



CITY OF VINCENT

DELEGATED AUTHORITY REGISTER

2018 - 2019

Adopted at the Ordinary Meeting of Council held on **TBC**

INTRODUCTION

1.1 PURPOSE OF DELEGATING AUTHORITY

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 in order effectively manage the day to day operations of the City. All delegations made by the Council must be by absolute majority decision {S5.42(1)}. The CEO in turn is empowered by the Act to on-delegate any of these functions to another employee {S5.44(1)}.

This Council Delegated Authority Register is reviewed in accordance with the Act on an annual basis by Council.

A separate document entitled "*Register of CEO Delegated Authority and Authorisations*" is also maintained and reviewed on an annual basis by the Chief Executive Officer.

1.2 MATTERS WHICH CAN NOT BE DELEGATED

The following are decisions that cannot be delegated by Council to the Chief Executive Officer under the *Local Government Act 1995* {S5.43}.

- any power or duty that requires a decision of an absolute majority or special (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 government's powers under Sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

There is no power for a person other than the CEO to delegate a power. {S5.44(1)}.

1.3 DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The *Local Government Act 1995* allows for the Chief Executive Officer to delegate any of the powers to another Employee. {S5.44(1)}. This must be done in writing. {S5.44(2)} The Act allows for the Chief Executive Officer to place conditions on any delegations if desired. {S5.44(4)}.

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year. {S 5.46(1) & (2)}.

1.4 EXERCISE OF DELEGATIONS

If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used. {S 5.46(3)}

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; 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 or the discharge of the duty. {Local Government (Administration) Regulations 1996 Cl 19.}

A person to whom a power is delegated under the *Local Government Act 1995* is considered to be a 'designated employee' under S5.74(b) of the *Local Government Act 1995* and is required to complete a primary return and also an annual return each year.



Len Kosova
CHIEF EXECUTIVE OFFICER

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2018-2019

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PART 1 LOCAL GOVERNMENT ACT

No: 1.1 Appointment of an Acting Chief Executive Officer

Function to be performed	The Chief Executive Officer to appoint an Acting Chief Executive Officer.
Legislative power or duty delegated	<i>Local Government Act 1995, Sections 5.36(1)(a)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to appoint an Acting Chief Executive Officer.
Conditions and Reporting Requirements	Subject to: <ul style="list-style-type: none"> • The Employee being designated a “Senior Employee”, as prescribed by the Local Government Act; • Appointments being no longer than 30 days; • Council Members to be advised of acting Chief Executive Officer; • The acting role to be rotated between the Directors (where practicable).

No: 1.2 Making Payments to Employees in Addition to Contract or Award

Function to be performed	A local government can approve of payments to employees in addition to their contract or Award.
Legislative power or duty delegated	<i>Local Government Act 1995 Section 5.50</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
Conditions and Reporting Requirements	Subject to <u>payments being made in accordance with Council Policy No. 5.7.11 – “Gratuity Payments/Payment to Employees in Addition to Contract or Award on Cessation of Employment”</u> . Details of approvals are to be recorded on the appropriate file or record.

Commented [A1]: It is proposed that the name of this policy will be changed in the near future.

*Note – Regulation 19A of the *Local Government (Administration) Regulations 1996* places limits on any gratuity payments that can be made.

No: 1.3 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land

Function to be performed	The power to give a person a notice in writing relating to the land and do anything that it considers necessary to achieve the purpose for which the notice was given.
Legislative power or duty delegated	<i>Local Government Act 1995, Sections 3.25(1) and 3.26</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> 1) issue a notice in writing relating to the land requiring the person to do anything specified in Schedule 3.1, Division 1 or for the purpose of remedying or mitigating the effects of any offence prescribed in Schedule 3.1, Division 2; and 2) do anything that he considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
Conditions and Reporting Requirements	The Chief Executive Officer shall approve of all legal action and sign all legal documents. The information is to be recorded in appropriate record to meet legislative requirements.

No: 1.4 Performing Particular Things on Land which is not Local Government Property

Function to be performed	A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.27</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it.
Conditions and Reporting Requirements	The information is to be recorded in appropriate record.

No: 1.5 Power of Entry

Function to be performed	The power of entry is conferred on a local government which is performing any function under the <i>Local Government Act 1995</i> .
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.28</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated authority to authorise persons with the powers of entry, when performing any function of the local government.
Conditions and Reporting Requirements	The information is to be recorded in appropriate record to meet legislative requirements.

No: 1.6 Declaring a Vehicle to be an Abandoned Vehicle Wreck

Function to be performed	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.40A(4)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated authority to declare that a vehicle is an abandoned vehicle wreck under the <i>Local Government Act 1995, Section 3.40A(4)</i> .
Conditions and Reporting Requirements	The declaration is to be recorded in appropriate record to meet legislative requirements.

No: 1.7 Disposing of Confiscated or Uncollected Goods

Function to be performed	A Local Government may sell or dispose of confiscated or uncollected goods in accordance with s3.47 (1) (2) and s3.47(2a).
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.47(1),(2),(2a)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to sell or dispose of confiscated or uncollected goods in accordance with s3.47 (1) (2) and s3.47(2a).
Conditions and Reporting Requirements	Details of the sale or disposal is to be recorded in the appropriate record.

No: 1.8 Disposal of Sick or Injured Impounded Animals

Function to be performed	If an impounded animal is ill or injured to such an extent that treating it is not practicable, the local government may humanely destroy the animal and dispose of the carcass.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.47A(1)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to determine that a sick or injured impounded animal be destroyed pursuant to the <i>Local Government Act 1995, Section 3.47A(1)</i> .
Conditions and Reporting Requirements	The details of sick or injured animals disposed of are to be recorded in the appropriate record.

