



DELEGATIONS OF AUTHORITY REGISTER

City of Busselton
2023

General

Delegations are the means by which decision making bodies provide or refer powers 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 of the Council;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an exceeding an amount determined by the local government;
- Any of the local governments powers under sections 5.98, 5.98A, 5.99, 5.99A or 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;
- The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers as may be prescribed.

Delegations by the Chief Executive Officer to Employees

The Act allows for the Chief Executive officer to delegate any of his 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.

Delegations of Authority Register

A register of delegations, being this Register, is to be kept and reviewed at least once every financial year.

The Register links to related documents and where the power to delegate is derived from.

The Register is reviewed in accordance with the Act on an annual basis, and as required where improvements have been identified.

City of Busselton

Note that from time to time the City by Council resolution resolves to delegate specific power in connection with a specific transaction. Details of that delegation are set out in the relevant Council Minutes and/or included in this register.

Standard Conditions of Delegations

All delegations provided to the Chief Executive Officer 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 City of Busselton;
- In exercising a delegation the Chief Executive Officer is to act 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 Chief Executive Officer is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

Delegations provided from the Chief Executive Officer to Employees may be subject to supplementary conditions. These will be detailed within individual delegations.

Record keeping requirements for delegations in Local Government

Section 5.46 of the Act and Regulation 19 of the *Local Government (Administration) Regulations* requires a person who is delegated a power or duty to keep records in relation to the exercise of the power or discharge of the duty. 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 government directly affected by the exercise of the power of the discharge of the duty.

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Document Control

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1.	October 2019	New Document	Governance Services	CEO
2.	April 2020	Amended DA 1 -14	Governance Services	CEO
3.	27 January 2021	2020 Annual Statutory Review	Governance Services	C2101/010
4.	13 October 2021	2021 Annual Statutory Review	Governance Services	C2110/057
5.	10 November 2021	Addition of DA 11-03	Governance Services	C2111/087
6.	22 December 2022	2022 Annual Statutory Review	Governance Services	C2212/315

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DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

THE LOCAL GOVERNMENT ACT 1995

DA 1 – 01 Issuing Notices

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.25, s.3.26
FUNCTION	<p>s.3.25(1) <u>The power to give notices requiring certain things to be done by owner or occupier of land</u></p> <p>s.3.26(2) <u>The power to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given</u></p> <p>s.3.26(3) <u>The power to recover the cost of anything from an action under subsection (2)</u></p>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3D - Notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given	

City of Busselton

DA 1 – 02 Entry in an Emergency

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.34
FUNCTION	s.3.34(1) s.3.34(3) s.3.34(4) The power to lawfully enter The power to use reasonable force To exercise the power of entry
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3E – General procedure for entering property	

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DA 1 – 03	Abandoned vehicle wreck
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.40A
FUNCTION	s.3.40A(4) The power to declare that the vehicle is an abandoned vehicle wreck
CONDITIONS	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegation DA1 – 04 Confiscated or Uncollected Goods
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3F – Power to Remove and Impound; Abandoned Vehicle Wrecks may be taken	

City of Busselton

DA 1 – 04	Confiscated or Uncollected Goods
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POWER / DUTY ASSIGNED TO	Local Government												
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO												
DELEGATED TO	Chief Executive Officer												
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.46, s.3.47, s.3.48,												
FUNCTION	<table border="0"> <tr> <td>s.3.46(1)</td> <td><u>The power to refuse to allow impounded goods to be collect until costs are paid</u></td> </tr> <tr> <td>s.3.46(2)</td> <td><u>The power to refuse to allow removed goods to be collect until costs are paid</u></td> </tr> <tr> <td>s.3.47(1)</td> <td><u>The power to sell or otherwise dispose of goods under s.3.43</u></td> </tr> <tr> <td>s.3.47(2)</td> <td><u>The power to sell or otherwise dispose of any vehicle</u></td> </tr> <tr> <td>s.3.47(2a)</td> <td><u>The power to sell or otherwise dispose of impounded goods</u></td> </tr> <tr> <td>s.3.48</td> <td><u>The power to recover impounding expenses</u></td> </tr> </table>	s.3.46(1)	<u>The power to refuse to allow impounded goods to be collect until costs are paid</u>	s.3.46(2)	<u>The power to refuse to allow removed goods to be collect until costs are paid</u>	s.3.47(1)	<u>The power to sell or otherwise dispose of goods under s.3.43</u>	s.3.47(2)	<u>The power to sell or otherwise dispose of any vehicle</u>	s.3.47(2a)	<u>The power to sell or otherwise dispose of impounded goods</u>	s.3.48	<u>The power to recover impounding expenses</u>
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s.3.47(2)	<u>The power to sell or otherwise dispose of any vehicle</u>												
s.3.47(2a)	<u>The power to sell or otherwise dispose of impounded goods</u>												
s.3.48	<u>The power to recover impounding expenses</u>												
CONDITIONS	Nil												
POLICY	Nil												
REFERENCE DOCUMENTS	Nil												

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3G – Disposing of Uncollected Goods	

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DA 1 – 05	Closure of Thoroughfares
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.50, s.3.50A
FUNCTION	s.3.50(1) The power to close any thoroughfare, for a period not exceeding 4 weeks s.3.50(1a) The power to close any thoroughfare for a period exceeding 4 weeks s.3.50(6) The power to revoke an order s.3.50A The power to partially close a thoroughfare for repairs or maintenance
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3H – Closing of Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance	

