Delegated Authority Register 2025/2026

Council to Chief Executive Officer and Authorised Persons

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Introduction

The Delegations of Authority contained in this register are made to the Chief Executive Officer pursuant to section 5.42 of the *Local Government Act 1995* (the Act). Some functions are delegated by the Chief Executive Officer to Shire of Esperance employees pursuant to section 5.44 of the Act. These are detailed in the Delegated Authority Register – Council to Authorised Officers. All delegations made by Council must be by **absolute majority** decision.

Limitations

The following are decisions that cannot be delegated to the Chief Executive Officer as per s5.43 of the Act -

(a) any *power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
(c) appointing an auditor;
(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
(f) borrowing money on behalf of the local government;
(g) hearing or determining an objection of a kind referred to in section 9.5;
(h) (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
(i) any power or duty that requires the approval of the Minister or the Governor;
(j) *such other* powers or duties as may be prescribed.

Further to the above limitations the following cannot be delegated to the Chief Executive Officer as per r.18G of the *Local Government (Administration) Regulations 1996* - :

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —
(a) section 7.12A(2), (3)(a) or (4); and
(b) regulations 18C and 18D.

Record Keeping

If a person is exercising a delegated power or duty, r.19 of the *Local Government (Administration) Regulations 1996* requires records be kept relating to the exercise of the power or discharge of the duty. The written record is to contain -

(a) how the person exercised the power or discharged the duty; and

(b) when the person exercised the power or discharged the duty; and

(c) 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.

Reading this Register

The aim of the Delegated Authority Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

This Delegated Authority Register is reviewed annually in accordance with the Act.

Example Delegation

# Title (s.X.XX)	
Function Delegated	Description of authority being delegated. This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions listed in legislation and the delegation.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	The express power or duty that is being delegated - The Legislation and Section *Head of Power (Act or Regulation)* s.# – Section Title
Power originally assigned to	Local Government (Local Government may be referred to as *Enforcement Agency* or *Permit Issuing Body* in some Legislation.)
Power to Delegate	The express power that allows a delegation to be made - The Legislation and Section *Head of Power (Act or Regulation)* s.# – Section Title
Power Delegated to	Chief Executive Officer or in some delegation's staff titles or a class of staff (eg. Rangers)
Council Conditions	Conditions placed on the delegation that are not already specified in Legislation, Regulation or Council Policy
Power to Sub-Delegate	The express power to sub-delegate the delegation to staff - The Legislation and Section *Head of Power (Act or Regulation)* s.# – Section Title In some cases, the Legislation expressly prohibits sub-delegation Not applicable – Sub-delegation is prohibited by s.# – Section Title The CEO can also choose to not sub-delegate authority that could be sub-delegated, in which case the following should be below the legislation. **CEO has elected to not sub-delegate this role**
Compliance Links	Documents relevant to the delegation should be listed here that provide further included but not limited to, other Acts, Regulations, Local Laws, Council Policy and Standard Operating Procedures.

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Date adopted, reviewed or amended and Council Resolution	3.
2.	4.

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PART 1 *LOCAL GOVERNMENT ACT 1995*

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)	
Function Delegated	Authority to undertake tendering, expressions of interest and prequalified supplier panels.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.57(1) - Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 Division 2 - Tenders for providing goods or services Division 3 - Panels of pre-qualified suppliers
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	1. Unique supplier exemption may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers 2. Tenders may only be called where there is a budget allocation for the proposed goods or services 3. Subject to goods and services included in the Annual Budget, the delegation is limited to - a) Purchases utilising WALGA Preferred Suppliers, not exceeding a value of $250,000 b) Quotes utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers, not exceeding a value of $250,000 c) Tenders not exceeding a value as per the Regulations excluding schedule of rates Tenders 4. Council consider a minor variation before entering into a contract to be 10% of the contract sum 5. In accordance with Division 3 - Panels of pre-qualified suppliers, applicants may only be appointed to a panel by Council Decision
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.5.43 - Limitations on delegations to the CEO *Local Government (Functions and General) Regulations 1996* Part 4 — Provision of goods and services Council Policy Procurement Policy

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)

DELEGATION ADMINISTRATION			
Decision Reference		**Decision Reference**	
1.	Adopted – June 2019, Resolution # O0619-120	5.	Reviewed – June 2023, Resolution #O0623-117
2.	Amended – May 2020, Resolution #O0520-148	6.	Amended – May 2024, Resolution #O0524-059
3.	Reviewed – May 2021, Resolution #O0521-147	7.	Reviewed – May 2025, Resolution #O0525-089
4.	Reviewed – May 2022, Resolution #O0522-112	8.	

1.2 Agreement as to payment of rates and service charges (s.6.49)

Function Delegated	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.49 – Agreement as to payment of rates and service charges
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - May 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Reviewed – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.3 Powers of entry (s.3.28, s.3.32, s3.33, s.3.34 & s.3.36)

Function Delegated	Authority to a) Exercise powers of entry to allow staff performing the functions of the *Local Government Act 1995* to enter property following a notice being given under s.3.32. and; b) Allow, in an emergency, entry to any land, premises or thing immediately and without notice to perform any Local Government function as considered appropriate to deal with the emergency.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.28 - When this Subdivision applies s.3.32 - Notice of Entry s.3.33 - Entry under warrant s.3.34 - Entry in emergency s.3.36 - Opening Fences
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* Division 3, Subdivision 3 – Powers of entry

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	7.	Amended – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Amended – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017, Resolution #O0617-133	10.	Reviewed – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution #O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution # O0619-120	12.	Amended – May 2025, Resolution #O0525-089

1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)