No: 1.9 Recovery of Impounding Expenses

Function to be performed	If goods are removed and impounded under Section 3.39 and the offender is convicted, the local government may, if the goods are not sold, recover any expenses incurred in removing and impounded the goods and disposing of them.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.48.</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to determine that court action be taken to recover impounding expenses pursuant to the <i>Local Government Act 1995, Section 3.48.</i>
Conditions and Reporting Requirements	The Chief Executive Officer shall approve of all legal action and sign all legal documents. The actions taken to recover impounding expenses are to be recorded in the appropriate record to meet legislative requirements.

No: 1.10 Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)

Function to be performed	A local government may close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.50(1)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995, Section 3.50(1).</i>
Conditions and Reporting Requirements	Action taken to close thoroughfares must be recorded in the appropriate register and Council Members advised accordingly.

No: 1.11 Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)

Function to be performed	A local government may, after providing public notice of its intentions and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding four weeks.
Legislative power or duty delegated	<i>Local Government Act 1995, Sections 3.50(1a) and 3.50(4)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995, Sections 3.50</i> .
Conditions and Reporting Requirements	The permanent closure of thoroughfares to be referred to the Council for determination. Action taken to close thoroughfares must be recorded in the appropriate register and Council Members to be advised accordingly.

No: 1.12 Closing Certain Thoroughfares to Vehicles (Revocation)

Function to be performed	An order to close a thoroughfare may be revoked by the local government.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.50(6)</i> .
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to revoke an order to close a thoroughfare, pursuant to the <i>Local Government Act 1995, Section 3.50(6)</i> .
Conditions and Reporting Requirements	Details of the revocation of an order to close thoroughfares must be recorded in the appropriate register and Council Members to be advised accordingly.

No: 1.13 Partial Closure of Thoroughfare for Repairs and Maintenance

Function to be performed	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.50A</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to partially and temporarily close a thoroughfare, pursuant to the <i>Local Government Act 1995, Section 3.50A</i> .
Conditions and Reporting Requirements	<ul style="list-style-type: none"> • The road closure being limited to a minimum period as is practicable. • All affected persons being advised at least 7 days in advance of closure being carried out • Access being maintained to properties. <p>Details of the closure to be recorded on the appropriate record.</p>

No. 1.14 Payments from the Municipal Fund and Trust Fund

Function to be performed	The power to approve payments from the municipal fund or the trust
Legislative power or duty delegated	<i>Local Government (Financial Management) Regulations 1996, Regulation 12(1)(a) Payments from municipal fund or trust funds.</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to make payments from the municipal fund or the trust fund, pursuant to the <i>Local Government (Financial Management) Regulations 1996, Regulation 12(1)</i> .
Conditions and Reporting Requirements	Subject to the requirements of the <i>Local Government (Financial Management) Regulations 1996, Regulation 13</i> .

Commented [A2]: Addition to provide further clarity and specificity.

No. 1.15 Waive Fees, Grant Concessions or Write Off Debts.

Function to be performed	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government.
Legislative power or duty delegated	<i>Local Government Act 1995</i> , Section 6.12(1)(b),(c)
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the City, pursuant to the <i>Local Government Act 1995</i> , Section 6.12(1) .
Conditions Reporting Requirements and	<p>The power to waive fees or write off money is subject to the amount not exceeding \$1000.</p> <p>The power to waive fees or write off debts relating to Infringements is subject to the debt not exceeding \$250.</p> <p>The power to waive or write off library fees is subject to the debt not exceeding \$50.</p> <p>This delegation is not applicable to writing off or waiving rates or service charges.</p> <p>The full details of the concession, waiver or write off to be recorded on the appropriate financial record.</p>

No. 1.16 Agreement as to Payment of Rates and Service Charges

Function to be performed	A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 6.49</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, pursuant to the <i>Local Government Act 1995, Section 6.49</i> .
Conditions Reporting Requirements and	<p>Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following.</p> <p>Subject to Council Policy No. 1.2.12 – “<i>Rates and Service Charges</i>”.</p> <p>The full details of the determination agreement to be recorded in the appropriate rate record.</p>

Commented [A3]: The reality in many cases is that people in arrears on payment plans can only realistically commit to a plan that extends past 30 June the following year.

No. 1.17 Require Lessee to Pay Rent in Satisfaction of Rates or Service Charge

Function to be performed	A Local Government has the power to require the payment of rent in satisfaction of rate or service charge, pursuant to the <i>Local Government Act 1995, Sections 6.60(2), (3), (4)</i> .
Legislative power or duty delegated	<i>Local Government Act 1995, Section 6.60(2), (3), (4)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to require the payment of rent in satisfaction of rate or service charge, pursuant to the <i>Local Government Act 1995, Sections 6.60(2) and (3)</i> .
Conditions Reporting Requirements and	<p>Subject to recovery action having been taken in accordance with Council Policy No. 1.2.13 – “<i>Collection of Debts, Rates and Service Charges</i>”.</p> <p>The full details of the determination to be recorded in the appropriate rate record.</p>

No. 1.18 Amending and Determining Objections to a Rate Record

Commented [A4]: Refer to 1.18 and 1.26 – delegation has been split into two for clarity.

Function to be performed	The Chief Executive Officer is delegated the power to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct (Section 6.39) and to determine objections to the rate record (Section 6.76).
Legislative power or duty delegated	<i>Local Government Act 1995, Section 6.76(4),(5)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and to determine objections to the rate record.
Conditions and Reporting Requirements	The full details of the determination to be recorded in the appropriate rate record.