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DA 1 – 07 Inviting, Rejecting and Accepting Tenders

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 11 , 13, 14, 18, 20, 21A
FUNCTION	<p>s.3.18 The power to perform executive functions</p> <p>s.3.57 Tenders for providing goods or services</p> <p>Regulation 11(1) The power to determine when tenders have to be publicly invited</p> <p>Regulation 11(2) The power to determine that a relevant exemption applies</p> <p>Regulation 13 Requirements when local government invites tenders when not required to do so</p> <p>Regulation 14(2a) The power to determine in writing, before tenders are called, the criteria for acceptance of tenders</p> <p>Regulation 14(4)(a) The power to determine the information that is to be disclosed</p> <p>Regulation 14(5) The power to vary tender information after public notice and provide notice of variation to information</p> <p>Regulation 18(4) The power to evaluate tenders, by written evaluation, and decide which is the most advantageous</p> <p>Regulation 18(4a) The power to seek clarification from tenderers in relation to information contained in their tender submission</p> <p>Regulation 18(5) The power to decline any tender</p> <p>Regulation 18(6), (7) The power 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.</p> <p>Regulation 20 The power to vary the requirements before entry into contract</p> <p>Regulation 21A The power to vary a contract for the supply of goods or services</p>
CONDITIONS	<p>This delegation is limited to the power to enter into a contract for the purchase of goods and services.</p> <p>This delegation is subject to:</p> <p>(a) Complying with the requirements of the City of Busselton’s Purchasing Policy as it relates to tendering;</p>

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	<ul style="list-style-type: none"> (b) Following any applicable staff management practices and operational procedures; and (c) Not accepting any tender or entering into any contract having a value exceeding \$500,000
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Tender Register

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1103/179	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3J – Inviting Tenders and Rejecting and Accepting Tenders	

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DA 1 – 08 Expression of Interest for Goods and Services

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.57 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 21, 23
FUNCTION	<p>s.3.57 The power to call tenders for providing goods or services</p> <p>Regulation 21 The power to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services.</p> <p>Regulation 23(2) The power to determine when an Expression of Interest may be rejected</p> <p>Regulation 23(3) The power to consider an expression of interest that has not rejected</p>
CONDITIONS	Expressions of interest for goods and services may only be called where there is an adopted budget for the proposed goods or services.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1606/139	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3K – Preliminary Selection of Tenderers	

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DA 1 – 10 Panels of Pre-Qualified Suppliers

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government (Functions and General) Regulations 1996</i> Part 4, Division 3
FUNCTION	Regulation 24AB The power to establish panels of pre-qualified suppliers Regulation 24AC The power to set the requirements before establishing panels of pre-qualified suppliers Regulation 24AD The power to set the requirements when inviting persons to apply to join panel of pre-qualified suppliers Regulation 24AH The power to reject and accept applications to join panel of pre-qualified suppliers Regulation 24AJ The power to enter into contracts with pre-qualified suppliers
CONDITIONS	This delegation is subject to: (a) Compliance with the requirements of the City of Busselton’s Purchasing Policy as it relates to panels of pre-qualified suppliers; and (b) The contract value of any particular goods or services to be procured from a particular supplier or in connection with a particular project is not to exceed \$500,000.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1508/219	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Minor corrections in condition	
PREVIOUS DELEGATION REFERENCE	LG3M – Establishment of Panels of Pre-Qualified Suppliers	

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DA 1 – 11 Amendments to the Consolidated Parking Scheme

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>City of Busselton Parking Local Law 2020</i> Section 1.10
FUNCTION	s.1.10 Powers of Council
CONDITIONS	<p>The Chief Executive Officer shall ensure Councillors are provided with details of all proposed amendments to the Scheme, and given a period of not less than 14 days to submit a written request to the CEO for the matter to be presented to Council before a delegation is exercised.</p> <p>Any two or more Councillors may consider a proposed amendment to the Consolidated Parking Scheme to be of strategic significance and/or high community interest and request the CEO in writing, to present the proposal to Council for consideration. If the request is supported, the proposed amendment shall be present to the first practicable Council meeting for consideration.</p> <p><i>Note: any Councillor may also submit a notice-of-motion in relation to the withdrawal of delegation in relation to a particular proposal, but it would generally be expected that they would first seek to exercise the call-in provision as outlined above.</i></p>
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulator Functions
REFERENCE DOCUMENTS	City of Busselton Parking Local Law 2020

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1802/021	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2020	
PREVIOUS DELEGATION REFERENCE	LG3N – Amendments to the Consolidated Parking Scheme	

City of Busselton

DA 1 – 12 Disposing of Property (Leases at the Busselton Margaret River Airport)

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58
FUNCTION	s.3.18 The power to perform executive functions s.3.58 The power to dispose of property
CONDITIONS	This delegation is subject to: <ol style="list-style-type: none"> 1. The property being located at the Busselton Margaret River Airport; 2. The means of disposal being a lease; 3. The term of the lease (including options) being up to a maximum of 42 years (21 years plus an option for a further 21 years) in accordance with the Western Australian Planning Commission approval for leasing arrangements at the General Aviation Precinct; 4. The initial annual market rental value of the lease being less than: <ol style="list-style-type: none"> a. \$10,000.00 per annum for a ground lease; and b. \$50,000.00 per annum for any other lease; 5. The disposition not being of a significant commercial and strategic nature; and 6. At least every six months City officers must provide Councillors a summary and update of leases entered into under this delegation.
POLICY	Council Policy: Purchasing
REFERENCE DOCUMENTS	