Function Delegated	Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the *Local Government Act 1995*. Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given. Authority to recover cost of the above action as a debt due from the person who failed to comply. Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.25 – Notices requiring certain things to be done by owner or occupier of land s.3.26 – Additional powers when notices given s.3.27 – Particular things local governments can do on land that is not local government property
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.3.24 – Authorising persons under this Subdivision (Subdivision 2 — Certain provisions about land) s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* Schedule 3.1 - Powers under notices to owners or occupiers of land Schedule 3.2 - Particular things local governments can do on land even though it is not local government property

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	7.	Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017, Resolution #O0617-133	10.	Reviewed – June 2023, Resolution #O0623-117

1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)

5.	Reviewed – May 2018, Resolution #O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution # O0619-120	12.	Reviewed – May 2025, Resolution #O0525-089

1.5 Commencing Prosecutions (s. 9.24)

Function Delegated	Authority to commence a prosecution for an offence against the *Local Government Act 1995*.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.9.24 – Prosecutions, commencing
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	7.	Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Amended – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017, Resolution #O0617-133	10.	Amended – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution #O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution # O0619-120	12.	Amended – May 2025, Resolution #O0525-089

1.6 Closing certain thoroughfares to vehicles (s.3.50)

Function Delegated	Authority to close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.50 – Closing certain thoroughfares to vehicles
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.3.50A – Partial closure of thoroughfare for repairs and maintenance s.3.51 - Affected owners to be notified of certain proposals

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - May 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Reviewed – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.7 Declaring a vehicle as an abandoned vehicle wreck (s.3.40A)

Function Delegated	Authority to – 1. declare an impounded vehicle as an abandoned wreck. 2. Authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.40A(1) & (4) – Abandoned vehicle wreck may be taken
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.3.39 - Power to remove and impound s.3.46 – Goods may be withheld until costs paid s.3.47 – Confiscated or uncollected goods, disposal of

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – March 2009, Resolution # O0309-1572	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - May 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Reviewed – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.8 Disposing of confiscated or uncollected goods (s.3.47)

Function Delegated	Authority to sell or otherwise dispose of confiscated or uncollected goods that have been ordered to be confiscated under s.3.43.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.47 – Confiscated or uncollected goods, disposal of
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	*Local Government Act 1995* s.3.40 - Vehicle may be removed if goods to be impounded are in or on vehicle s.3.42 - Impounded non-perishable goods s.3.43 - Impounded non-perishable goods, court may confiscate s.3.44 - Notice to collect goods if not confiscated s.3.46 - Goods may be withheld until costs paid s.3.58 - Disposing of Property

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Amended – May 2020, Resolution #O0520-148
3.	Reviewed - May 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Amended – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.9 Disposing of property (s.3.58)	
Function Delegated	Authority to dispose of property surplus to the Shire's operational needs.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.58 - Disposing of Property
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	1. Authority for the Disposal of land and/or building assets is limited to matters specified in the Annual Budget or Council Plan and in any other case, requires a specific resolution of Council. 2. The Chief Executive Officer is limited to determining disposals of property (including land assets) for any single project, or where not part of a project a single event, to an aggregated maximum material value of $500,000. 3. Authority to determine the method of disposal - a. Where a public auction is determined as the method of disposal - i. a reserve price has been set through independent valuation; ii. where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the valuation price. b. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. c. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to - i. negotiate the sale of the property up to a 10% variance below the valuation; and ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government Function and General Regulations 1996* r.30 - Dispositions of property excluded from Act s. 3.58 Council Policy Asset Disposal Policy
DELEGATION ADMINISTRATION	

1.9 Disposing of property (s.3.58)

Decision Reference		Decision Reference	
1.	Adopted – May 2010, Resolution # O0510-1456	9.	Reviewed – May 2018, Resolution # O0518-098
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Amended – June 2019: Resolution # O0619-120
3.	Reviewed - May 2012, Resolution # AP0412-005	11.	Amended – May 2020, Resolution #O0520-148
4.	Reviewed – December 2012, Resolution # O1212-062	12.	Reviewed – May 2021, Resolution #O0521-147
5.	Reviewed - June 2013, Resolution # O0613-012	13.	Reviewed – May 2022, Resolution #O0522-112
6.	Reviewed – May 2015, Resolution # O0515-026	14.	Amended – June 2023, Resolution #O0623-117
7.	Reviewed – July 2016, Resolution # O0716-032	15.	Amended – May 2024, Resolution #O0524-059
8.	Reviewed – June 2017 Resolution # O0617-133	16.	Amended – May 2025, Resolution #O0525-089

1.10 Investment of funds (s.6.14)

Function Delegated	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required for any other purpose.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.14 – Power to invest
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government (Financial Management) Regulations 1996* r.19 - Investments, control procedures for Council Policy Investment Policy

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Amended – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Amended – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017 Resolution # O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

1.11 Local government may require lessee to pay rent (s.6.60)

Function Delegated	Authority to - 1. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Esperance 2. Recover the amount of the rate or service charge as a dept from the lessee if rent is not paid in accordance with a notice.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.60 – Local Government may require lessee to pay rent
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.12 Cat Local Law 2024

Function Delegated	Authority to – 1. Give written notice to owner of the cat requiring that person to abate the nuisance. [cl.2.1(2)] 2. Provide written authorisation to allow a cat to be in a cat prohibited area. [cl.2.2(1)] 3. Refuse to determine an application for a permit. [cl.3.4] 4. Approve or refuse a permit application. [cl.3.6] 5. Revoke a permit. [cl.3.9]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Cat Local Law 2024 cl.2.1(2) Cat not to be a nuisance cl.2.2(1) Cat prohibited areas cl.3.4 Refusal to determine application cl.3.6 Decision on application cl.3.9 Revocation
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

1.13 Objection to the rate record (s.6.76)

Function Delegated	Authority to - 1. Extend the period of time for making the objection for such period as seen fit upon application by a person proposing to make an objection to the rate record. 2. Promptly consider any objection to the rate record and either disallow it or allow it, wholly or in part. 3. Serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.76 – Grounds of objection
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees **CEO has elected to not sub-delegate this role**
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution #O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017 Resolution # O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