No: 1.18 Amend the Rates Record

Commented [A5]: Part 1 of previous delegation 1.18.

Function to be performed	To amend the rate record up to 5 years preceding the current financial year
Legislative power or duty delegated	<i>Local Government Act 1995, Section 6.39</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to amend the rate record up to 5 years preceding the current year
Conditions and Reporting Requirements	Nil.

No: 1.19 Inviting Tenders for Goods or Services and Related Matters

Function to be performed	The authority to invite tenders for works and services in the relevant financial year adopted budget, where required in accordance with Section 3.57 of the <i>Local Government Act 1995</i> .
Legislative power or duty delegated	<i>Local Government Act 1995, Section 3.57(1)</i> - Requirement to invite tenders in certain circumstances. <i>Local Government (Functions and General) Regulations 1996, Regulations 14(2a), 20(1) and (2), 21(1), 23(3).</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Office is delegated authority pursuant to <i>Local Government (Functions and General) Regulations 1996</i> :

	<p>1. Regulation 14(2a) to determine in writing the criteria for deciding which tender should be accepted.</p> <p>2. Regulation 20(1) power, with the approval of the tenderer, to make a minor variation in a contract for goods or services before the City enters the contract with the successful tenderer.</p> <p>3. Regulation 21(1) to seek expressions of interest with respect to the supply of the goods or services before entering the tender process.</p> <p>4. Regulation 23(3) to consider any submissions of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services.</p>
<p>Conditions Reporting Requirements and</p>	<p>The invitation to tender is to be entered into the Tender Register in the prescribed manner.</p> <p>Selection criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.</p> <p>Details of the minor variations must be recorded in the appropriate record.</p> <p>Details of the calling of expressions of interest must be recorded in the appropriate record and in the Tender Register.</p> <p>The delegation is subject to:</p> <ol style="list-style-type: none"> 1. tenders called to comply with Council's Policy No. 1.2.2 – <i>"Code of Tendering"</i> and Policy No. 1.2.3 – <i>"Purchasing Policy"</i>; and 2. tenders can only be invited for those goods and services identified in the Annual Budget, Plan for the Future <u>or where the expenditure has been approved in advance by Council;</u>

No: 1.20 Acceptance of Tenders

Function to be performed	A local government must consider any tender that has not been rejected and decide which one to accept. The local government may decline to accept any tender.
Legislative power or duty delegated	<i>Local Government (Functions and General) Regulations 1996, Regulation 18(4),(5), (6), (7)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to accept any tender that has not been rejected or decline all tenders.
Conditions and Reporting Requirements	The delegation is subject to: <ol style="list-style-type: none"> 1. tenders for the supply of goods or services not exceeding a value of \$250,000; 2. acceptance of tenders is what is to be deemed <i>“the most acceptable and advantageous to the City”</i>; 3. tenders called subject to (1) and (2) above, to comply with Council’s Policy No. 1.2.2 – <i>“Code of Tendering”</i> and Policy No. 1.2.3 – <i>“Purchasing Policy”</i>.

No: 1.21 Dealing with Objections

Function to be performed	Dealing with Objections of the kind referred to in Section 9.5 .
Legislative power or duty delegated	<i>Local Government Act 1995, Section 9.5(2), Section 9.6(5) and 9.9(1)(b)</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> • receive an objection and grant an extension of time for an objection to be lodged (Section 9.5(2)). • give notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way. • determine that there are reasons why the effect of a decision should not be suspended in line with the provisions of the Local Government Act 1995 Section 9.9(1)(b).
Conditions and Reporting Requirements	Details are to be recorded on the appropriate file or record.

No: 1.22 Execution of Documents

Function to be performed	Authority to sign documents on behalf of the local government.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 9.49A (4) and (5)</i>
Authorisation from	Local Government, pursuant to Section 9.49A(4) of the <i>Local Government Act 1995</i>
Authorisation to	Chief Executive Officer
Authorisation	The Chief Executive Officer and senior employees are authorised to: (1) Execute a document as a deed on behalf of the City where there is a requirement for the document to be executed as a deed; All Employees are authorised to: (2) Sign documents on behalf of the local government to all matters arising under delegated authority given by the Council under Section 5.42 of the Act and generally as is necessary or appropriate in carrying out his or her function under the Act or under any written law, so long as they do so in accordance with "Policy 4.1.10 - Execution of Documents".
Conditions and Reporting Requirements	Execution of all documents must be in accordance with "Policy 4.1.10 - Execution of Documents"

No: 1.23 Disposing of Property

Function to be performed	Authority to dispose of property: a) to the highest bidder at public auction; or b) to the most acceptable public tender; or c) by private treaty (subject to section 3.58(3) and (4)).
Legislative power or duty delegated	Sections 3.58(2) and (3) <i>Local Government Act 1995</i>
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	Authority to dispose of property in accordance with section 3.58 of the <i>Local Government Act 1995</i> .
Conditions and Reporting Requirements	The delegation is subject to: 1. the value of the property not exceeding \$250,000; 2. the disposal of any land and / or building assets being specified in the Annual Budget or Corporate Business Plan; 3. the lease of City-owned land being determined by Council.

No: 1.24 Trust funds - Transfers

Function to be performed	Determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years.
Legislative power or duty delegated	<u>Local Government Act 1995 Section 6.9(4) Trust Fund</u>
Delegation from	<u>Local Government, pursuant to Section 5.42 of the Local Government Act 1995</u>
Delegation to	Chief Executive Officer
Delegation	Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund.
Conditions and Reporting Requirements	The full details of the determination to be recorded in the appropriate rate relevant record.