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1811/244	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	LG30 – Disposing of Property (Leases at Busselton Margaret River Airport)	

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DA 1 – 13	Dispose of sick or injured animals
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.47A
FUNCTION	s.3.47A The power to humanely destroy an animal and dispose of the carcass
CONDITIONS	This delegation is only to be used where the all reasonable efforts to identify and contact an owner have been exhausted
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions Council Policy: Rehoming of Impounded Dogs and Cats
REFERENCE DOCUMENTS	Cat Act 2011 Keeping and Control of Cats Local Law 2014 Dog Act 1976 Dogs Local Law 2014

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3Q – Authority to destroy an impounded sick or injured animal	
DA 1 – 13	Dispose of sick or injured animals	

City of Busselton

DA 1 – 14 Power to Defer, Grant Discounts, Waive or Write-Off Debts

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.12
FUNCTION	s.6.12(1)(b) The power to waive or grant concessions in relation to any amount of money s.6.12(1)(c) The power to write off any amount of money s.6.12(3) The power to determine conditions imposed on the granting of a concession
CONDITIONS	<ol style="list-style-type: none"> Any waiver or granting of concession shall only be up to \$5,000 and considered solely on its merits; and any debt write-off approved shall be less than \$5,000 Any waiver or granting of concession as it applies to any Financial Hardship application, shall only be up to \$10,000 and considered solely on its merits; and any Financial Hardship application approved for debt write-off shall be less than \$10,000 and will take into account the Financial Hardship Policy. Additional subsidies and waiver of hire fees under Council Policy: Community Hire of City Property are limited to \$10,000 per application in accordance with the endorsed City of Busselton Annual Budget and Fees and Charges
POLICY	Council Policy: Financial Hardship
REFERENCE DOCUMENTS	City of Busselton Financial Hardship Brochure and FAQ's City of Busselton Financial Hardship Application Form

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	LG6B – Power to Defer, Grant Discounts, Waive or Write-off Debts	

City of Busselton

DA 1 – 15 Rates and Service Charges

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.45, s.6.49, s.6.50, s.6.56, s.6.60, s.6.64, s.6.71, s.6.74, s.6.76
FUNCTION	<p>s.6.45(3) The power to impose an additional charge for instalments</p> <p>s.6.49 The power to enter into an agreement for the payment of rates and service charges</p> <p>s.6.50 The power to set rates or service charges due and payable</p> <p>s.6.56 The power to recover, in court, rates or service charges due</p> <p>s.6.60(4) The power to recover the amount of the rate or service charge as a debt from the lessee if the rent is not paid in accordance with a notice</p> <p>s.6.64(1) The power to take possession of land and hold land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years</p> <p>s.6.69(2) The power to agree to the terms and conditions between parties and accept payment of the outstanding rates or service charges</p> <p>s.6.71 The power to transfer land to Crown or local government</p> <p>s.6.74 The power to have land vested in Crown if rate in arrears 3 years</p> <p>s.6.76(4) The power to extend the time for a person to make an objection to a rate records</p> <p>s.6.76(5) The power to consider any objection and disallow or allow it, wholly or in part</p>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

City of Busselton

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG6C – Rates and Service Charges	

City of Busselton

DA 1 – 16 Investment of Surplus Funds

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.14
FUNCTION	s.6.14(1) The power to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose
CONDITIONS	Council approval is required for any investment in Managed Investments
POLICY	Council Policy: Investment
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG6D – Investment of Surplus Funds	

City of Busselton

DA 1 – 19 Urgent Legal Representation

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<u>Council Policy:</u> <i>Legal Representation for Council Members and Employees</i>
FUNCTION	
CONDITIONS	<ol style="list-style-type: none"> 1. The authority to approve applications for urgent legal representation for Council members and employees is limited to a maximum of \$10,000; 2. An application approved by the CEO is to be submitted at the next ordinary meeting of Council; 3. The determination must be made pursuant to Council Policy 'Legal Representation for Council Members and Employees'.
POLICY	<u>Council Policy: Legal Representation for Council Members and Employees</u>
REFERENCE DOCUMENTS	<u>Local Government Operational Guideline Number 14 April, 2016</u>

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	LG5A – Provision of Urgent Legal Services	

City of Busselton

DA 1 – 20	Administer Local Laws
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18
FUNCTION	s.3.18 The power to perform executive functions To perform the duties of the Council/Local Government pursuant to the powers of the City of Busselton Local Laws.
CONDITIONS	
POLICY	Nil
REFERENCE DOCUMENTS	City of Busselton Local Laws: <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places and Trading Local Law 2015 • Busselton Regional Airport Local Law 2012 • Keeping and Control of Cats Local Law 2014 • Cemeteries Local Law 2015 • Waste Local Law 2016 • Dogs Local Law 2014 • Dust and Building Waste Control Local Law 2010 • Health Local Law 1997 • Holiday Homes Local Law 2012 • Jetties Local Law 2014 • Local Government Property Local Law 2010 • Parking Local Law 2020 • Standing Orders Local Law 2018

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	LG3A – Executive Function – Determining Applications Under Local Laws and Enforcement of Local Law Provisions	