1.14 Partial closure of thoroughfare for repairs and maintenance (s.3.50A)

Function Delegated	Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is - a. for the purpose of carrying out repairs or maintenance; and b. unlikely to have a significant adverse effect on users of the thoroughfare.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.50A – Partial closure of thoroughfare for repairs or maintenance
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.3.50 - Closing certain thoroughfares to vehicles s.3.51 – Affected owners to be notified of certain proposals

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution # O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

1.15 Power to remove, impound goods and recover expenses (s.3.39 & s.3.48)

Function Delegated	Authority to a. Remove and impound any goods as per s.3.39 of the Act. b. Recover from the convicted offender the expenses incurred by removing and impounding the goods and disposing of them, if goods were removed and impounded under s.3.39.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.39 – Power to remove and impound s.3.48 – Impounding expenses, recovery of
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	s.3.47 - Confiscated or uncollected goods, disposal of

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution #O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution #O0518-098	16.	

1.16 Power to write off debts (s.6.12)

Function Delegated	Authority to write off money which is owed to the local government.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.12 – Power to defer, grant discounts, waive or write off debts
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Debts up to a value of $1,000.00 may be written off, conditional upon all avenues of debt recovery action having been exhausted.
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	Council Policy Debt Collection Policy

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Amended – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Amended – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017, Resolution # O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

1.17 Rates or service charges recoverable in court (s.6.56)

Function Delegated	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.6.56. Rates or service charges recoverable in court
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 - CEO may delegate some powers and duties to other employees
Compliance Links	Council Policy Debt Collection Policy

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Amended – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Amended – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017 Resolution # O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

1.18 Disposal of sick or injured animals (s.3.47A)

Function Delegated	Authority to a. humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable; and b. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* s.3.47A – Sick or injured animals, disposal of s.3.48 – Impounding expenses, recovery of
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – July 2015, Resolution #O0715-017	7.	Reviewed – May 2021, Resolution #O0521-147
2.	Reviewed – July 2016, Resolution # O0716-032	8.	Reviewed – May 2022, Resolution #O0522-112
3.	Reviewed – March 2017 Incorrect section referenced now corrected	9.	Amended – June 2023, Resolution #O0623-117
4.	Reviewed – May 2018, Resolution #O0518-098	10.	Reviewed – May 2024, Resolution #O0524-059
5.	Amended – June 2019: Resolution # O0619-120	11.	Reviewed – May 2025, Resolution #O0525-089
6.	Amended – May 2020, Resolution #O0520-148	12.	

1.19 Dog Local Law 2024

Function Delegated	Authority to – 1. Approve an application for a licence subject to conditions [cl.4.8] 2. Vary or cancel a licence. [cl.4.13] 3. Approve or refuse an application for the transfer of a valid licence. [cl.4.14(3)]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Dog Local Law 2024 cl.4.8 Conditions of approval cl.4.13 Variation or cancellation of licence cl.4.14(3) Transfer
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

1.20 Fencing Local Law 2018	
Function Delegated	Authority to consent to the erection or repair of a fence which does not comply with the Fencing Local Law requirements
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Fencing Local Law 2018 cl.3.2 General discretion of the Local Government
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Fencing Local Law 2018 3.2(2) General discretion of the local government

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

1.21 Extractive Industries Local Law 2024

Function Delegated	Authority to – 1. Display or require the applicant to display notices. [cl2.2(2)] 2. Exempt a person making application for a licence from supplying data required in cl.2.3(1)(b), (d), (e) and (i). [cl.2.3] 3. Refuse or approve an application for transfer of licence. [cl.4.1(2)]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Extractive Industries Local Law 2024 cl.2.2(2) Applicant to advertise proposal cl.2.3 Application for licence cl.4.1(2) Transfer of licence
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

1.22 Local Government Property Local Law 2001

Function Delegated	Authority to – 1. Approve or refuse an application for permit. [cl.3.3] 2. Approve an application for permit subject to conditions. [cl. 3.4] 3. Approve an application for permit subject to conditions by reference to a policy. [cl.3.5] 4. Vary conditions of a permit. [cl.3.6] 5. Approve or refuse an application for transfer of permit. [cl.3.10(2)] 6. Exempt a person from compliance with cl3.13(1). [cl.3.13(2)] 7. Exempt specified local government property or a class of local government property from the application of cl.3.13(1)(a). [cl.3.13(3)] 8. Erect a sign on local government property specifying any conditions of use which apply to that property. [cl.4.6(1)] 9. Exempt a person from compliance with cl.6.1(1)(b). [cl.6.1(2)]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Local Government Property Local Law 2001 cl.3.3 Decision on application for permit cl.3.4 Conditions which may be imposed on a permit cl.3.5 Imposing conditions under a policy cl.3.6 Compliance with and variation of conditions cl.3.10(2) Transfer of permit cl.3.13(2) and 3.13 (3) Activities needing a permit cl.4.6(1) Signs cl.6.1(2) No unauthorised entry to function
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2025, Resolution #O0525-089	4.

1.22 Local Government Property Local Law 2001

2.	5.
3.	6.

