

TOWN OF CLAREMONT
DELEGATED
AUTHORITY REGISTER



Purpose of Delegating Authority

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions. A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or a body that is vested with the responsibility to exercise that power or duty.

Delegations to the Chief Executive Officer

The *Local Government Act 1995* (**the Act**) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, with the exception of limitations as listed under section 5.43 of the Act.

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

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

Delegations by the Chief Executive Officer to Employees

Section 5.44 of the Act allows for the Chief Executive officer to delegate any of her powers to another employee and this must be done in writing.

The Act allows for the Chief Executive Officer to place conditions on any delegations.

An employee to whom a duty or power is delegated under the Act is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary and annual return each year.

Standard Conditions of Delegations

All delegations are subject to the following *Standard Conditions*:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the Town of Claremont;
- In exercising a delegation the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable;
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident;

- Pursuant to section 5.46 of the *Local Government Act 1995* and Regulation 19 of the *Local Government (Administration) Regulations 1996*, the Office of the Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

The written record is to contain:

- How the person exercised the delegation;
- When the person exercised the delegation; and
- The persons or classes of persons, other than Council or Committee Members or employees of the local.

Western Australian legislation referred to in this Delegated Authority Register can be accessed online at the State Law Publisher's website, <http://www.legislation.wa.gov.au/>.



TABLE OF CONTENTS

TABLE OF CONTENTS	i
DA3	1
Appoint Authorised Persons	1
DA4	3
Disposing of Property	3
DA5A	5
Electoral Roll Eligibility Claims and Electoral Roll	5
DA6	7
Rate Record – Objections	7
DA7	8
Defer, Grant Discounts, Waive or Write Off Debts	8
DA8	10
Rate Record Amendment.....	10
DA9	11
Payments of Accounts from Municipal or Trust Funds	11
DA10	12
Tenders for Goods and Services.....	12
DA12	15
Power to Invest and Manage Investments	15
DA22	17
Determination of Planning Related Matters.....	17
DA23	21
Authorisation to do Things on Land that is not Property of the Local Government	21
DA25	23
Authority Relating to Building Provisions	23
DA26	25
Closure of Thoroughfares.....	25
DA27	27
Control Reserves and Certain Unvested Facilities	27
DA28	28
Issue and Revocation of Building Orders.....	28
DA30A	30



Declare Vehicle is Abandoned Vehicle Wreck.....	30
DA30B	31
Confiscated or Uncollected Goods	31
DA33	33
Issuing Strata Titles – Certification of Local Government.....	33
DA35	34
Illegal Development – Direction to Stop Work.....	34
DA36	35
Approval of Signage.....	35
DA37	37
Dog Act 1976.....	37
DA38	39
Food Act 2008.....	39
DA39	41
Environmental Protection Notice	41
DA40	42
Noise Control – Noise Management Plans	42
DA41	43
Noise Control – Waste Collection, Community Activities, Sporting, Cultural and Entertainment Events.....	43
DA42	44
Agreement as to payment of rates and service charges	44
DA43	46
Recovering of Rates or Service Charges.....	46
DA 44-A.....	47
Representation in Court Proceedings.....	47
DA45-A.....	48
Infringements.....	48
DA46	49
Powers of Entry (Local Government Act)	49
DA47	51
Graffiti	51
DA48	53



Private Pool Barrier-Alternative and Performance Solutions.....	53
DA49	54
Smoke Alarms – Alternative Solutions	54
DA50	55
Enforcement Agency Reports to the Chief Health Officer	55
DA51	56
Designate Authorised Officers	56
DA52	58
Disposal of Sick or Injured Animals.....	58
DA53	59
Appointing Bush Fire Control Officers	59
DA54	61
Prosecution of Offences	61
DA55	62
Cat Registrations.....	62
DA 56	64
Local Laws	64



DA3

Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, and Subdivision 2 – Certain provisions about land]. s.9.10 Appointment of authorised persons.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i>. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i>. 3. Authority to appoint authorised person for the purposes of section 15 of the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. b) Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil

DELEGATED AUTHORITY REGISTER



CEO Conditions on this Sub-Delegation:

Conditions on the original delegation also apply to the sub-delegations:

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review – Amended

**DA4****Disposing of Property**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) and (3) Disposing of Property. <i>Local Government (Functions and General) Regulations 1996:</i> r.30 Dispositions of property excluded from the Act s.3.58.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a) to the highest bidder at public auction [s.3.58(2)(a)]. b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]. 2. 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) Compliance with LG510 Disposal Policy. b) Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. c) In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less. d) When determining the method of disposal: <ol style="list-style-type: none"> (i) Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> • Reserve price has been set by independent valuation. • Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.