City of Busselton

DA 1 – 21A	Acquisition of Property
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18
FUNCTION	<u>s.3.18</u> <u>The power to perform executive functions</u>
CONDITIONS	In accordance with s.5.43(d) of the Local Government Act 1995, the value of the property to be acquired shall not exceed \$100,000
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1706/151	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG3B – Acquisition of Property	

City of Busselton

DA 1 – 22A	Disposition of Property: Other than by Lease
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58 <i>Local Government (Functions and General) Regulations 1996</i> Regulations 30
FUNCTION	<p>s.3.18 The power to perform executive functions</p> <p>s.3.58(2) The power to dispose of property at a public auction or by public tender</p> <p>s.3.58(3) The power to dispose of property by private treaty</p> <p>Regulation 30 (2)(a)(ii) The power to determine an insignificant benefit</p>
CONDITIONS	<ol style="list-style-type: none"> 1. The value of the land to be disposed of shall not exceed \$20,000 other than if paragraph (2) applies; or 2. Where the property is land valued at less than \$100,000 and has been put to public auction or put out to tender and not sold, the land may be disposed of in accordance with Regulation 30 (2)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>; and 3. The value of property other than land to be disposed of shall not exceed \$100,000; and 4. Where the value of property other than land does not exceed \$20,000 the property may be disposed of in accordance with Regulation 30 (3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C2006/050	Recent Council Resolution C2212/315
RECENT ALTERATIONS	June 2020 Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B	
PREVIOUS DELEGATION REFERENCES	DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	

City of Busselton

DA 1 – 22B Disposition of Property: Leasing and Licensing of Land and Buildings

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18, s.3.58
FUNCTION	<p>s.3.18 The power to perform executive functions s3.58(2) The power to dispose of property at a public auction or by public tender s.3.58(3) The power to dispose of property by private treaty</p>
CONDITIONS	<ol style="list-style-type: none"> 1. Leasing and licensing of land and buildings, including assignments of existing leases and licences and the renewal of a lease by a lessee, where – <ol style="list-style-type: none"> (a) The land and/or buildings are established sporting or community facilities (including on managed reserve land) and where any part of the land or building has been leased or licensed before by the City: or (b) The land and/or buildings are for the purpose of storage only and are of an area of not more than 100 square metres. 2. The permitted use of the land or buildings must be consistent with: <ol style="list-style-type: none"> (a) The designated purpose of the property; or (b) The general or ancillary use of the land or buildings immediately prior to the entering into of a lease; or (c) If the land or building has recently been acquired or a new or amended management order has been made in respect of a managed reserve, the purpose for which the property has been acquired or is to be managed. 3. The value of the lease or licence (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis) must not exceed \$25,000). 4. The maximum term of the lease or licence, including any right by a lessee to assign the lease or licence or to sublease or sublicense the land and/or buildings shall not exceed 10 years (inclusive of all options or rights to renew or extend, but not including any provisions for holding over on a month by month basis). 5. At least every six months City officers shall provide Councillors a summary and update of leases or licences entered into under this delegation.
POLICY	Nil

City of Busselton

REFERENCE DOCUMENTS	Nil
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RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C2006/050	Recent Council Resolution C2212/315
RECENT ALTERATIONS	June 2020 Rescission of DA 1 – 22: Adoption of DA 1 – 22A and DA 1 – 22B	
PREVIOUS DELEGATION REFERENCES	DA 1 – 22 – Disposing of Property LG3C – Disposing of Property	

City of Busselton

DA 1 – 23 Payments from Municipal Fund or Trust Fund

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.6.10 <i>Local Government (Financial Management) Regulations 1996</i> Regulation 12
FUNCTION	s.6.10 Financial management regulations Regulation 12(1) The power to make payments from municipal fund or trust fund
CONDITIONS	With respect to allocation of donations and sponsorship from the fund established for this purpose in accordance with the Council’s tiered funding scheme, individual payments from this fund are not to exceed \$1,000 unless prior consultation with the Finance Committee has occurred.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG6A – Payments from the Municipal Fund or Trust Fund	

City of Busselton

DA 1 – 24 Affixing of the Common Seal

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.9.49A
FUNCTION	s.9.49A(2) The power to affix the common seal
CONDITIONS	The CEO is authorised to affix the Common Seal to all documents that require it to be legally effective and to carry out the functions of a CEO.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1005/169	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG9B – Authorising the Affixing of the Common Seal to Documents	

City of Busselton

DA 1 – 25 Complaints Officer – Code of Conduct

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Council Resolution C2102/032:</i> “...2. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with Schedule 1, Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021.”
FUNCTION	cl.11(3) Receive complaints and withdrawals of complaints
CONDITIONS	Nil
POLICY	Council Policy: Investigation of Complaints of Alleged Breaches of Behaviour
REFERENCE DOCUMENTS	City of Busselton Code of Conduct for Council Members, Committee Members and Candidates

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C2102/032	Recent Council Resolution C2212/315
RECENT ALTERATIONS	February 2021 - Implementation	
PREVIOUS DELEGATION REFERENCE	Nil	

City of Busselton

DA 1 – 26	Rate Exemptions
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> _____s.6.26
FUNCTION	s.6.26(2) Non rateable land
CONDITIONS	Note: Officers will provide a listing of rate exemptions approved on a quarterly basis to Council in the Councillor Information Bulletin
POLICY	Nil
REFERENCE DOCUMENTS	Application for Rates Exemption Form

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C2212/315	
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	Nil	