1.23 Private Property Local Law 2003

Function Delegated	Authority to – 1. Refuse or approve an application. [cl.2.4] 2. Assign a number to land in a street, thoroughfare or way in the district. [cl. 4.1(1)] 3. Establish a minimum standard for the display of street numbering in the district. [cl.4.1(2)] 4. Give notice of a breach, carry out works to remedy a breach and recover expenses. [cl.10.1]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Private Property Local Law 2003 cl.2.4 Determination of application cl.4.1 Assignment and standard of street numbers cl.10.1 Works on private property
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

1.24 Activities in Thoroughfares and Public Places and Trading Local Law 2016

Function Delegated	Authority to – 1. Exempt a person from compliance with cl.2.2(1). [cl.2.2(2)(c)] 2. Provide written notice to the owner or occupier of a lot to remove a crossing and reinstate any part of the thoroughfare which may be affected by the removal. [cl.2.5(2)] 3. Provide written notice to the owner or occupier of a lot abutting on a verge to make good a breach. [cl.2.11] 4. Assign a number to a lot in the district. [cl.2.15] 5. Erect a sign on a public place specifying any conditions of use which apply. [cl. 2.17(1)] 6. Exempt the holder of a permit from prohibitions in cl.3.2. [cl.3.4] 7. Signpost flora roads with the standard MRWA 'flora road' sign. [cl. 5.5] 8. Approve an application for a permit for the purpose of cl.5.13. [cl.5.15] 9. Refuse to approve an application for a permit. [cl. 6.5(2)] 10. Authorise another person to be a nominee of the permit holder for a specific period. [cl.6.6(2)] 11. Give notice in writing to vary the permitted area or time of a permit, and direct a permit holder to move from one permitted area to another if more than one area is specified in a permit. [cl.6.11] 12. Consider cl.6.17(a) to (e) in addition to any other matter considered relevant when determining an application. [cl.6.17] 13. Require an applicant to provide additional information. [cl.7.1(3)] 14. Approve an application for a permit subject to conditions. [cl.7.3] 15. Vary the conditions of a permit. [cl.7.5(2)] 16. Approve or refuse an application for the transfer of a permit. [cl.7.8(2)] 17. Give notice to the owner or occupier of land requiring them to move or alter the direction of a sprinkler or watering equipment. [cl.9.1] 18. Give notice to the owner or occupier of land to remove, cut, move or otherwise deal with a plant to remove a hazard. [cl.9.2] 19. Give notice to a person who caused damage to repair or replace the thoroughfare. [cl.9.3] 20. Give notice in writing to the owner of occupier of the property or person responsible for a thing being placed requiring them to remove the thing. [cl.9.4]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	Activities in Thoroughfares and Public Places and Trading Local Law 2016 cl.2.2(2)(c) Activities allowed with a permit - general cl.2.5(2) Removal of redundant crossing cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.3.4(1) Exemption cl.5.5 Signposting of flora roads cl.5.15 When application for permit can be approved cl.6.5(2) Relevant considerations in determining application for permit cl.6.6(2) Conditions of permit

1.24 Activities in Thoroughfares and Public Places and Trading Local Law 2016	
	cl.6.11 Variation of a permitted area and permitted time cl.6.17 Matters to be considered in determining application cl.7.1(3) Application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5(2) Compliance with and variation of conditions cl.7.8(2) Transfer of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damaged thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – May 2025, Resolution #O0525-089	4.
2.	5.
3.	6.

PART 2 *BUILDING ACT 2011*

2.1 Appointment of Authorised Persons (s.96 & s.99)	
Function Delegated	Authority to – a. Designate an employee as an authorised person under the *Building Act 2011*; and b. Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Building Act 2011* s.96 - Authorised Person s.99 - Limitation on powers of authorised person
Power originally assigned to	Local Government
Power to Delegate	*Building Act 2011* s.127(6A) – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees **CEO has elected to not sub-delegate this role**
Compliance Links	*Building Act 2011* s.97 - Identity cards

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – July 2012, Resolution # O0712-065	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Amended – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12. Amended – May 2025, Resolution #O0525-089

2.2 Powers pursuant to the Building Act 2011

Function Delegated	To undertake the powers of the Local Government for the following sections of the *Building Act 2011*.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Building Act 2011* s.18 Further Information s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.24 Notice of decision not to grant building or demolition permit s.27 Conditions imposed by permit authority s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not grant occupancy permit or grant building approval certificate s.62 Conditions imposed by permit authority s.65 Extension of period of duration s.88 Finishes of walls close to boundaries s.110 Building orders s.111 Notice of proposed building order other than a building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.131 Inspection, copies of building records
Power originally assigned to	Local Government
Power to Delegate	*Building Act 2011* s.127 – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	Officers who issue building orders (s.110) or notices (s.111) must not revoke (s.117) or give effect to those building orders (s.118).
Power to Sub-Delegate	*Building Act 2011* s.127 – Delegation: Special Permit Authorities and Local Governments
Compliance Links	*Building Regulations 2012*

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – July 2012, Resolution # O0712-065	9.	Amended – May 2021, Resolution #O0521-147
2.	Reviewed – May 2015, Resolution # O0515-026	10.	Amended – May 2022, Resolution #O0522-112

2.2 Powers pursuant to the Building Act 2011

3.	Reviewed – July 2015, Resolution #O0715-017	11.	Amended – June 2023, Resolution #O0623-117
4.	Reviewed – July 2016, Resolution # O0716-032	12.	Reviewed – May 2024, Resolution #O0524-059
5.	Reviewed – June 2017 Resolution #O0617-133	13.	Amended – May 2025, Resolution #O0525-089
6.	Reviewed – May 2018, Resolution #O0518-098	14.	
7.	Amended – June 2019: Resolution # O0619-120	15.	
8..	Reviewed – May 2020, Resolution #O0520-148	16.	

PART 3 *PUBLIC HEALTH ACT 2016*

3.1 Appointment of Environmental Health Officer (s.17)	
Function Delegated	Authority to appoint suitably qualified employees as Environmental Health Officers
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Public Health Act 2016* s.17 – Appointment of Environmental Health Officers
Power originally assigned to	Local Government
Power to Delegate	*Public Health Act 2016* s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Public Health Act 2016* s.21 – Enforcement agency may delegate **CEO has elected to not sub-delegate this role**
Compliance Links	*Public Health Act 2016* s.18 - Chief Health Officer to approve qualifications and experience required by environmental health officers

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Reviewed – July 2017 Resolution # O0717-161	7. Reviewed – June 2023, Resolution #O0623-117
2. Reviewed – May 2018 Resolution # O0518-098	8. Reviewed – May 2024, Resolution #O0524-059
3. Amended – June 2019: Resolution # O0619-120	9. Reviewed – May 2025, Resolution #O0525-089
4. Amended – May 2020, Resolution #O0520-148	10.
5. Reviewed – May 2021, Resolution #O0521-147	11.
6. Reviewed – May 2022, Resolution #O0522-112	12.

