act 2008</i> s118 Functions of enforcement agencies and delegation s119 Conditions on performance of functions by enforcement agencies s120 Performance of functions by enforcement agencies and authorised officers
Delegation to	Chief Executive Officer Director Development and Communities Manager Safer Communities
Power/Duty Delegated	<i>Food Act 2008</i> s65 Prohibition order s66 Certificate of clearance to be given in certain circumstances s67 Request for re-inspection
Function	This delegation provides authority to:- 1. Serve a prohibition order on the proprietor of a food business in accordance with s65 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.
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy:</u> BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	Nil

DA30-DA287 – REGISTRATION OF FOOD BUSINESS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Food Act 2008</i> s118 Functions of enforcement agencies and delegation s119 Conditions on performance of functions by enforcement agencies s120 Performance of functions by enforcement agencies and authorised officers
Delegation to	Chief Executive Officer Director Development and Communities Manager Safer Communities
Power/Duty Delegated	<i>Food Act 2008</i> s110 Registration of food business s112 Variation of conditions or cancellation of registration of food businesses.
Function	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> .
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	Nil

DA31-DA298 – FOOD ACT 2008 - PROSECUTIONS

Power/Duty originally assigned to	Local Government
Power to Delegate	<i>Food Act 2008</i> s118 Functions of enforcement agencies and delegation s119 Conditions on performance of functions by enforcement agencies s120 Performance of functions by enforcement agencies and authorised officers
Delegation to	Chief Executive Officer Director Development and Communities Manager Safer Communities
Power/Duty Delegated	<i>Food Act 2008</i> s125 Institution of proceedings
Function	The authority to institute proceedings for an offence under the <i>Food Act 2008</i> .
Conditions	Must act in accordance with the City's "Standard Conditions Relating to Delegations".
Record Keeping	Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the City's record keeping systems
References:	<u>Operational Policy</u> : BEXB32 Decision Making Policy – Decision Level 3
Power to sub delegate:	Nil

Dog Act 1976**DOG ACT 1976****DA3029 – DOGS**

<u>Power/Duty originally assigned to</u>	<u>Local Government</u>
<u>Power to Delegate</u>	<u>Dog Act 1976</u> <u>s10AA Delegation of local government powers and duties</u>
<u>Delegation to</u>	<u>Chief Executive Officer</u>
<u>Power/Duty Delegated</u>	<u>Dog Act 1976</u> <u>s15(2) & (4A) Registration period and fees</u> <u>s16(3) Registration procedures</u> <u>s17A(2)</u> <u>s17(4) & (6)</u> <u>s29(5) power to seize dogs</u> <u>s29(11)</u> <u>s33E (1) Individual dog may be declared to be dangerous dog (declared)</u> <u>s.33F(6) Owners to be notified of making of declaration</u> <u>s.33G(4) Seizure and destruction</u> <u>s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy</u> <u>s33M(1)(a) Local Government expenses to be recoverable</u> <u>s44 Enforcement proceedings</u>
<u>Function</u>	<u>To carry out the functions of the Dog Act 1976, associated regulations and local laws.</u> <u>To determine the registration procedures and to</u> <ul style="list-style-type: none"> • <u>determine to refuse an dog registration</u> • <u>determine and provide notice for the non-renewal, cancellation or refusal to register due to reasons in accordance with the Act and associated regulations</u> • <u>discount or waive a registration fee</u> • <u>apply for seizure and following seizure dealt with in accordance with s17(6)</u> <u>Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].</u> <u>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)].</u> <u>Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]</u> <u>Authority to declare an individual dog to be a dangerous dog [s.33E(1)].</u> <u>Authority to consider and determine to either dismiss or uphold an</u>

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	<p><u>objection to the declaration of a dangerous dog [s.33F(6)].</u></p> <p><u>Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</u></p> <p><u>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)]</u></p> <p><u>i. 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)].</u></p> <p><u>Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:</u></p> <p><u>(a) a notice declaring a dog to be dangerous; or</u></p> <p><u>(b) a notice proposing to cause a dog to be destroyed</u></p> <p><u>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)].</u></p>
<u>Conditions</u>	<p><u>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</u></p> <p><u>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.</u></p>
<u>Record Keeping</u>	<p><u>Record details of decisions.</u></p> <p><u>Ensure that evidentiary documents are retained in the City's record keeping systems that meet the requirements of <i>Local Government (Administration) Regulations 1996 reg. 19 Delegates to keep certain records (Act s5.46(3))</i>, are retained in the City's record keeping systems</u></p>
<u>References:</u>	<p><u>City of Belmont Dogs Local Law</u></p> <p><u>Includes recovery of expenses relevant to:</u></p> <p><u>s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense</u></p> <p><u>s.33M Local government expenses to be recoverable.</u></p> <p><u>s.47 Veterinary service expenses recoverable from local government</u></p> <p><u>r.31 Local government expenses as to dangerous dogs (declare)</u></p>

Dog Act 1976

<p><u>Power to sub delegate:</u></p>	<p><u>s10AA (3) Delegation of local government powers and duties (Note: sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</u></p>
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Dog Act 1976**DA310 – KEEPING OF THREE DOGS**