BUILDING ACT 2011

DA 2 – 01 Grant a Building Permit

POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.18, s.20, s.22, s.27 <i>Building Regulations 2012</i> r.23, r.24, r.26
FUNCTION	s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1), (3) Impose Conditions on Permit r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	<i>Building Services (Registration Act) 2011</i> <i>Home Building Contracts Act 1991</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 02	Demolition Permits
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.18, s.21, s.22, s.27 <i>Building Regulations 2012</i> r.23, r.24, r.26
FUNCTION	s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1), (3) Impose Conditions on Permit r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	<i>Building Services (Complaint Resolution and Administration) Act 2011</i> – <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 03	Occupancy Permits and Building Approval Certificates
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.55, s.58, s.62, s.65 <i>Building Regulations 2012</i> r.40
FUNCTION	s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1), (3) Conditions imposed by permit authority s.65(4) Extension of period of duration r.40 Extension of period of duration of time limited occupancy permit or building approval certification (s.65).
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	<i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 04 Designate Employees as Authorised Persons

POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.96, s.99
FUNCTION	s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
CONDITIONS	<ol style="list-style-type: none"> 1. An authorised person for the purposes of section 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation 70. 2. Decisions under this delegated authority should be in accordance with Regulation 5 of the Building Regulations 2012.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 05	Building Orders
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.110, s.111, s.117, s.118, s.133
FUNCTION	<p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1), (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2), (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 06	Inspection and Copies of Building Records
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.131
FUNCTION	s.131(2) Inspection, copies of building records
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 07	Referrals and Issuing Certificates
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Act 2011</i> s.145A
FUNCTION	s.145A(1), (2) Local Government Functions
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 'Instrument of Council Delegation to CEO'	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 08	Private Pool Barrier – Alternative and Performance Solutions
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Regulations 2012</i> r.51
FUNCTION	r.51(2), (3), (5) Private Pool Barrier – Alternative and Performance Solutions
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

City of Busselton

DA 2 – 09	Smoke Alarms – Alternative Solutions
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POWER / DUTY ASSIGNED TO	Local Government (Permit Authority)
POWER TO DELEGATE	<i>Building Act 2011</i> Section 127
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Building Regulations 2012</i> r.61
FUNCTION	r.61(1), (2) Local Government approval of battery powered smoke alarms
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1110/334	Recent Council Resolution C2212/315
RECENT ALTERATIONS	December 2022	
PREVIOUS DELEGATION REFERENCE	BA1 – Powers of the Local Government pursuant to the Building Act 2011	

BUSH FIRES ACT 1954

DA 3 – 01 The Powers and Duties of the Local Government pursuant to the Bush Fires Act 1954

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	<u>All powers of the local government pursuant to the <i>Bush Fires Act 1954</i></u>
CONDITIONS	<ol style="list-style-type: none"> 1. Excludes the powers and duties that are subject to separate delegated authority within this Register as set out below: <ol style="list-style-type: none"> (a) DA 3 – 02 Appointment of Bush Fire Control Officers; (b) DA 3 – 03 Prosecutions and Infringements; (c) DA 3 – 04 Variation of Prohibited and Restricted Burning Times 2. A delegation as per s.48 does not include the power to sub-delegate
POLICY	<p>Council Policy: <u>Bush Fire Brigade Accounting</u> Council Policy: <u>Bush Fire Brigade Grievance Process Disciplinary Action</u> Council Policy: <u>Meetings of Bush Fire Brigades</u> Council Policy: <u>Membership of Bush Fire Brigades</u> Council Policy: <u>Qualifications of Bush Fire Brigades Officers</u> Council Policy: <u>Roles of Bush Fire Brigade Officers</u> Council Policy: <u>Code of Conduct, Bush Fire Brigade Objectives and Values</u></p>
REFERENCE DOCUMENTS	<u>Annual Firebreak and Fuel Hazard Reduction Notice</u>

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF1 – The performance of any of the functions of the local government under the Act	

City of Busselton

DA 3 – 02 Appointment of Bush Fire Control Officers

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Part V, Section 48 Delegation by Local Governments
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Bush Fires Act 1954</i> Part IV, Section 38
FUNCTION	s.38 Local government may appoint bush fire control officer
CONDITIONS	<ol style="list-style-type: none"> 1. This delegation is limited to the appointment of members of volunteer bush fire brigades and the City Ranger and Emergency Services Staff; 2. In the case of appointment of members of volunteer bush fire brigades, the delegation shall only be exercised where there is a recommendation to appoint from the Bush Fire Advisory Committee; and 3. This delegation does not extend to the appointment of Chief or Deputy Bush Fire Control Officers.
POLICY	Council Policy: Membership of Bush Fire Brigades Council Policy: Qualifications of Bush Fire Brigades Officers Council Policy: Roles of Bush Fire Brigade Officers Council Policy: Code of Conduct, Bush Fire Brigade Objectives and Values
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C969/0425	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	BF2 – Appointment of Bush Fire Control Officers	