	<p>(ii) Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</p> <p>(iii) Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:</p> <ul style="list-style-type: none"> • Negotiate the sale of the property up to a -10% variance on the valuation; and • Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. <p>e) Where the market value of the property is determined as being less than \$20,000 (<i>Local Government (Functions and General) Regulations 1996</i> r.30(3) excluded disposal) may be undertaken:</p> <p>(i) Without reference to Council for resolution; and</p> <p>(ii) In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a Nil market value, then the disposal must ensure environmentally responsible disposal.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s. 5.44 CEO may delegate some powers and duties to other employees.</p>

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management Manager Engineering and Parks
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	In relation to the Manager Engineering and Park, the delegation is applicable to vehicle changeovers only.

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended



DA5A

Electoral Roll Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.
Express Power or Duty Delegated:	<p><i>Local Government Act 1995:</i></p> <p>s. 4.32(4), (5A) and (5) Eligibility to enrol under s. 4.30, how to claim. s. 4.34 Accuracy of Enrolment Details to be Maintained. s. 4.35 Decision That Eligibility to Enrol Under s. 4.30 Has Ended. s. 4.37 New Roll for Each Election.</p> <p><i>Local Government (Elections) Regulations 1995:</i></p> <p>r. 11(1a) Nomination of Co-owners or Co-occupiers — s. 4.31. r. 13(2) and (4) Register – s. 4.32(6).</p>
Delegate:	Director Infrastructure and Financial Management
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].

DELEGATED AUTHORITY REGISTER



	<p>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</p> <p>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</p> <p>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</p>
Council Conditions on this Delegation:	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i></p> <p>s. 5.44 CEO may delegate some powers and duties to other employees.</p>

Version Control

1	CEO 31/10/2018 D-18- 33050 : New Delegation
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review- Amended



DA6

Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s. 6.76 Grounds of Objection.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA7****Defer, Grant Discounts, Waive or Write Off Debts**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Town of Claremont [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Town of Claremont [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Town of Claremont [s.6.12(1)(c)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) This delegation is not applicable to writing off or waiving rates or service charges. b) Limited to individual or cumulative debts valued below \$500. Write off of debts greater than these values must be referred for Council decision. c) A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Town. d) Where appropriate, compliance with LG532 Financial Hardship Policy.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director of Infrastructure and Financial Management Director Governance and People Director Planning and Development Manager Finance

DELEGATED AUTHORITY REGISTER



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Limited to individual or cumulative debts valued below \$250. Sub-delegates may only write off or waive fees and charges related to their operational areas and responsibilities. The power to waive or write off library fees is subject to the debt not exceeding \$50.
--	---

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA8****Rate Record Amendment**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate Record. s.6.40 Consequential actions that may be required following a decision to amend the rate record.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	Delegates must comply with the requirements of s.6.40 of the Act which prescribes consequential actions that may be required following a decision to amend the rate record.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA9****Payments of Accounts from Municipal or Trust Funds**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making. r. 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	Authority to make payments is subject to annual budget limitations and compliance with Bank Accounts and Payments Policy LG530.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management Manager Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Delegates must comply with the Procedures approved by the CEO in accordance with the Financial Management Regulation 5. Delegates must comply with Bank Accounts and Payments Policy LG530.

Version Control

1	OCM 17/7/2018 – Annual Review – Amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended



DA10

Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.</p>
Express Power or Duty Delegated:	<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:</i></p> <p>r.11 When tenders have to be publicly invited. r.13 Requirements when local government invites tenders though not required to do so. r.14 Publicly inviting tenders, requirements for. r.18 Rejecting and accepting tenders. r.20 Variation of requirements before entry into contract. r.21A Varying a contract for the supply of goods or services.</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].