Commented [A6]: Introducing a new delegation because it is recognised that there is discretion being exercised when deciding to transfer money from trust.

No: 1.25 Rates or Service Charges Recoverable in Court

Function to be performed	To recover rates or service charges, as well as the cost of proceeding, if any, for that recovery, in a court of competent jurisdiction.
Legislative power or duty delegated	<u>Local Government Act 1995, Section 6.56</u>
Delegation from	<u>Local Government, pursuant to Section 5.42 of the Local Government Act 1995</u>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to recover rates or services charges in a court of competent jurisdiction
Conditions and Reporting Requirements	The full details of the determination to be recorded in the appropriate rate record.

Commented [A7]: Introducing a new delegation because it is recognised that there is discretion being exercised when deciding whether or not to recover costs in court.

No: 1.26 Determining Objections to a Rate Record and Providing an Extension of Time to Objections

Function to be performed	1. To allow or disallow objections to the rate record 2. To extend the time for a person proposing to make an objection to the rate record
Legislative power or duty delegated	<u>Local Government Act 1995, Section 6.76(4),(5)</u>
Delegation from	<u>Local Government, pursuant to Section 5.42 of the Local Government Act 1995</u>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to make a determination on the objections to the rate record and to also extend the time requested to make the objection by an individual.
Conditions and Reporting Requirements	The full details of the determination to be recorded in the appropriate rate record.

Commented [A8]: Part 2 of previous delegation 1.18.

No: 1.27 Panels of Pre-Qualified Suppliers for Goods and Services

<u>Function to be performed</u>	<p>1. <u>Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].</u></p> <p>2. <u>Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].</u></p> <p>3. <u>Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].</u></p> <p>4. <u>Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].</u></p> <p>5. <u>Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].</u></p> <p>6. <u>Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].</u></p> <p>7. <u>Authority to decline to accept any application [F&G r.24AH(5)].</u></p> <p>8. <u>Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].</u></p>
<u>Legislative power or duty delegated</u>	<u>Local Government (Functions and General Regulation) 1996, r.24AB; r.24AC(1)(b); r.24AD(3) & (6); r.24AH(2), (3), (4) & (5).</u>
<u>Delegation from</u>	<u>Local Government, pursuant to Section 5.42 of the Local Government Act 1995</u>
<u>Delegation to</u>	<u>Chief Executive Officer</u>
<u>Delegation</u>	<u>The Chief Executive Officer is delegated the power to establish, manage and maintain -panels of pre-qualified suppliers.</u>
<u>Conditions and Reporting Requirements</u>	<u>Panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000.</u>

Commented [A9]: A new section of the Local Government (Functions and General) Regulations was introduced providing powers and duties with respect to setting up panels of pre-qualified suppliers.
This delegates the ability to set these panels up to the CEO.

PART 2 AUTHORISED PERSONS AND LOCAL LAWS

No: 2.1 Power to Appoint Authorised Persons

Function to be performed	Power to appoint authorised officers in writing and issue certificates of authorisation.
Legislative power or duty delegated	<i>Local Government Act 1995, Section 9.10(1); Dog Act 1976, Section 29(1); Building Act 2011, Section 96(3); and City of Vincent Town Planning Scheme No. 1 – clause 52.</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to appoint persons or classes of person to be authorised for the purposes of performing particular functions of the: <ul style="list-style-type: none"> • <i>Local Government Act 1995;</i> • <i>Dog Act 1976;</i> • <i>Building Act 2011;</i> • <i>City of Vincent Town Planning Scheme No. 1; and</i> • <i>City of Vincent Local Laws.</i>
Conditions and Reporting Requirements	Authorised persons shall be notified in writing and that notification shall be recorded on the appropriate record and the person's personal record.

* Note – the power to authorise officers under the *Cat Act 2011* is delegated in No: 3.14.

**Note – the power to authorise officers under the *Food Act 2008* is delegated in No: 4.1.

No: 2.2 Fines, Penalties and Infringement Notices Enforcement Act 1994 - Appointment of Prosecution Officers

Function to be performed	(1) For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies. (2) The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with Sections 16 and 22. (3) A prosecuting authority at any time may amend the written notice of designated prosecuting officers.
Designation from	Local Government, pursuant to Section 13(2) of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>
Designated officers	Chief Executive Officer Director Community Engagement Manager Community Safety Coordinator Prosecutions Officer Prosecutions and Strategy Officer
Designation	Designated officers are nominated as Prosecution Officers for the purposes of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994, Section 13(2)</i> .
Conditions and Reporting Requirements	Note: In relation to local laws the designation allows: Signing of Enforcement Certificates to initiate prosecution (Section 16);

	<p>Signing of Withdrawal of Proceedings Notices (Section 22) for those matters already registered with Fines Enforcement.</p> <p>Copies of all decisions made are to be retained on the appropriate file or record.</p>
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No: 2.3A Trading in Public Places Local Law 2008 – Issuing Permits

Function to be performed	Issuing permits under the Trading in Public Places Local Law 2008.
Legislative power or duty delegated	Clauses 3.2, 3.4, 3.5, 3.6, 3.8, 3.11, 3.13, 3.14 of the Trading in Public Places Local Law 2008.
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	<p>Clauses 3.2, 3.4 and 3.5 - Issuing a permit.</p> <p>Clauses 3.6 and 3.8 – Impose and amend permit conditions.</p> <p>Clause 3.11 – Transfer of a permit.</p> <p>Clause 3.13 – Cancellation of permit.</p> <p>Clause 3.14 – Suspension of permit.</p>
Conditions and Reporting Requirements	The exercise of delegation is to be in writing and recorded on the appropriate record.