City of Busselton

DA 3 – 03 To Institute a Prosecution, or to Issue an Infringement

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 59(3) Prosecution of Offences
DELEGATED TO	Chief Executive Officer Bush Fire Control Officer/s Director Planning and Development Manager Environmental Services Ranger and Emergency Services Coordinator Senior Ranger/s Ranger/s
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
CONDITIONS	<ol style="list-style-type: none"> 1. Rangers and Senior Rangers are prohibited from commencing a prosecution for an offence against the <i>Bush Fire Act 1954</i>; 2. Rangers and Senior Rangers are prohibited from instituting legal proceedings pursuant to s.59A(3) of the <i>Bush Fire Act 1954</i>; and 3. A delegation as per s.48 of the <i>Bush Fire Act 1954</i> does not include the power to sub-delegate
POLICY	Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Correction of express power to delegate	
PREVIOUS DELEGATION REFERENCE	BF3 – To Institute a Prosecution, or to Issue an Infringement	

City of Busselton

DA 3 – 04 Variation of Prohibited and Restricted Burning Times

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Bush Fires Act 1954</i> Section 17(10)
DELEGATED TO	Mayor Chief Bush Fire Control Officer
POWER / DUTY DELEGATED	The <i>Bush Fires Act 1954</i>
FUNCTION	s.17 Prohibited burning times may be declared by Minister s.18 Restricted burning times may be declared by FES Commissioner
CONDITIONS	<ol style="list-style-type: none"> 1. The powers and duties pursuant to sections 17 and 18 of the <i>Bush Fires Act 1954</i> are jointly delegated to the Mayor and Chief Bush Fire Control Officer; and 2. Decisions under s.17 (7) must comply with the requirements of s.17(7B) and s.17(8).
POLICY	Nil
REFERENCE DOCUMENTS	Annual Firebreak and Fuel Hazard Reduction Notice

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1812/264	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Correction of express power to delegate	
PREVIOUS DELEGATION REFERENCE	BF4 – Variation of Prohibited and Restricted Burning Times	

City of Busselton

CAT ACT 2011

DA 4 – 01 The Powers and Duties of the Local Government pursuant to the Cat Act 2011

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Cat Act 2011</i> Part 4, Division 2, Section 44
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Cat Act 2011</i>
FUNCTION	All powers and duties of a local government pursuant to the <i>Cat Act 2011</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Keeping and Control of Cats Local Law 2014

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	CA1 – The Powers and Duties of the <i>Cat Act 2011</i>	

City of Busselton

DOG ACT 1976

DA 5 – 01 The Powers and Duties of the Local Government pursuant to Dog Act 1976

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Dog Act 1976</i> Section 10AA
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Dog Act 1976</i>
FUNCTION	All the powers and duties of the local government pursuant to the <i>Dog Act 1976</i>
CONDITIONS	Nil
POLICY	Council Policy: Rehoming of Impounded Dogs and Cats Council Policy: Ranger and Emergency Services Approach to Regulatory Functions
REFERENCE DOCUMENTS	Dogs Local Law 2014

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C1310/285	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	DA1 – The powers and duties of the Dog Act 1976 including the authority to further delegate	

GRAFFITI VANDALISM ACT 2016

DA 6 – 01 The Powers and Duties of a Local Government pursuant to the Graffiti Vandalism Act 2016

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Graffiti Vandalism Act 2016</i> Section 16
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Graffiti Vandalism Act 2016</i>
FUNCTION	<u>All the powers and duties of a local government pursuant to the <i>Graffiti Vandalism Act 2016</i></u>
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1706/131	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	GV1 – Exercise of any of the local governments powers or the discharge of any of its duties under Part 3 of the <i>Graffiti Vandalism Act 2016</i>	

PLANNING AND DEVELOPMENT ACT 2005

DA 7 – 01 Development Control

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<p><i>Planning and Development Act 2005</i> s.162</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2</p> <p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO</p>
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
FUNCTION	<u>The powers and duties of the local government able to be delegated under clause 82, Schedule 2 – Deemed Provisions for local planning schemes.</u>
CONDITIONS	<p>1. ‘Call-in’ provisions Any two or more Councillors may consider an application or proposal to be of strategic significance and/or high community interest and <i>request</i> the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.</p> <p><i>Note: Any Councillor may also submit a notice of motion in relation to the withdrawal of delegation in relation to a particular application, but it would generally be expected that they would first seek to exercise the call-in provision outlined above.</i></p> <p>2. Reconsideration of applications for development approval Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.</p> <p>“Reconsideration” is a not a defined term in the City of Busselton Local Planning Scheme No. 21 or the Planning and Development (Local Planning Scheme) Regulations 2015, however for the purposes of this delegation, the term relates to applications to: a) amend or delete conditions of a development approval, where City officers are not supportive of that request and informal discussion with the applicant has not resolved the issue; and b) new development applications which are substantially the same as an earlier application refused under delegation.</p>