	<p>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].</p> <p>9. Authority to accept, or reject tenders, only within the dollar value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].</p> <p>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the dollar value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)].</p> <p>14. Authority to, vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the contract OR is a renewal or extension that was included in the original tender submission in accordance with r.11(2)(j). [F&G r.21A].</p> <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
Council Conditions on this Delegation:	<p>a) Compliance with LG 509, Procurement Policy.</p> <p>b) In accordance with s.5.43, tenders may only be accepted where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> <p>c) Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;

DELEGATED AUTHORITY REGISTER



Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review – Amended



DA12

Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) All investment activity must comply with the Financial Management Regulation 19C and Investment Policy LG511. b) A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c) Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d) Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Management Committee at least once every 3 financial years. [Audit regulation.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

DELEGATED AUTHORITY REGISTER



Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management Manager Finance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Compliance with LG 511, Investment Policy. A decision to invest must be jointly confirmed by two Delegates. Delegates Investment decisions are limited to a maximum of \$500,000 per transaction. Any investment above this amount must be referred to the CEO.

Version Control

1	OCM 17/7/2018 – Annual Review – no amendments
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA22****Determination of Planning Related Matters**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning & Development (Local Planning Schemes) Regulations 2015:</i> cl.82 Delegations by local government.
Express Power or Duty Delegated:	<i>Planning & Development (Local Planning Schemes)</i> Determination of planning matters
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the Chief Executive Officer its power cl. 82 of the <i>Planning and Development (Local Planning Schemes) 2015</i> to determine: <ol style="list-style-type: none"> 1. All planning related matters inclusive of determination of development applications for all residential, commercial, light industrial, community and recreational development in accordance with the provisions of the Residential Design Codes, Town Planning Scheme No. 3 (TPS3) and any planning related Council Policy or Local Law; 2. Any other planning related matters including preparation of documentation and responses for applications, comments and recommendations to the Western Australian Planning Commission (inclusive of clearances for subdivision conditions), Department of Planning, Swan River Trust, State Heritage Office of Western Australia, and any other government department and instrumentality on matters associated with subdivision/amalgamation and/or the development of land.
Council Conditions on this Delegation:	Notification to Elected Members That the Chief Executive Officer informs Elected Members about any planning application for which Delegation DA22 is to be exercised, and provides Elected Members with details in relation to the proposal, consultation responses, the validity of any objection, the way in which any objection has been addressed and variations to standards required. The following applications may be determined under this delegation without prior notification to Elected Members, providing a list of the determinations is provided to Elected Members within one week of the delegation being exercised: <ol style="list-style-type: none"> a) Applications for clearance of subdivision conditions and plans; b) Applications for Section 40 Certification of liquor licences; c) Applications for residential development where an automatic refusal is issued due to a lack of discretion (or State Administrative Tribunal



	<p>review right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law;</p> <p>d) Recommendations in regard to an application which is to be determined by another authority where refusal is to be issued due to a lack of discretion (or State Administrative Tribunal review right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law, and</p> <p>e) Any application which is substantively the same as an application which has been previously determined by Council.</p> <p>Elected Members are to be notified of all other applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA22.</p> <p><u>Relevant and Non-Relevant Planning Matter(s) for Consideration</u></p> <p>For the purposes of this Delegation, the following matters are a 'relevant planning matter(s)':</p> <p>a) Matters to be considered by Council under the Schedule 2 deemed provisions (cl.67) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regs.);</p> <p>b) Any development standard or requirement in TPS3;</p> <p>c) Any design element in the Residential Design Codes where the application calls for consideration of the design principles; or</p> <p>d) Any clarification in a Planning Policy adopted under the requirements of TPS3 or Local Law gazetted under the LG Act.</p> <p>For the purposes of this Delegation, the following matters are not a 'relevant planning matter(s)':</p> <p>a) Impacts on property price;</p> <p>b) Matters that are usually dealt with under a building permit, including (but not limited to) the <i>Dividing Fences Act 1961</i> and <i>Strata Titles Act 1985</i>.</p> <p>c) Matters of personal hardship or compassionate issues unrelated to amenity impact and orderly and proper planning;</p> <p>d) Incorrect assumptions on technical planning matters;</p> <p>e) Any design element in the Residential Design Codes where the application achieves the deemed-to-comply requirements of the Residential Design Codes and the impacts of that design element are not considered to have a detrimental affect the amenity of the locality</p>
--	--