No: 2.3B Trading in Public Places Local Law 2008 – Reinstatement Works

Function to be performed	Various Local Government powers under the Trading in Public Places Local Law 2008.
Legislative power or duty delegated	Clauses 4.2, 5.1 and 6.4 of the Trading in Public Places Local Law 2008.
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	<p>Clause 4.2 – Carry out reinstatement works.</p> <p>Clauses 5.1 – Require reinstatement works to be carried out.</p> <p>Clause 6.4 – Require reinstatement or replacement of local government property.</p>
Conditions and Reporting Requirements	The exercise of delegation is to be in writing and recorded on the appropriate record.

No: 2.4 Parking and Parking Facilities Local Law 2008 – Powers of a Local Government

Function to be performed	Various Local Government powers under the Parking and Parking Facilities Local Law 2007.
Legislative power or duty delegated	Clauses 2.1, 4.14, 7.3 and 8.10 of the Parking and Parking Facilities Local Law 2007.
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	Clause 2.1 – Erection of signs; Clause 4.14 – Special event parking; Clause 7.3 - Issue of Permits Clause 8.10 – Lock parking stations.
Conditions and Reporting Requirements	The exercise of delegation is to be in writing and recorded on the appropriate record. The Manager Community Safety and Coordinator Ranger Services are authorised to issue p Parking permits <u>are to be issued</u> in accordance with the City's Policy No. 3.9.35 – "Parking <u>Permits Control</u> ".

No: 2.5A Local Government Property Local Law 2008 – Issuing Permits

Function to be performed	The power to issue permits under the Local Government Property Local Law 2008.
Legislative power or duty delegated	Clauses 3.2, 3.2, 3.4, 3.5, 3.9, 4.8, 6.1A, 8.2, 9.2, 9.3, 9.10, 9.14, 10.2, 13.3 and 13.6 of the Local Government Property Local Law 2008.
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	Clauses 3.2 and 3.3 - Issuing a permit. Clauses 3.4 and 3.5 – Impose and vary permit conditions. Clause 3.9 – Transfer of a permit. Clause 6.1A – Approval for advertising sign. Clause 10.2 – Grant exemption from compliance. Clause 13.6 – Grant exemption from admission fee.
Conditions and Reporting Requirements	The exercise of delegation is to be in writing and recorded on the appropriate record.

No: 2.5B Local Government Property Local Law 2008 – Reinstatement

Function to be performed	Various Local Government powers under the Local Government Property Local Law 2008.
Legislative power or duty delegated	Clauses 4.8, 8.2, 9.2, 9.3, 9.10, 9.14 and 13.3 of the Local Government Property Local Law 2008.
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	<p>Clause 4.8 – Erection of signs.</p> <p>Clause 8.2 – Carry our reinstatement works.</p> <p>Clauses 9.2 and 9.3 – Require reinstatement works to be carried out.</p> <p>Clause 9.10 – Give notice to make good a breach.</p> <p>Clause 9.14 – Require removal of redundant vehicle crossings.</p> <p>Clause 13.3 – Require reinstatement or replacement of local government property.</p>
Conditions and Reporting Requirements	The exercise of delegation is to be in writing and recorded on the appropriate record.

PART 3 RANGERS AND COMMUNITY SAFETY

No: 3.1 Cat Act 2011 – Functions of a Local Government

Function to be performed	Functions of a Local Government under the <i>Cat Act 2011</i>
Legislative powers appointed	All functions under the <i>Cat Act 2011</i>
Delegation from	Local Government, pursuant to Section 44 of the <i>Cat Act 2011</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the <i>Cat Act 2011</i> .
Conditions and Reporting Requirements	Details of actions taken are to be recorded on the appropriate file or record.

No: 3.2 Litter Act 1979 – Appointment of Persons to Withdraw Infringement Notices

Function to be performed	An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 28 days after the service of the notice, by the sending of a notice, in the prescribed form, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded. A withdrawal notice sent under subsection (4) shall be signed by a person appointed in writing to withdraw infringement notices by the public authority.
Legislative power or duty delegated of appointment	To sign withdrawal of infringement notices under the <i>Litter Act 1979, Section 30(4a)</i>
Appointed persons	Director Community Engagement Manager Ranger and Community Safety Services
Conditions and Reporting Requirements	Withdrawal notices are to be retained on the appropriate file or record.

No: 3.3 Bush Fires Act 1954 – Powers and Duties

Function to be performed	A local government is empowered with all powers, duties and functions under the <i>Bush Fires Act 1954</i> .
Legislative power or duty delegated	All powers, duties and functions under the <i>Bush Fires Act 1954</i> .
Delegation from	Local Government, pursuant to Section 48 of the <i>Bush Fires Act 1954</i>
Delegation to	Chief Executive Officer

Delegation	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of a Local Government under the <i>Bush Fires Act 1954</i> .
Conditions and Reporting Requirements	Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government. Copies of all notices issued are to be retained on the appropriate file or record. <i>Note: s59A(3) and Bush Fires (Infringements) Regulations 1958, Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.</i>

No: 3.4 Graffiti Vandalism Act 2016 – Local Government Powers

Function to be performed	Authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i> .
Legislative power or duty delegated	<i>Graffiti Vandalism Act 2016</i> , Part 3 - Local government powers
Delegation from	Local Government, pursuant to Section 16 of the <i>Graffiti Vandalism Act 2016</i>
Delegation to	Director Community Engagement Director Engineering Manager Community Safety
Delegation	<ol style="list-style-type: none"> 1. Authority to issue notices requiring removal of graffiti. 2. Authority issuing notices of an intended entry onto private land. 3. Authority to deal with an objection to a notice. 4. Authority to recover costs for removal of graffiti. 5. Authority to remove of graffiti on land not local government property.
Conditions and Reporting Requirements	Graffiti removal is to be undertaken in accordance with Policy 2.1.3 – Graffiti Control and Removal. The information is to be recorded in appropriate record to meet legislative requirements.