	<p>3. Standard Structure Plans, and Precinct Structure Plans Prior to making a recommendation to the Western Australian Planning Commission regarding adoption or amendment of a Structure Plan or Precinct Structure Plan, the CEO shall ensure that a copy of the respective plan, together with a report, setting out and explaining the recommendation proposed to be made under delegation, is circulated to all Councillors, giving a period of not less than 14 days before a recommendation is forwarded to the Commission.</p> <p>4. Local Planning Policies, Local Heritage List, Heritage Precincts Decisions relating to adoption, revocation or amendment of local Planning Policies, the Local Heritage List and/or Heritage Precincts are not delegated.</p> <p>5. Applications for review by the State Administrative Tribunal (SAT) Where the original decision was made under delegation, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 may also be made under delegation.</p> <p>Where the original decision was made by the Council, a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 shall be presented to the Council for consideration, unless officers have first briefed Councillors and Councillors have indicated a general willingness to allow the decision to be made under delegation, in which case a decision may be made under delegation, provided that the 'call-in' provisions set out at Condition 1 above have not been exercised before the decision is made.</p> <p>Note that where the original decision was made by a Development Assessment Panel, the Panel is the respondent in relation to any application for review.</p> <p>6. Briefing and Reporting Generally on a monthly basis (as agreed/determined by the Mayor and CEO), officers shall provide Councillors with an informal briefing on planning matters of strategic significant and/or high community interest, and on issues raised by Councillors. Each Friday, or in the case of Fridays which are public holidays, the next working day, a summary of applications received and determined in the preceding period (usually the preceding Friday to Thursday) shall be published on the City's website.</p> <p>Generally on a monthly basis, and generally as part of the agenda for every second ordinary Council meeting in any given month, a summary and update of planning and development-related State Administrative Tribunal matters involving the City shall be presented to Councillors as part of the 'Councillors Information Bulletin'.</p>
<p>POLICY</p>	<p>Nil</p>

City of Busselton

REFERENCE DOCUMENTS	Nil
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RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1703/042	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Minor wording amendments and delete reference to Local Development Plans	
PREVIOUS DELEGATION REFERENCE	PDR1 – Development Control	

City of Busselton

DA 7 – 02 Unauthorised Development

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Planning and Development Act 2005</i> <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	The <i>Planning and Development Act 2005</i> s.214
FUNCTION	s.214(2) The power to give written direction to stop or not recommence s.2.14(3) The power to give written direction to remove or restore s.2.14(5) The power to given written direction to execute the work
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1106/199	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG5B – Directions regarding unauthorised development	

City of Busselton

STRATA TITLES ACT 1985

DA 8 – 01 Certificate of Approval pursuant to the Strata Titles Act 1985

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Strata Titles Act 1985</i> s.25 <i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to CEO s.5.43 Limitations on delegations to CEO
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Strata Titles Act 1985</i>
FUNCTION	s.25 Certificate of Commission
CONDITIONS	Nil
POLICY	Nil
REFERENCE DOCUMENTS	Planning Bulletin 52/2009

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1409/235	Recent Council Resolution C2212/315
RECENT ALTERATIONS	August 2019	
PREVIOUS DELEGATION REFERENCE	STA1 – Certificate of Approval	

PUBLIC HEALTH ACT 2016

DA 10 – 01 Designated Authorised Officers

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Public Health Act 2016</i> Section 21
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Public Health Act 2016</i> Section 24
FUNCTION	s.24 Designation of authorised officers
CONDITIONS	<p>A. Subject to each person so appointed being:</p> <ol style="list-style-type: none"> 1. Appropriately qualified and experienced: 2. Issued with a certificate, badge or identity card identifying the authorised officer. <p>B. A register of authorised officers is to be maintained in accordance with s.27</p>
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1706/061	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Change to title; outline requirements relating to authorised officers	
PREVIOUS DELEGATION REFERENCE	PHA1 – Section 21 under the Public Health Act 2016, Authorised Persons of the Public Health Act 2016	

City of Busselton

DA 10 – 02 Appoint Authorised Officer or Approved Officer (Asbestos Regulations)

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Health (Asbestos) Regulations 1992</i> r.15D(7)
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Health (Asbestos) Regulations 1992</i> r.15D
FUNCTION	<u>r.15D(5)</u> Authority to appoint a person or classes of person as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004 Part 2</i>
CONDITIONS	Subject to each person so appointed being issues with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instrument of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C1703/061	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Correction to head of power.	
PREVIOUS DELEGATION REFERENCE	DA 9 – 01 Criminal Procedure Act 2004 – Authorised and Approved Persons	

FOOD ACT 2008

DA 12 – 01 Prohibition Orders

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Food Act 2008</i> s.65, s.66, s.67
FUNCTION	<u>s.65(1)</u> Prohibition orders <u>s.66</u> Certificate of clearance to be given in certain circumstances <u>s.67(4)</u> Request for re-inspection
CONDITIONS	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
POLICY	Nil
REFERENCE DOCUMENTS	Nil

RECORD KEEPING	ECM – GOVN015 ‘Instruments of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C2110/057	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 - Implemented	
PREVIOUS DELEGATION REFERENCE	Nil	

City of Busselton

DA 12 – 02 Food Business Registration

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Food Act 2008</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
DELEGATED TO	Chief Executive Officer
POWER / DUTY DELEGATED	<i>Food Act 2008</i> s.110, s.112
FUNCTION	<u>s.110(1) and (5)</u> <u>Registration of a food business</u> <u>s.112</u> <u>Variation of conditions or cancellation of registration of food businesses</u>
CONDITIONS	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
POLICY	Nil
REFERENCE DOCUMENTS	1. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA 2. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 3. WA Priority Classification System 4. Verification of Food Safety Program Guideline

RECORD KEEPING	ECM – GOVN015 ‘Instruments of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C2110/057	Recent Council Resolution C2212/315
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	Nil	