	<p>in accordance with the Schedule 2 deemed provisions (cl.67) of the LPS Regulations, or</p> <p>f) Any claim for adverse possession of land.</p> <p><u>Exclusions</u></p> <p>Delegations 1 and 2 above are subject to the following exclusions and accordingly these matters are to be referred to Council for determination:</p> <p>a) Any development where an objection containing a 'relevant planning matter' has been received and the objection has not been resolved or addressed to the satisfaction of the Town by modifications to the plan, or by the application of conditions of approval, or by refusal of the application;</p> <p>b) Any development application or request for reconsideration which is to be referred to the Metropolitan West Joint Development Assessment Panel (not including minor variations to plans or conditions of approval determined by Council under Regulation 17A of the <i>Planning and Development (Development Assessment Panels) Amendment Regulations 2016</i>;</p> <p>c) Any planning application resulting from an application for review to the State Administrative Tribunal where the initial determination was made by Council;</p> <p>d) Any subdivision application comment to the Western Australian Planning Commission for proposals producing more than two lots or any subdivision of two lots or more which is not consistent with a Council Development Approval or an approved Structure Plan or Local Development Plan/Detailed Area Plan;</p> <p>e) Any planning related application referred to an advisory committee of the Council.</p> <p>An application to remove a heritage listed property from the Town's TPS3 Heritage List and Local Government Inventory, or demolish the heritage lists property (unless the officer recommendations is for refusal due to non-compliance with the requirements of Council's Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts).</p>
Express Power to Sub-Delegate:	<p><i>Planning & Development (Planning Schemes) Regulations 2015:</i></p> <p>cl.83 Local government CEO may delegate powers.</p>
Sub-Delegate/s: <i>Appointed by CEO:</i>	<p>Director Planning and Development Manager Planning</p>

DELEGATED AUTHORITY REGISTER



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.
--	------------------------

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 1/1/2018 Amended
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review –Amended



DA23

Authorisation to do Things on Land that is not Property of the Local Government

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates its power to the Chief Executive Officer to do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the Town does not have consent to do it. The things prescribed are: <ol style="list-style-type: none"> 1. Carry out works for the drainage of land. 2. Do earthworks or other works on land for preventing or reducing flooding. 3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate (s3.36 applies and s.3.27(3) applies). 4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require (s.3.36 applies and s.3.27(3) applies). 5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare. (s.3.36 applies and s.3.27(3) applies). 6. Place on land signs to indicate the names of public thoroughfares. 7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.
Council Conditions on this Delegation:	Nil

DELEGATED AUTHORITY REGISTER



Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA25****Authority Relating to Building Provisions**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<p><i>Building Act 2011:</i></p> <p>s.18 Further information s.20 Grant building permit. s.21 Grant of demolition permit. s.22 Further grounds for not granting an application. s.27(1) and (3) Impose conditions on Permit. 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. s.96(3) authorised persons. s.99(3) Limitations on powers of authorised person. s131 A permit authority may allow inspection and provide copy of building record. s145(A)(1) A local government may refer an uncertified application to a building surveyor not employed by the local government. S145A(2) A local government may issue a CDC, CCC or CBC for a building outside of the district.</p> <p><i>Building Regulations 2012:</i></p> <p>r.23 Application to extend time during which permit has effect (s.32). r.24 Extension of time during which permit has effect (s.23(3)). r. 26 Approval of new responsible person (s.35(c)). r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65). r.70 Approved and Authorised Officers.</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Approve or refuse on behalf of Council applications for Building and Demolition Permits; 2. Approve; extend the period of duration, modify or refuse applications for a Grant of Occupancy Permit and Building Approval Certificate; and 3. Appoint such officers or agents as deemed necessary as Authorised Persons.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) Building Permits comply with: <ol style="list-style-type: none"> i. The Building Code of Australia ii. Council Policies iii. Planning Approval (where applicable) iv. Residential Design Codes.

DELEGATED AUTHORITY REGISTER



	<p>b) Demolition Permits where the building, which is the subject of the Demolition Permit, is not included on Council's Municipal Inventory</p> <p>c) Building Certification services for any uncertified application for a Class 1 or 10 building is to be provided by a Registered Building Surveyor Practitioner in accordance with the <i>Building Act 2011</i>.</p> <p>d) Refer Notices to Council's Solicitors where it is considered appropriate.</p> <p>e) Decisions made by authorised persons to be in accordance with r. 5 of the <i>Building Regulations 2012</i>.</p>
Express Power to Sub-Delegate:	<p><i>Building Act 2011:</i></p> <p>s 127(6A) Delegation: special permit authorities and local governments</p>

Sub-Delegate/s: <i>Appointed by CEO:</i>	<p>Director Planning and Development</p> <p>Building Surveyor</p> <p>Manager Planning</p>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	<p>Sub-delegation to Manager Planning limited to issue of issue of demolition permits only.</p>

Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA26****Closure of Thoroughfares**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.3.50 Closing certain thoroughfares to vehicles. s.3.50A Partial closure of thoroughfare for repairs or maintenances. s.3.51 Affected owners to be notified of certain proposals.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; local public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a) If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b) Maintain access to adjoining land [s.3.52(3)].