Commented [A10]: New delegation in response to the 2016 *Graffiti Vandalism Act 2016* which broadly provides powers to remove graffiti on private property.

PART 4 HEALTH SERVICES

No: 4.1 Food Act 2008 – Functions of an Enforcement Agency

Function to be performed	Authority to exercise the powers of the local government, as an enforcement agency under the <i>Food Act 2008</i> , for the following purposes: <ul style="list-style-type: none"> • Serving prohibition orders and clearance certificates; • Initiating prosecutions; and • Registration of food businesses.
Legislative power or duty delegated of appointment	<i>Food Act 2008</i> , Sections 65, 66, 67(4), 110, 112, 122, 125, 126(13)
Delegation from	Local Government, pursuant to Section 118(2) of the <i>Food Act 2008</i>
Delegation to	The Chief Executive Officer is delegated the power to carry out the following functions pursuant to the <i>Food Act 2008</i> : <ol style="list-style-type: none"> Sections 65, 66, 67(4) - Serving prohibition orders and clearance certificates; Section 110 and 112 – Registration of food businesses; Section 122 – Appointing authorised officers; Section 125 – Initiating prosecutions; Section 126(13) – Designating authorised officers to be designated officers for the purposes of issuing/withdrawing infringement notices.
Conditions and Reporting Requirements	Nil

No: 4.2 Health (Miscellaneous Provisions) Act 1911 – Appointment of Deputy, Discharge of Powers and Duties

Function to be performed	A local government may appoint and authorise any person to be its Health (Miscellaneous Provisions) Act 1911 deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Legislative power or duty delegated	<i>Health (Miscellaneous Provisions) Act 1911</i> , Section 26 .
Delegation from	Local Government, pursuant to Section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i> .
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to be its Health (Miscellaneous Provisions) Act 1911 deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Conditions and Reporting Requirements	All actions taken must be recorded in writing in the appropriate file or record.

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No: 4.3 *Liquor Control Act 1988 – Issue of Certificates Under Section 39*

Function to be performed	The authority to issue a certificate in accordance with Section 39 of the <i>Liquor Control Act 1988</i> .
Legislative power or duty delegated	<i>Liquor Control Act 1988, Section 39</i>
Delegation from	Local Government, pursuant to Section 39(1) of the <i>Liquor Control Act 1988</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the City, pursuant to the <i>Liquor Control Act 1988, Section 39</i> .
Conditions and Reporting Requirements	Copies of all certificates issued are to be retained on the appropriate file or record.

No: 4.4 *Liquor Control Act 1988 – Issue of Certificates Under Section 40*

Function to be performed	The authority to issue a certificate in accordance with Section 40 of the <i>Liquor Control Act 1988</i> .
Legislative power or duty delegated	<i>Liquor Control Act 1988, Section 40</i>
Delegation from	Local Government, pursuant to Section 40(1) of the <i>Liquor Control Act 1988</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the City, pursuant to the <i>Liquor Control Act 1988, Section 40</i> .
Conditions and Reporting Requirements	Copies of all certificates issued are to be retained on the appropriate file or record.

No: 4.5 **Caravan Parks and Camping Grounds Act 1995 – Infringement Notices**

Function to be performed	<p>Powers of an Authorised Officer under Section 23 of the <i>Caravan Parks and Camping Grounds Act 1995</i> for the following purposes:</p> <ul style="list-style-type: none"> • Issuing an infringement; • Withdrawing an infringement; and • Extending payment of an infringement.
Legislative powers appointed	<i>Caravan Parks and Camping Grounds Act 1995, Section 23(2), (5) and (7)</i>
Authorisation from	<p>Local Government, pursuant to Section 23(11) of the <i>Caravan Parks and Camping Grounds Act 1995</i></p> <p><i>Note: The Act does not contain a head of power to delegate the appointment of authorised persons to the CEO.</i></p>
Authorised persons	<p>For the purposes of Sections 23(5) and (7) – withdrawing an infringement or extending payment periods:</p> <p>Chief Executive Officer Director Community Engagement Director Development Services Manager Health and Building Services Manager Community Safety <u>Coordinator Ranger and Parking Services</u> Coordinator Ranger Services</p> <p>For the purposes of Section 23(2) – issuing an infringement notice:</p> <p>Coordinator Environmental Health All Environmental Health Officers All Building Surveyors (registered) All Rangers</p>
Conditions and Reporting Requirements	Persons authorised for the purpose of this delegation shall be in writing and recorded on the appropriate record and the person's personal record.

No: 4.6 Public Health Act 2016 – Designation of Authorised Officers

Function to be performed	Designate a person(s) or class of persons as authorised officers under the <i>Public Health Act 2016</i> .
Legislative power or duty delegated	<i>Public Health Act 2016</i> , Sections 17, -24.
Delegation from	Enforcement agency (Local Government), pursuant to section 21 of the <i>Public Health Act 2016</i> .
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the authority to designate a person or class of persons as authorised officers under section 24 of the <i>Public Health Act 2016</i> .
Conditions and Reporting Requirements	<p>A list of all officers designated as authorised officers must be kept and maintained in accordance with section 27 of the <i>Public Health Act 2016</i>.</p> <p>Each person who is designated as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with section 30 of the <i>Public Health Act 2016</i>.</p> <p><u>A person cannot be designated as an environmental health officer unless they meet the qualifications determined and published by the Department under section 18 of the <i>Public Health Act 2016</i>.</u></p>

Commented [A11]: The additional section is not strictly necessary, but is included to provide clarity that an EHO can be appointed / designated.