3.2 Designation of Authorised Officers (s.24)

Function Delegated	Authority to designate a person or class of persons as authorised officers under the *Public Health Act 2016*.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Public Health Act 2016* s.24 – Designation of authorised officers
Power originally assigned to	Local Government
Power to Delegate	*Public Health Act 2016* s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Public Health Act 2016* s.21 – Enforcement agency may delegate **CEO has elected to not sub-delegate this role**
Compliance Links	*Public Health Act 2016* s.25 - Certain authorised officers required to have qualifications and experience. s.26 - Further provisions relating to designations s.27 - Lists of authorised officers to be maintained s.28 - When designation as authorised officer ceases s.29 - Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 - Certificates of authority s.31 - Issuing and production of certificate of authority for purposes of other written laws s.32 - Certificate of authority to be returned. s.136 - Authorised officer to produce evidence of authority

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Reviewed – July 2017 Resolution # O0717-161	6.	Reviewed – May 2022, Resolution #O0522-112
2.	Reviewed – May 2018 Resolution # O0518-098	7.	Reviewed – June 2023, Resolution #O0623-117
3.	Amended – June 2019: Resolution # O0619-120	8.	Reviewed – May 2024, Resolution #O0524-059
4.	Amended – May 2020, Resolution #O0520-148	9.	Reviewed – May 2025, Resolution #O0525-089
5.	Reviewed – May 2021, Resolution #O0521-147	10.	

PART 4 *PLANNING AND DEVELOPMENT ACT 2005*

4.1 General Administration Powers

Function Delegated	Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer[1] to administer the Scheme and exercise discretionary powers to conditionally or unconditionally approve (or recommend approval for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005* , the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes and variations that satisfy the Objectives and Performance Criteria of the Codes, State Planning Policies, relevant Local Laws and adopted Planning Strategies or Policies: a) For development[2] and land use applications: • where advertising is not necessary; • for which advertising is necessary and there are no objections; • for single house developments which advertising is necessary and there are objections[3] • for which advertising is necessary and any comments can be resolved through negotiation with the applicant or appropriately conditioned on the planning consent; • for which advertising is necessary and objections are received which are determined to be frivolous or vexatious by the Chief Executive Officer; • for which comments have been sought from any Government instrumentalities and those recommendations have been satisfactorily addressed or appropriately conditioned on the planning consent. b) Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer[4] to administer the Scheme and exercise discretionary powers to refuse (or recommend refusal for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005*, the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes, State Planning Policies and variations that satisfy the Objectives and Performance Criteria of the Codes, relevant Local Laws and adopted Planning Strategies or Policies:

[1] A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

[2] The *Planning and Development Act 2005* (as amended) defines 'development' as follows:

'development' means the development or use of any land, including—

(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;

(b) the carrying out on the land of any excavation or other works;

(c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—

(i) is likely to change the character of that place or the external appearance of any building; or

(ii) would constitute an irreversible alteration of the fabric of any building;

[3] Effective from 1 July 2024

[4] A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

4.1 General Administration Powers

- Where a planning application is received that is classified as "X' or non-permitted under the provisions of Local Planning Scheme No. 24.
- Where a request for further information has not been responded to in accordance with the Shire's Refusal of Planning Applications policy.
- Where a planning application is received that is not mentioned in the Zoning and Land Use Table and is not consistent with the objectives of the particular zone.
- Where a planning application is received that is not consistent with an adopted Local Planning Policy.
- Where a planning application is received that is not consistent with a Scheme provision.
- Where a single house has valid objections in the 'Rural Residential' 'rural Townsite', 'Tourism' or 'Private Clubs, Institutions and Places of Worship' zones; [5];
- Where comments have been sought from any Government instrumentality and those recommendations cannot been satisfactorily addressed or appropriately conditioned on the planning consent.

c) Commence advertising of any proposal where so required by the Local Planning Scheme No. 24 or other related legislation and inform or consult with any affected person or statutory authority prior to the application being determined by or on behalf of Council.

d) Development on reserved land that is consistent with the gazetted purpose of the reserve, the Local Planning Scheme No. 24 and leasing arrangements subject to prior consultation with the reserve manager or the Crown if not under Council control.

e) Concurrently advertise and subsequently approve or renew planning applications for:

- extractive industries under the Local Planning Scheme No. 24 and Extractive Industries Local Law.[6]
- kennels under the Local Planning Scheme No. 24 and Dogs Local Law[7].

f) Make recommendations to the Western Australian Planning Commission (WAPC) for:

- approval of subdivisions, amalgamations, strata and survey-strata plans, and variations to such applications that comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy;
- refusal of subdivisions, amalgamations, strata and survey strata plans, and variations to such applications that do not comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy; and
- clearance of subdivision conditions that comply with the WAPC preliminary approval and Council's applicable development standards including authorization of receipt or refund of bonds, cash (includes cleared cheque) or bank guarantees for associated works.