DELEGATED AUTHORITY REGISTER



Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Infrastructure and Financial Management
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Limited to closures for periods of less than four weeks.

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA27****Control Reserves and Certain Unvested Facilities**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities. s.3.54(1) Reserves under control of local government.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].
Council Conditions on this Delegation:	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review – Amended

**DA28****Issue and Revocation of Building Orders**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) and (3) Delegation: special permit authorities and local government.
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building orders. 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 effects. s.118(2) and (3) Permit authority may give effect to building order if non-compliances. s.133(1) A permit authority may commence a prosecution for an offence against this Act.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a) Building work b) Demolition work c) An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a) take any action specified in the order ; or b) commence or complete any work specified in the order; or 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)]. 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)].

DELEGATED AUTHORITY REGISTER



	<p>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</p> <p>7. Notices to be referred to Council's solicitors where it is considered necessary.</p>
Council Conditions on this Delegation:	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<p><i>Building Act 2011:</i></p> <p>s 127(6A) Delegation: special permit authorities and local governments).</p>

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Planning and Development Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA30A****Declare Vehicle is Abandoned Vehicle Wreck**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.39 Power to remove and impound. s.3.40A (4) Declare that an impounded vehicle is an abandoned vehicle wreck.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Power to remove and impound. 2. Declare an impounded vehicle an abandoned wreck.
Council Conditions on this Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority DA30B Disposing of Confiscated or Uncollected Goods
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – New Delegation
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA30B****Confiscated or Uncollected Goods**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<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.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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]. 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]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – New Delegation
2	CEO 31/10/18 D-18-33050

DELEGATED AUTHORITY REGISTER



3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review – Amended

**DA33****Issuing Strata Titles – Certification of Local Government**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Western Australia Planning Commission Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005</i> Instrument of Delegation DEL 2009/03 – Powers of Local Governments. <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.
Express Power or Duty Delegated:	<i>Strata Titles Act 1985</i> s. 25 Certificate of Commission
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Functions conferred on local governments, and exercisable by the Town of Claremont, under the <i>Strata Titles Act 1985</i> (other than the functions conferred by sections 23(3) and 24 of that Act.
Council Conditions on this Delegation:	Does not apply to functions under sections 23(4) and 24 of the <i>Strata Titles Act 1985</i> .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Planning and Development
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 17/7/2018 – Annual Review – no amendment
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review –Amended

**DA35****Illegal Development – Direction to Stop Work**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> s214(2) Illegal development, responsible authority's powers as to
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Give a written direction to the owner or any other person undertaking a development, or any part of a development, which is in contravention of the Town of Claremont planning scheme, to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme.
Council Conditions on this Delegation:	The Chief Executive Officer must report the exercise of this delegation to the Council no later than to the next occurring ordinary meeting of the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	OCM 18/6/2019 – Annual Review – No amendment
3	OCM 16/06/2020 – Annual Review – Amended

**DA36****Approval of Signage**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> s.3.5 Legislative power of local governments <i>Town of Claremont Local Law relating to Signs</i>
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the Chief Executive Officer under the Local Law-Relating to Signage its power to give a written determination on applications for Sign Licence.
Council Conditions on this Delegation:	<p>Notification to Elected Members</p> <p>Where an application for signage proposes a variation to the Local Law – Relating to Signs, or the exercise of discretion under the Council Policy PS202 – Town Centre Zone Signage, the Chief Executive Officer or Director Planning and Development informs Elected Members about any signage application for which Delegation DA36 is to be exercised, and provides details in relation to the proposal, consultation responses, the validity of any objection, the way in which any objection has been addressed and variations to standards required.</p> <p>Where the sign application involves structural elements (equivalent to details contained in a Building Permit), any approval of the application is to be subject to a condition requiring an application for a Building Permit for separate determination in accordance with the provisions of the <i>Building Act 2011</i>.</p> <p>Elected Members are to be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation 36.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Planning and Development