*Note – Any person authorised or designated under the *Public Health Act 2016* must be issued a certificate of authority that complies with section 30(2) of that act and must bear the person's image (photo) and signature.

No: 4.7 Health (Asbestos) Regulations 1992 – Appointment of Authorised and Approved Officers

Function to be performed	Authority to issue, extend payments and withdraw infringement notices for alleged offences relating to the management of asbestos cement products and materials containing asbestos.
Legislative powers appointed	<p>Appointment as authorised officers for the purposes of issuing infringement notices under the <i>Criminal Procedure Act 2004</i> Part 2 for the offences specified under Schedule 1 of the <i>Health (Asbestos) Regulations 1992</i>.</p> <p>Appointment as approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 to extend the period to pay or withdraw an infringement notice.</p>
Authorisation from	Local Government, pursuant to <i>Health (Asbestos) Regulations 1992</i> ; Regulation 15D(5) .
Conditions and Reporting Requirements	All actions taken must be recorded in writing in the appropriate file or record.

PART 5 BUILDING

No: 5.1 Approve or Refuse to grant Building Permits

Function to be performed	Authority to approve or refuse to grant a certified or uncertified building permit, with or without conditions.
Legislative power or duty delegated	<i>Building Act 2011, Sections 20, 22.</i> Division 2 of Part 2. Divisions 1, 2 and 4 of Part 4.
Delegation from	Local Government, pursuant to Section 127(1) of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the authority to grant or refuse the issue of a Building Permit in the prescribed form pursuant to <i>Building Act 2011, Section 20, 22.</i>
Conditions and Reporting Requirements	All building permits issued are to be retained on the appropriate file or record.

No: 5.2 Approve or Refuse to grant Occupancy Permit and Building Approval Certificate

Function to be performed	Authority to approve or refuse to approve the issue of an occupancy permit with or without conditions, and approve or refuse to approve of a building approval certificate with or without conditions.
Legislative power or duty delegated	<i>Building Act 2011, Sections 58, 59, 62, 65.</i>
Delegation from	Local Government, pursuant to Section 127(1) of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to issue Certificates of Occupancy, Building Approval certificates and extensions of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the <i>Building Act 2011, Sections 58, 59, 62, 65.</i>
Conditions and Reporting Requirements	Copies of all permits and certificates issued are to be retained on the appropriate file or record.

No: 5.3 Approve or Refuse a Demolition Permit

Function to be performed	To grant or refuse to approve applications for a Demolition Permit.
Legislative power or duty delegated	<i>Building Act 2011, Sections 21, 22.</i>
Delegation from	Local Government, pursuant to Section 127(1) of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the

	National Trust and Council's Heritage Register, pursuant to the <i>Building Act 2011</i> , Sections 21, 22.
Conditions and Reporting Requirements	Copies of all Permits issued are to be retained on the appropriate file or record.

No: 5.4 Make a Building Order

Function to be performed	A Permit Authority may make, revoke, give effect to non-compliance of and initiate prosecution relating to an Order (a Building Order) in respect of one or more of the following - (a) particular building work; (b) particular demolition work; and (c) a particular building or incidental structure, whether completed before or after commencement day.
Legislative power or duty delegated	<i>Building Act 2011</i> , Sections 110, 111, 117, 118 and 133.
Delegation from	Local Government, pursuant to Section 127(1) of the <i>Building Act 2011</i>
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to perform the associated functions relating to Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011</i> , Sections 110, 111, 117, 118 and 133.
Conditions and Reporting Requirements	1. Subject to Sub-Section 112(2)(b) being conditional as follows; <i>"The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified"</i> . 2. Copies of all Building Orders issued are to be retained on the appropriate file or record.

No: 5.5 Issue Licence to Deposit Material on Street

Function to be performed	No person shall deposit stones, bricks, lime, rubbish, timber, iron, or other materials on a street, way, or other public place, nor make an excavation on land abutting or adjoining a street, way, or other public place, unless authorised to do so by an Act or unless he has first obtained from the local government in whose district the street, way, public place, or land is situated a licence in writing for that purpose, nor unless, in the case of an excavation he has securely fenced off the place where it is to be made from the street, way, or other public place, nor unless he complies with the conditions, if any, of the licence.
Legislative power or duty delegated	<i>Building Regulations 2012</i> , Regulation 64
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to issue licenses for the deposit of materials on a street , way or other

	public place and to make an excavation on land abutting or adjoining a street, way, or other public place, pursuant to the <i>Local Government (Miscellaneous Provisions) Act 1960, Section 377</i> .
Conditions and Reporting Requirements	Licence fee to be set by Council annually. Copies of all licences issued are to be retained on the appropriate file or record.