City of Busselton

DA 12 – 03

Appoint Authorised Officers and Designated Officers

POWER / DUTY ASSIGNED TO	Local Government	
POWER TO DELEGATE	<p><i>Food Act 2008</i></p> <p>s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations</p>	
DELEGATED TO	Chief Executive Officer	
POWER / DUTY DELEGATED	<p><i>Food Act 2008</i> s.122, s.126</p>	
FUNCTION	<u>s.122(1)</u> <u>s.126(6), (7), (13)</u>	<u>Appointment of authorised officers</u> <u>Infringement Officers</u>
CONDITIONS	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.	
POLICY	Nil	
REFERENCE DOCUMENTS	<ol style="list-style-type: none"> 1. Appointment of Authorised Officers as Meat Inspectors 2. Appointment of Authorised Officers 3. Appointment of Authorised Officers – Designated Officers Only 4. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties as an Authorised Officer 	

RECORD KEEPING	ECM – GOVN015 ‘Instruments of Council Delegation to CEO’	
VERIFICATION	Initial Council Resolution C2110/057	Recent Council Resolution C2212/315
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	Nil	

DELEGATIONS TO THE COMMITTEES

LOCAL GOVERNMENT ACT 1995	
DA 11 – 01	Meelup Regional Park Management Committee

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegation of powers and duties to certain committees
DELEGATED TO	Meelup Regional Park Management Committee
POWER / DUTY DELEGATED	<i>Local Government Act 1995</i> s.3.18
FUNCTION	s.3.18 Performing executive functions
CONDITIONS	The above power or duty is to adopt plans, policies or documents that relate to the management of the park other than where those plans, policies or documents require adoption pursuant to a particular statutory power. The Committee may not make any decision that would require expenditure of funds contrary to the adopted budget and any decisions shall not be actioned until the Committee meeting minutes have been formally received and noted by the Council.
POLICY	Council Policy: Governance of Meelup Regional Park
REFERENCE DOCUMENTS	Meelup Regional Park Management Committee’s Terms of Reference Working Group Terms of Reference

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C0806/188	Recent Council Resolution C2212/315
RECENT ALTERATIONS	January 2021	
PREVIOUS DELEGATION REFERENCE	LG31 – Reserve Under the Control of the Local Government	

City of Busselton

DA 11 – 02 Audit and Risk Committee

POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<p><i>Local Government Act 1995</i></p> <p>s.5.16 Delegation of some powers and duties to certain committees</p> <p>s.5.17 Limits on delegations of some powers and duties to certain committees</p> <p>s.7.1B Delegation of some powers and duties to audit committees</p>
DELEGATED TO	Audit and Risk Committee
POWER / DUTY DELEGATED	<p><i>Local Government Act 1995</i></p> <p>s.7.12A</p>
FUNCTION	<p>s.7.12A(2) Authority to meet with the City’s Auditor at least once every year on behalf of the Council</p> <p>s.7.12A(3) Authority to:</p> <p>a. Examine the report of the Auditor and determine matters that require action to be taken by the City; and</p> <p>b. Ensure that appropriate action is taken in respect of those matters.</p> <p>s.7.12A(4) Authority to review and endorse the City’s report on any actions taken in response to the Auditor’s report, prior to it being forwarded to the Minister.</p>
CONDITIONS	Delegation of s.7.12A(3) and s.7.12A(4) is not to be used where a Management Letter or Audit Report raises significant issues and the local governments meeting with the Auditor must be directed to the Council.
POLICY	Nil
REFERENCE DOCUMENTS	Terms of Reference: Audit and Risk Committee

RECORD KEEPING	ECM – GOVN001 ‘Authorised Delegation of Power/Authority’	
VERIFICATION	Initial Council Resolution C1001/015	Recent Council Resolution C2212/315
RECENT ALTERATIONS	October 2021 – Updates to reflect new title of Committee (C2109/201)	
PREVIOUS DELEGATION REFERENCE	LG7A – Meeting with the Auditor	

City of Busselton

DA 11 - 03	Behaviour Complaints Committee
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POWER / DUTY ASSIGNED TO	Local Government
POWER TO DELEGATE	<i>Local Government Act 1995</i> s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of some powers and duties to certain committees
DELEGATED TO	Behaviour Complaints Committee
POWER / DUTY DELEGATED	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause 12 Clause 13
FUNCTION	<p>Clause 12(1) <u>After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.</u></p> <p>Clause 12(4) <u>If the local government makes a finding that the alleged breach has occurred, the local government may –</u> (a) <u>Take no further action; or</u> (b) <u>Prepare and implement a plan to address the behaviour of the person to whom the complaint relates</u></p> <p>Clause 12(7) <u>If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of –</u> (a) <u>Its findings and the reasons for its findings; and</u> (b) <u>If its finding is that the alleged breach has occurred – its decision under subclause (4)</u></p> <p>Clause 13 <u>Dismissal of complaint</u></p>
CONDITIONS	<ol style="list-style-type: none"> 1. The Committee will make decisions in accordance with Council Policy: Management of Complaints of Alleged Breaches of Behaviour and these Terms of Reference. 2. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. 3. The Committee is prohibited from exercising its delegated power where a Committee Member in attendance at a Committee meeting is either the complainant or respondent to the Complaint under consideration by the

City of Busselton

	Committee.
POLICY	Council policy: Management of Complaints of Alleged Breaches of Behaviour
REFERENCE DOCUMENTS	City of Busselton Code of Conduct for Council Members, Committee Members and Candidates
SUB DELEGATION	Nil

RECORD KEEPING	ECM – GOVN001 'Authorised Delegation of Power/Authority'	
VERIFICATION	Initial Council Resolution C2111/087	Recent Council Resolution C2212/315
RECENT ALTERATIONS	Nil	
PREVIOUS DELEGATION REFERENCE	Nil	