[5] Effective from 1 July 2024

[6] Development Approval would normally be issued subject to a condition that an extractive industry licence be obtained under the Extractive Industries Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

[7] Development Approval would normally be issued subject to a condition that a kennel licence be obtained under the Dogs Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

4.1 General Administration Powers

g) Administer the State Planning Policies that are referenced into the Local Planning Scheme No. 24.

h) Determine that a revised plan is considered to contain modifications that are minor and do not amount to a significantly different proposal, do not breach any of the conditions of the approval and do not materially affect the decision given by, or on behalf of, Council or the WAPC.

i) Determine whether there is compelling evidence to warrant reconsideration of a Council decision whether the decision was made by, or on behalf of Council.

j) Amend or cancel development approval at the request of the owner.

k) Respond, defend and otherwise deal with legal proceedings arising from planning decisions made by, or on behalf of, Council.[8].

l) Exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation under the State Administrative Tribunal.

m) Exercise discretion on behalf of Council in relation to the Arbitration provisions of the Scheme.

n) Make modifications to Scheme Amendments in accordance with directions from the Minister for Transport; Planning; Ports or the Western Australian Planning Commission.

o) Agree to accept management orders for reserves provided they have been created under Section 152 of the *Planning and Development Act 2005*.

p) Extend time for a planning consent when there has been no proposed change to the Local Planning Scheme No.24 or supporting planning strategies and policies that would affect the previous approval and any change to the proposed plans is relatively minor.

q) Comment on mineral exploration licenses.

r) Issue Liquor Licensing Act Section 40 Certificates regarding compliance with relevant planning laws.

s) Enter land or buildings for the purposes of administering the Local Planning Scheme No. 24 in accordance with Schedule 2, section 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

t) Allow appropriate selection of road names by developers from the Council/Geographic Names Committee approved reserved name list subject to developers being given the opportunity to submit alternative selections to Council

u) Determine that a use is consistent or not consistent with the objectives of a zone and determine an application under Section 18.(4) of the Local Planning Scheme No. 24.

v) Determine a cash-in-lieu payment for parking spaces in accordance with Schedule 1 Section 12.(b) of the Local Planning Scheme No. 24.

w) Issue a written direction under Section 214(2) of the *Planning and Development Act 2005* to any person undertaking a development that contravenes a Planning Scheme

[6] Council to be kept informed of any actions that may entail legal representation in Court or in an insurance claim being made against Council.

4.1 General Administration Powers

	or planning Control Area requirements, to stop and not recommence, the development or part of the development that is undertaken in contravention of the planning scheme or planning control area requirements. x) Issue a written direction under Section 214(3) of the *Planning and Development Act 2005* if a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements; • to remove, pull down, take up, or alter the development; and • to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government Act 1995* *Planning and Development Act 2005* *Planning and Development (Local Planning Schemes) Regulations 2015* Shire of Esperance Local Planning Scheme No 24 Shire of Esperance Extractive Industries Local Law Shire of Esperance Dog Local Law
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 – Delegation of some powers or duties to the CEO *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule.2, Part 10, cl.82
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule.2, Part 10, cl.83
Compliance Links	Part 10 of Schedule 2, Planning and Development (Local Planning Scheme) Regulations 2015

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Amended– February 2011, Res # O0211-1575 & O0211-1573	11.	Amended – June 2019: Resolution # O0619-120
2.	Reviewed - April 2012, Resolution # AP0412-005	12.	Amended – May 2020, Resolution #O0520-148

4.1 General Administration Powers

3.	Reviewed - June 2013, Resolution # O0613-012	13.	Amended – July 2020, Resolution #O0720-240
4.	Reviewed – May 2015, Resolution # O0515-026	14.	Amended – May 2021, Resolution #O0521-147
5.	Amended – November 2015, Resolution # O1115-030	15.	Amended – March 2022, Resolution #O0322-059
6.	Reviewed – July 2016, Resolution # O0716-032	16.	Reviewed – May 2022, Resolution #O0522-112
7.	Reviewed – September 2016, Resolution # O0916-026	17.	Amended – June 2023, Resolution #O0623-117
8.	Reviewed – June 2017, Resolution #O0617-133	18.	Reviewed – May 2018 Resolution # O0518-098
9.	Amended– February 2011, Res # O0211-1575 & O0211-1573	19.	Amended – May 2024, Resolution #O0524-059
10.	Reviewed – May 2018 Resolution # O0518-098	20.	Reviewed – May 2025, Resolution #O0525-089

PART 5 *BUSH FIRES ACT 1954*

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)	
Function Delegated	Authority to 1. Appoint persons to be Bush Fire Control Officers for the purposes of the *Bush Fires Act 1954*; and a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed. 2. Issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire. 3. Appoint Fire Weather Officers, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). 4. Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Bush Fires Act 1954* s.38 - Local government may appoint bush fire control officers.
Power originally assigned to	Local Government
Power to Delegate	*Bush Fires Act 1954* s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	The appointment is subject to the CEO being satisfied that the person to be authorised as a bush fire control officer has the appropriate qualifications and experience to perform the functions under the *Bush Fires Act 1954*.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	*Bush Fire Brigades Local Law* Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted - Sept 2015, Resolution # O0915-024	7. Amended – May 2021, Resolution #O0521-147

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)

2.	Reviewed – July 2016, Resolution # O0716-032	8.	Reviewed – May 2022, Resolution #O0522-112
3.	Reviewed – June 2017 Resolution # O0617-133	9.	Amended – June 2023, Resolution #O0623-117
4.	Reviewed – May 2018, Resolution # O0518-098	10.	Amended – May 2024, Resolution #O0524-059
5.	Amended – June 2019: Resolution # O0619-120	11.	Reviewed – May 2025, Resolution #O0525-089
6.	Amended – May 2020, Resolution #O0520-148	12.	