DELEGATED AUTHORITY REGISTER



	Manager Planning
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 17/7/2018 – Annual Review – no amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment
4	OCM 16/06/2020 – Annual Review - Amended

**DA37****Dog Act 1976**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976</i> s.15 (4A) Power to discount or waive a registration fee for any individual dog or any class of dogs within its district. s.16 Registration procedure. s.17 Refusal or cancellation of registration. s.19 Refund of registration fees on cancellation. s.26 Limitation as to numbers.
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to discount or waive a registration fee [s.15(4A)]. 2. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17]. 3. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19] 4. Authority to grant an exemption from the limitations as to the number of Dogs [s.26].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Compliance with Town of Claremont Dogs Local Law 2012. 2. Compliance with cl.3.2 – Limitation on number of dogs - Town of Claremont Dogs Local Law 2012. Elected Members are to be notified of all applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA 37.

DELEGATED AUTHORITY REGISTER



Express Power to Sub-Delegate:	<i>Dog Act 1976</i> s.10AA(3)
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People Manager Community Safety Customer Service Officers Records Officers Community Safety Officers
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Sub-delegation to Director Governance and People, Manager Community Safety, Customer Service Officers, Records Officers and Community Safety Officers only applies to: 1. Authority to grant, or refuse to grant, a dog registration or renewal of a dog registration [s.16 and s.17]. 2. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation (replaces DA 13 & DA29)
2	OCM 16/06/2020 – Annual Review – Amended
3	OCM 06/10/2020 – Amended

**DA38****Food Act 2008**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation.
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of Destruction or disposal of forfeited item. s.65 Prohibition order. s.66 Certificate of clearance to be given in certain circumstances. s.67 Request for re-inspection. s.110 Registration of food businesses. s.112 Variation of conditions or cancellation of registration of food businesses. s.122 Appointment of authorised officers. s.123 Certificates of authority. s.125 Institution of Proceedings. s.126 Infringement notices. <i>Food Regulations 2009</i> R51, May make list of food business publicly available.
Delegate:	Chief Executive Officer Director Planning and Development Manager Environmental Health Services Senior Environmental Health Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	That Council: 1. Delegates to the Chief Executive Officer the following powers: <ul style="list-style-type: none"> • Cost of Destruction or disposal of forfeited item under s 54 of the Act; • Appointment of authorised officers under s. 122 of the Act; • Issue of certificates of authority under s. 123 of the Act; • Institution of Proceedings under s.125 of the Act; • Appointment of designated officers under s.126(2), (6) and (7) of the Act to issue, extend time for payment or withdraw infringement notices. • May make list of food business publicly available, Regulation 51. 2. Delegates to the Director Planning and Development and the Manager Environmental Health the following powers:

DELEGATED AUTHORITY REGISTER



	<ul style="list-style-type: none"> Issue a prohibition order, issue a certificate of clearance; provide written notification not to issue certificate of clearance approval under s. 65, 66 and 67 of the Act. <p>3. Delegates to the Director Planning and Development , the Manager Environmental Health and the Senior Environmental Health Officer the following powers:</p> <ul style="list-style-type: none"> Grant, apply conditions, refuse, vary or cancel registration of a food business under s.110 and 112 of the Act.
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation where applicable is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil. The <i>Food Regulations 2009</i> do not provide the power to sub delegate.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation
2	OCM 16/06/2020 – Annual Review – Amended

**DA39****Environmental Protection Notice**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Regulation
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department.
Express Power or Duty Delegated:	<i>Environmental Protection Act 1986:</i> s.65 Environmental protection notices, issue and effect of;
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to issue to the owner, occupier or both of a premises a notice (environmental protection notice) if the CEO suspects on reasonable grounds that: <ul style="list-style-type: none"> a. there is, or is likely to be, an emission from any premises, and the emission — <ul style="list-style-type: none"> i. does not comply with or would not if it were emitted comply with a standard required by or under an approved policy or a prescribed standard; or ii. has caused or is likely to cause pollution; or b. a person is doing, or is likely to do, an act in contravention of section 50A or 50B on the <i>Environmental Protection Act 1986</i> on any premises; or c. an activity on premises does not comply with a standard required by or under an approved policy or a prescribed standard,
Express Power to Sub-Delegate:	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation
2	OCM 16/06/2020 – Annual Review – Amended