No: 5.6 Granting of a Certificate – Form 26

Function to be performed	Issue prescribed Strata Title Local Government Certificate Form 26 Certificate of Approval under the <i>Strata Titles Act 1985, Section 25</i> . Power to determine applications for the issuing of a certificate of approval under the <i>Strata Titles Act 1985, Section 25</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that: (a) propose the creation of a vacant lot; (b) proposed vacant air strata's in multi-tiered strata scheme developments; (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relating to: (i) a type of development; and/or (ii) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
Legislative power or duty delegated	<i>Strata Titles Act 1985, Section 25</i> Certificate of Commission
Delegation from	Local Government, pursuant to Section 5.42 of the <i>Local Government Act 1995</i>
Delegation to	Chief Executive Officer
Delegation	The above Officer is delegated the power to grant a certificate by the local government, pursuant to the <i>Strata Titles Act 1985, Section 25</i> .
Conditions and Reporting Requirements	A local government that exercises the power referred to in Clause 1 above (Functions to be performed) to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC. Copies of all certificates issued are to be retained on the appropriate file or record.

PART 6 TOWN PLANNING

No: 6.1 Directions Notices and Legal Action

Function to be performed	If development is undertaken in contravention of a planning scheme, the responsible authority may give a written direction requiring the development to stop, be removed and/or for the land to be restored as near as practicable to its condition immediately before the development started.
Legislative power or duty delegated	Giving of a written direction under section 214(2), (3) and (5) of the <i>Planning and Development Act 2005</i> .
Delegation from	Local Government, pursuant to section 5.42 of the <i>Local Government Act 1995</i> .
Delegation to	Chief Executive Officer
Delegation	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none">• Give a written direction where there has been a breach of the <i>Planning and Development Act 2005</i> that falls within the responsibility of the City;
Conditions and Reporting Requirements	Any expenses incurred by the City in carrying out the works specified in a direction notice shall be recovered from the person to whom the direction was given.

No: 6.2 Determination of Various Applications for Development

<p>Function to be performed</p>	<p>The determination of applications for development approval made under City of Vincent Local Planning Scheme No. 2 and the <i>Metropolitan Region Scheme</i>.</p> <p>Reconsidering a decision when invited to do so by the State Administrative Tribunal under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Determining the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>.</p> <p>Determining the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or not;</p> <p>The determination of applications to amend or cancel a development approval made under delegated authority or to extend the period within which the development approved must be substantially commenced.</p> <p>Waiving or varying a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.</p>
<p>Legislative power or duty delegated</p>	<p>Determination of an application for development approval under clause 68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations</i>; subclause 29(2) of the <i>Metropolitan Region Scheme</i>; and subsection 31(2) of the <i>State Administrative Tribunal Act 2004</i>.</p> <p>Advertising of applications and proposals under subclauses 18(4), 23(2) and 34(4) of the City of Vincent Local Planning Scheme No. 2; Clauses 18, 34, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and subclause 30(1) of the <i>Metropolitan Region Scheme</i>.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(f) and 61(2)(d) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
<p>Delegation from</p>	<p>Local Government, pursuant to clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
<p>Delegation to</p>	<p>Chief Executive Officer</p>
<p>Delegation</p>	<p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the City of

	<p>Vincent Local Planning Scheme No. 2 and/or Metropolitan Region Scheme;</p> <ul style="list-style-type: none"> • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the <i>State Administrative Tribunal Act 2004</i>; • Determine the requirement for and extent of advertising of applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i>; • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the City of Vincent Local Planning Scheme No. 2 and <i>Metropolitan Region Scheme</i> and whether an application should be accepted or rejected; • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval previously determined under delegated authority; • Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; and • Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval.
<p>Conditions and Reporting Requirements</p>	<ol style="list-style-type: none"> 1. This delegation does not extend to applications for development approval that propose to introduce one of the following land uses listed under Local Planning Scheme No. 2: <ol style="list-style-type: none"> a. Cinema/theatre; b. Club premises; c. Corrective institution; d. Educational establishment; e. Exhibition centre; f. Hospital; g. Hotel; h. Motel; i. Nightclub; j. Place of worship; k. Reception centre; l. Residential Building; m. Serviced apartment; n. Small bar; o. Tavern; 2. This delegation does not extend to applications for development approval that propose a height of three storeys or more; 3. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use;

	<p>4. This delegation does not extend to applications for telecommunications infrastructure that have received one or more objections;</p> <p>5. This delegation does not extend to applications for a billboard sign or directional sign;</p> <p>6. This delegation does not extend to applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places;</p> <p>7. This delegation does not extend to applications for development approval that propose a greater shortfall than five car parking bays under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</p> <p>8. Cash-in-lieu of parking or a reciprocal parking arrangement is required for all of the shortfall in onsite parking under the minimum parking requirements of Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</p> <p>9. <u>This delegation does not extend to applications for development approval for land use that is not listed in Table 1 of Local Planning Policy 7.7.1 Non-Residential Development Parking Requirements;</u></p> <p>9-10. This delegation does not extend to applications for development approval that have received more than five (5) objections during the City's community consultation period;</p> <p>10-11. This delegation does not extend to applications for development approval that propose more than three (3) 'Dwellings (Grouped)' or 'Dwellings (Multiple)' or 'Aged or dependent persons dwellings';</p> <p>11-12. Any application for development approval within a design guideline area, character retention area or heritage area adopted by Council through a local planning policy is to be advertised to all owners and occupiers within that area by the City during the community consultation period, with the exception of the William Street Design Guideline Area and Structures Above or Adjacent to the Graham Farmer Freeway Tunnel Northbridge Design Guideline Area, which shall be advertised in accordance with Policy 4.1.05 - Community Consultation;</p> <p>12-13. This delegation does not extend to applications to amend or cancel a development approval that was determined by Council; and</p> <p>13-14. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i>.</p>
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Commented [A12]: Proposed addition to make it clear that where uses are not contemplated in LPP 7.7.1 that approvals must be presented to Council.