5.2 Fire break maintenance (s.33)	
Function Delegated	Authority to 1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions. 2. Direct a Bush Fire Control Officer or any other Officer to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with, with such servants, workmen, or contractors, and with such vehicles, machinery, appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice. 3. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Bush Fires Act 1954* s.33 – Local Government may require occupier of land to plough or clear fire-break
Power originally assigned to	Local Government
Power to Delegate	*Bush Fires Act 1954* s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	1. Written direction is to be given to a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with. 2. The Bush Fire Control Officer or other Officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matter and things as may be necessary to carry out the requisitions of the notice.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy Annual Firebreaks Notice
DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**

5.2 Fire break maintenance (s.33)

1.	Adopted - Sept 2015, Resolution # O0915-024	8.	Amended – May 2020, Resolution #O0520-148
2.	Reviewed – July 2016, Resolution # O0716-032	9.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – Sept 2016, Resolution #O0916-026	10.	Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – February 2017, Resolution #O0217-032	11.	Amended – June 2023, Resolution #O0623-117
5.	Reviewed – June 2017 Resolution # O0617-133	12.	Amended – May 2024, Resolution #O0524-059
6.	Reviewed – May 2018, Resolution # O0518-098	13.	Reviewed – May 2025, Resolution #O0525-089
7.	Reviewed – May 2018, Resolution # O0518-098	14.	

5.3 Offences and infringements (s.59 & s.59A)

Function Delegated	Authority to 1. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act. 2. Serve an infringement notice for an offence against this Act.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	*Bush Fires Act 1954* s.59 - Prosecution of offences s.59A - Alternative procedure – infringement notices	
Power originally assigned to	Local Government	
Power to Delegate	*Bush Fires Act 1954* s.48 - Delegation by local governments	
Power Delegated to	Senior Shire Ranger Ranger Coordinator Shire Ranger Chief Executive Officer	Director External Services Manager Ranger & Emergency Services Community Emergency Services Manager
Council Conditions	Nil	
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments	
Compliance Links	*Bush Fires (Infringements) Regulations 1978* Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy	

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – June 2019: Resolution #O0619-120	6.	Amended – August 2023, Resolution #O0823-149
2.	Amended – May 2020, Resolution #O0520-148	7.	Amended – November 2023, Resolution # O1123-190
3.	Amended – May 2021, Resolution #O0521-147	8.	Amended – May 2024, Resolution #O0524-059
4.	Reviewed – May 2022, Resolution #O0522-112	9.	Amended – May 2025, Resolution #O0525-089
5.	Reviewed – June 2023, Resolution #O0623-117	10.	

5.4 Withdrawal of infringements (s.59A)

Function Delegated	Authority to withdraw an infringement notice for an offence against this Act.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Bush Fires Act 1954* s.59A - Alternative procedure – infringement notices
Power originally assigned to	Local Government
Power to Delegate	*Bush Fires Act 1954* s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	*Bush Fires (Infringements) Regulations 1978* *Bush Fires Act 1954* - s.65 - Proof of certain matters s.66 - Proof of ownership or occupancy

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – June 2019: Resolution #O0619-120	5.	Reviewed – June 2023, Resolution #O0623-117
2.	Amended – May 2020, Resolution #O0520-148	6.	Reviewed – May 2024, Resolution #O0524-059
3.	Reviewed – May 2021, Resolution #O0521-147	7.	Reviewed – May 2025, Resolution #O0525-089
4.	Reviewed – May 2022, Resolution #O0522-112	8.	

5.5 Varying prohibited burning times (s.17)

Function Delegated	Joint authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer if forest land is situated in the district.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Bush Fires Act 1954:* s.17 - Prohibited burning times may be declared by Minister
Power originally assigned to	Local Government
Power to Delegate	*Bush Fires Act 1954* s.48 - Delegation by local governments s.17(10) – Prohibited burning times may be declared by Minister
Power Delegated to	Shire President and Chief Bush Fire Control Officer (jointly)
Council Conditions	1. Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). 2. The Community Emergency Services Manager must be consulted before a decision is made.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	*Bush Fire Regulations 1954* r.15 - Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C - Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B - Crop dusters etc., use of in restricted or prohibited burning times

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – February 2020: Resolution #O0220-049	5.	Amended – June 2023, Resolution #O0623-117
2.	Amended – May 2020, Resolution #O0520-148	6.	Reviewed – May 2024, Resolution #O0524-059
3.	Reviewed – May 2021, Resolution #O0521-147	7.	Reviewed – May 2025, Resolution #O0525-089
4.	Amended – May 2022, Resolution #O0522-112	8.	

PART 6 *FOOD ACT 2008*

6.1 Appoint Authorised Officers (s.122 & s.126)	
Function Delegated	Authority to 1. Appoint a person to be an authorised officer for the purposes of the *Food Act 2008.* 2. Appoint an Authorised Officer under s.122(1) of this Act or s.24(1) of the *Public Health Act 2016* to be a Designated Officer for the purposes of issuing Infringement Notices under *Food Act 2008.* and Appoint the Chief Executive Officer as an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Food Act 2008* s.122 Appointment of Authorised Officers s.126 Infringement Notices
Power originally assigned to	Local Government
Power to Delegate	*Food Act 2008* s.118 - Functions of enforcement agencies and delegation
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links	*Food Act 2008* s.122 - Appointment of authorised officers s.123 - Certificates of authority Department of Health Guidelines: Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers – Designated Officers only (section 126) Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer.
DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**

6.1 Appoint Authorised Officers (s.122 & s.126)

1.	Adopted - June 2013, Resolution # O0613-012	7.	Amended – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Amended – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017 Resolution # O0617-133	10.	Amended – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution # O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution #O0619-120	12.	Amended – May 2025, Resolution #O0525-089