**DA40****Noise Control – Noise Management Plans**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Regulation
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department
Express Power or Duty Delegated:	<i>Environmental Protection (Noise) Regulations 1997:</i> Regulation 13 - Construction Sites
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to Require and approve a noise management plan in respect of a construction site for works carried out between 7am and 6pm on any day which is not a Sunday or public holiday. Require and approve a noise management plan in respect of a construction site for works carried out for hours other than above with requirement to give notice to impacted residents.
Express Power to Sub-Delegate:	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation
2	OCM 16/06/2020 – Annual Review – Amended

**DA41****Noise Control – Waste Collection, Community Activities, Sporting, Cultural and Entertainment Events**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Regulation
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department.
Express Power or Duty Delegated:	<i>Environmental Protection (Noise) Regulations 1997:</i> Regulation 14A & 14B Waste Collection. Regulation 16 Community Activities. Regulation 18 Sporting, Cultural or Entertainment Events.
Delegate:	Chief Executive Officer
Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to – <ul style="list-style-type: none"> • require and approve noise management plans relating to waste collection works under regulation 14A & 14B • issue noise control notices in respect of community noise under regulation 16 • approval of events or venues for sporting, cultural and entertainment events under Part 2, Division 7, subject to the following limitation sub regulation 18(13)(b) is not delegated.
Express Power to Sub-Delegate:	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.

Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation
2	OCM 16/06/2020 – Annual Review – Amended

**DA42****Agreement as to payment of rates and service charges**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO. Section 5.43 Limitations on delegations to the CEO.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Section 6.49 Agreement as to payment of rates and service charges.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the CEO the power to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a) The agreement must not be inconsistent with a Council policy or resolution. b) An agreement must be in writing and signed by the person and the Town. c) Limited to individual or cumulative debts for residential properties whose total value is below \$7,500. Agreements in relation to debts greater than this must be referred for Council decision. d) Limited to individual or cumulative debts for commercial properties whose total value is below \$15,000. Agreements in relation to debts greater than this must be referred for Council decision; and e) The CEO to report the total number of agreements entered into and the total dollar value of the agreements to Council every month.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People Director Infrastructure and Financial Management
CEO Conditions on this Sub-Delegation:	No further conditions

DELEGATED AUTHORITY REGISTER



*Conditions on the original
delegation also apply to the sub-
delegations:*

Version Control

1	OCM 05/05/2020
2	OCM 16/06/2020 – Annual Review – Amended



DA43

Recovering of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> Section 5.42 Delegation of some powers or duties to the CEO. Section 5.43 Limitations on delegations to the CEO.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court. s.6.64(3) Actions to be taken.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56 (1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64 (3)].
Council Conditions on this Delegation:	Compliance with LG 532, Financial Hardship Policy
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> Section 5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 16/06/2020 – New Delegation
---	---------------------------------

**DA 44-A****Representation in Court Proceedings**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.29(2)(b) Representing Local Government in Court
Delegate:	Director Governance and People Director Planning and Development Director Infrastructure and Financial Management Manager Community Safety Manager Environmental Health Manager Planning Manager Assets and Design Community Safety Officers
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Represent the Local Government in all respects during proceedings as though the person were the Local Government [s.9.29(2)]. Each delegate may only appear in relation to their operational areas.
Sub-Delegate/s: <i>Appointed by CEO:</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 18/06/2020 – New Delegation
----------	---------------------------------



DA45-A

Infringements

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of Proof in vehicle offences may be shifted. s.9.19 Extension of Time. s.9.20 Withdrawal of Notice.
Delegate:	Director of Governance & People
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 16/06/2020 – New Delegation
---	---------------------------------

**DA46****Powers of Entry (Local Government Act)**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies. s.3.31(2) General procedures for entering property. s.3.32 Notice of entry. s.3.33 Entry under warrant. s.3.34 Entry in an emergency. s.3.36 Opening fences.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34 (1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a) Delegated authority under s.3.34 (1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO:</i>	Directors Governance and People Manager Community Safety
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

DELEGATED AUTHORITY REGISTER



Version Control

1	OCM 18/06/2020 – New Delegation
---	---------------------------------

**DA47****Graffiti**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s. 18(2) Notice requiring removal of graffiti. s. 19(3) & (4) Additional powers when notice is given. s.22(3) Objection may be lodged. s.24(1)(b) & (3) Suspension of effect of notice. s.25(1) Local government graffiti powers on land not local government property. s.28 Notice of entry. s.29 Entry under warrant.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. 3. Authority to deal with an objection to a notice [s.22(3)]. 4. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and b. to give notice to the affected person, before taking the necessary actions [s.24(3)]. 5. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].