<u>Power/Duty originally assigned to</u>	<u>Local Government</u>
<u>Power to Delegate</u>	<u>Dog Act 1976</u> <u>s10AA Delegation of local government powers and duties</u>
<u>Delegation to</u>	<u>Chief Executive Officer</u>
<u>Power/Duty Delegated</u>	<u>Dog Act 1976</u> <u>s26 Limitation as to numbers</u>
<u>Function</u>	<u>To determine applications for keeping of three dogs in accordance with Council Policy.</u>
<u>Conditions</u>	<u>As detailed in Council Policy SB20 Dogs – Keeping of Three Dogs.</u> <u>Must act in accordance with the City’s “Standard Conditions Relating to Delegations”.</u> <u>The Chief Executive Officer may further delegate (Sub-delegate) to employees who the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</u>
<u>Record Keeping</u>	<u>Record details of decisions.</u> <u>Ensure that evidentiary documents are retained in the City’s record keeping systems that meet the requirements of <i>Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3))</i>, are retained in the City’s record keeping systems</u>
<u>References:</u>	<u>Operational Policy: <i>BEXB32 Decision Making Policy – Decision Level 2</i></u> <u>SB20 Dogs – Keeping of Three Dogs</u> <u>City of Belmont <i>Dogs Local Law</i></u>
<u>Power to sub delegate:</u>	<u>Nil 10AA.Delegation of local government powers and duties</u> <u>(3)The delegation may expressly authorise the delegate to further delegate the power or duty.</u>

Cat Act 2011**CAT ACT 2011****DA321 – CAT ACT 2011**

<u>Power/Duty originally assigned to</u>	<u>Local Government</u>
<u>Power to Delegate</u>	<u>Cat Act 2011:</u> <u>s.44 Delegation by local government</u>
<u>Delegation to</u>	<u>Chief Executive Officer</u>
<u>Power/Duty Delegated</u>	<u>Cat Act 2011:</u> <u>s.9 Registration</u> <u>s.10 Cancellation of registration</u> <u>s.11 Registration numbers, certificates and tags</u> <u>s.26 Cat control notice may be given to cat owner</u> <u>s.37 Approval to Breed Cats</u> <u>s.38 Cancellation of approval to breed cats</u> <u>s.39 Certificate to be given to approved cat breeder</u> <u>s49(3)</u> <u>s73 Prosecutions</u> <u>Cat Regulations 2012</u> <u>Schedule 3, cl.1(4) Fees Payable</u> <u>Schedule 3, cl1(2) & (3)</u> <u>Cat (Uniform Local Provisions) Regulations 2013:</u> <u>r.8 Application to keep additional number of cats</u> <u>r.9 Grant of approval to keep additional number of cats</u>
<u>Function</u>	<u>Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</u> <u>Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</u> <u>Authority to cancel a cat registration [s.10].</u> <u>Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</u> <u>Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat only [Regs. Sch. 3 cl.1(2)(3)(4)].</u> <u>Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City of Belmont's District [s.26].</u> <u>Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</u> <u>Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the</u>

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	<p><u>application [s.37(4)].</u></p> <p><u>Authority to cancel an approval to breed cats [s.38].</u></p> <p><u>Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</u></p> <p><u>Authority to commence recovery of costs action associated with the destruction of cat by authorised officer (s49(3))</u></p> <p><u>Authority to commence prosecution.</u></p> <p><u>Authority to require any document or additional information required to determine an application [r.8(3)]</u></p> <p><u>Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</u></p> <p><u>Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</u></p>
<u>Conditions</u>	<p><u>Must act in accordance with the City's "Standard Conditions Relating to Delegations".</u></p> <p><u>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></u></p> <p><u>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 s6.16.6.17 & 6.18 of <i>Local Government Act 1995</i></u></p>
<u>Record Keeping</u>	<p><u>Record details of decisions.</u></p> <p><u>Ensure that evidentiary documents are retained in the City's record keeping systems that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 <u>Delegates to keep certain records (Act s5.46(3))</u>, are retained in the City's record keeping systems</u></p>
<u>References:</u>	<p>Operational Policy: <u>BEXB32 Decision Making Policy – Decision Level 2</u> <u>Cat Regulations 2012</u></p> <p><u>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</u></p> <p><u>r.12 Period of registration (s.9(7))</u></p> <p><u>r.11 Changes in registration</u></p> <p><u>r.14 Registration certificate (s.11(1)(b))</u></p> <p><u>r.15 Registration tags (s.76(2))</u></p> <p><u>r.21 Application for approval to breed cats (s.36(2))</u></p>

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	<p><u>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))</u> <u>r.23 Person who not be refused approval to breed cats (s.37(5))</u> <u>r.24 Duration of approval to breed cats (s.37(6))</u> <u>r.25 Certificate given to approved cat breeder (s.39(1))</u> <u>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.</u></p>
<p><u>Power to sub delegate:</u></p>	<p><u>Cat Act 2011:</u> <u>s.45 Delegation by CEO of local government</u></p>