DELEGATED AUTHORITY REGISTER



	<p>6. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</p> <p>7. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<p><i>Graffiti Vandalism Act 2016:</i></p> <p>s.17 Delegation by CEO of local government.</p>

Sub-Delegate/s: <i>Appointed by CEO:</i>	<p>Director Infrastructure and Financial Management</p> <p>Manager Assets and Design</p> <p>Manager Community Safety</p>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------

**DA48****Private Pool Barrier-Alternative and Performance Solutions**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Planning and Development Building Surveyor Manager Planning
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------



DA49

Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Planning and Development Manager Planning Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions

Version Control

1	OCM 16/06/2020 – New Delegation
---	---------------------------------

**DA50****Enforcement Agency Reports to the Chief Health Officer**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council (Enforcement Agency as defined)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate.
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 Town of Claremont. [s.22(1)] 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)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Sub-Delegate/s: <i>Appointed by CEO:</i>	Not Applicable
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------

**DA51****Designate Authorised Officers**

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

DELEGATED AUTHORITY REGISTER

**CEO Conditions on this Sub-Delegation:**

Conditions on the original delegation also apply to the sub-delegations:

Version Control**1**

OCM 16/06/2020 – New Delegation



DA52

Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of. s.3.48 Impounding expenses, recovery of.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A (1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing [s.3.48].
Council Conditions on this Delegation:	a) Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
Sub-Delegate/s: <i>Appointed by CEO:</i>	Director Governance and People Manager Community Safety
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Nil

Version Control

1	OCM 16/06/2020 – New Delegation
---	---------------------------------



DA53

Appointing Bush Fire Control Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38 (1)]. 3. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town. [s.38(5A)]. 4. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38 (17). [s.38 (8) and (9)]. <ol style="list-style-type: none"> a) Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3).
Sub-Delegate/s: <i>Appointed by CEO:</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	



Version Control

1	OCM 16/06/2020 – New Delegation
---	---------------------------------

**DA54****Prosecution of Offences**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences. s.59A(2) Alternative procedure – infringement notices.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A (2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Sub-delegation is prohibited by s.48(3)
Sub-Delegate/s: <i>Appointed by CEO:</i>	Not applicable
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------

**DA55****Cat Registrations**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<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 <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9 (6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11 (2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town's District [Regs. Sch. 3 cl.1 (4)]. 6. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town of Claremont's District [s.26].
Council Conditions on this Delegation:	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> .



Express Power to Sub-Delegate:	<p><i>Cat Act 2011:</i></p> <p>s.45 Delegation by CEO of local government</p>
Sub-Delegate/s: <i>Appointed by CEO:</i>	<p>Director Governance and People Manager Community Safety Customer Service Officers Records Officers Community Safety Officers</p>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	<p>Customer Service Officers, Records Officers and Community Safety Officers have:</p> <ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9 (6)]. 3. 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)].

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------

**DA 56****Local Laws**

Delegator: <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> Sections 3.18 and 5.42
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to administer the Town's local laws and to do all other things that are permissible, necessary or convenient to be done for, or in connection with, performing the functions of the Town under the Town's local laws including: <ul style="list-style-type: none"> • Activities on Thoroughfares and Public Places Local law 2003; • Dog Local Law 2012; • Fencing Local Law 2000; • Foreshore Building Line Freshwater Bay local law 2000; • Health Local Law 2010; • Height of Buildings- Freshwater Bay Local Law 2000; • Local Government Property Local Law 2000; • Parking Local Law 2016; • Meeting Procedures Local Law 2018; • Signs Local Law; • Site Erosion and Sand Drift Local Law 2016; • Waste Local Law 2017;
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate
Sub-Delegate/s: <i>Appointed by CEO:</i>	Not Applicable
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

Version Control

1	OCM 16/06/2020 – New Delegation
----------	---------------------------------