6.2 Prohibition orders (s.65, s.66 & s.67)

Function Delegated	Authority to a. Serve a Prohibition order on the proprietor of a food business in accordance with s.65 of the *Food Act 2008.* b. Give a Certificate of clearance, where inspection demonstrates compliance with a Prohibition order and any Improvement Notices. c. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Food Act 2008* s.65 - Prohibition order s.66 - Certificate of clearance to be given in certain circumstances s.67 - Request for re-inspection
Power originally assigned to	Local Government
Power to Delegate	*Food Act 2008* s.118 - Functions of enforcement agencies and delegation
Power Delegated to	Chief Executive Officer Director External Services Manager Development Services Coordinator Environmental Health Environmental Health Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links	*Food Act 2008* s.62 - Grounds for serving improvement notice s.63 - Improvement notice may require certain action to be taken *Food Regulations 2009* Department of Health *Food Act 2008* Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System *Food Act 2008* Verification of Food Safety Program Guideline

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	10.	Reviewed – May 2021, Resolution #O0521-147
2.	Reviewed – May 2015, Resolution # O0515-026	11.	Amended – May 2022, Resolution #O0522-112
3.	Amended – March 2016, Resolution # O0316-023	12.	Reviewed – June 2023, Resolution #O0623-117

6.2 Prohibition orders (s.65, s.66 & s.67)

4.	Reviewed – July 2016, Resolution # O0716-032	13.	Amended – August 2023, Resolution #O0823-149
5.	Reviewed – Sept 2017, Resolution # O0916-026	14.	Amended – November 2023, Resolution # O1123-190
6.	Reviewed – June 2017 Resolution # O0617-133	15.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – May 2018, Resolution # O0518-098	16.	Amended – May 2025, Resolution #O0525-089
8.	Amended – June 2019: Resolution #O0619-120	17.	Amended – October 2025, Resolution O1025-026
9.	Reviewed – May 2020, Resolution #O0520-148	18.	

6.3 Registration of food business (s.110 & s.112)

Function Delegated	Authority to a. Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. b. Vary the conditions or cancel the registration of a food business.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	*Food Act 2008* s.110 - Registration of food business s.112 - Variation of conditions or cancellation of registration of food businesses	
Power originally assigned to	Local Government	
Power to Delegate	*Food Act 2008* s.118 - Functions of enforcement agencies and delegation	
Power Delegated to	Chief Executive Officer Director External Services Manager Development Services	Coordinator Environmental Health Environmental Health Officer
Council Conditions	Nil	
Power to Sub-Delegate	Nil - *Food Regulations 2009* do not provide for sub-delegation.	
Compliance Links	*Food Act 2008* *Food Regulations 2009* Department of Health *Food Act 2008* Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System *Food Act 2008* Verification of Food Safety Program Guideline	

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	10.	Reviewed – May 2021, Resolution #O0521-147
2.	Reviewed – May 2015, Resolution # O0515-026	11.	Reviewed – May 2022, Resolution #O0522-112
3.	Amended – March 2016 Resolution # O0316-023	12.	Reviewed – June 2023, Resolution #O0623-117
4.	Reviewed – July 2016, Resolution # O0716-032	13.	Amended – August 2023, Resolution #O0823-149
5.	Reviewed – Sept 2016, Resolution #O0916-026	14.	Amended – November 2023, Resolution # O1123-190
6.	Reviewed – June 2017 Resolution # O0617-133	15.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – May 2018, Resolution # O0518-098	16.	Reviewed – May 2025, Resolution #O0525-089
8.	Amended – June 2019: Resolution #O0619-120	17.	Amended – October 2025, Resolution O1025-026
9.	Reviewed – May 2020, Resolution #O0520-148	18.	

6.4 Prosecutions (s.125)

Function Delegated	Authority to institute proceedings for an offence under the *Food Act 2008*.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Food Act 2008* s.125 - Institution of proceedings
Power originally assigned to	Local Government
Power to Delegate	*Food Act 2008* s.118 - Functions of enforcement agencies and delegation
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - *Food Regulations 2009* do not provide for sub-delegation.
Compliance Links	*Food Act 2008* *Food Regulations 2009* Department of Health Compliance and Enforcement Policy Department of Health CEO guidelines

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	7.	Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017 Resolution # O0617-133	10.	Amended – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution # O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution #O0619-120	12.	Reviewed – May 2025, Resolution #O0525-089

PART 7 *DOG ACT 1976*

7.1 Appoint Registration Officers (s.3)	
Function Delegated	Authority to Appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Dog Act 1976* s.3 - Terms Used
Power originally assigned to	Local Government
Power to Delegate	*Dog Act 1976* s.10AA - Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Dog Act 1976* s.10AA - Delegation of local government powers and duties **CEO has elected to not sub-delegate this role**
Compliance Links	*Dog Act 1976* s.3 - Terms used

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Reviewed – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Amended – May 2021, Resolution #O0521-147	7. Reviewed – May 2025, Resolution #O0525-089
4. Reviewed – May 2022, Resolution #O0522-112	8.

7.2 Keeping of dogs (number of) (s.26)

Function Delegated	Authority to grant exemptions to the number of dogs that may be kept in or on premises.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Dog Act 1976* s.26(3) – Limitation as to numbers
Power originally assigned to	Local Government
Power to Delegate	*Dog Act 1976* s.10AA – Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Dog Act 1976* s.10AA – Delegation of local government powers and duties
Compliance Links	Dog Local Law

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - November 2014, Resolution # O1114-015	7.	Amended – May 2021, Resolution #O0521-147
2.	Reviewed – July 2016, Resolution # O0716-032	8.	Reviewed – May 2022, Resolution #O0522-112
3.	Reviewed – June 2017 Resolution # O0617-133	9.	Amended – June 2023, Resolution #O0623-117
4.	Reviewed – May 2018, Resolution # O0518-098	10.	Amended – May 2024, Resolution #O0524-059
5.	Amended – June 2019: Resolution #O0619-120	11.	Reviewed – May 2025, Resolution #O0525-089
6.	Amended – May 2020, Resolution #O0520-148	12.	

PART 8 *CAT ACT 2011*

8.1 Cat Registrations	
Function Delegated	Authority to a. grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. b. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. c. cancel a cat registration [s.10]. d. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. e. reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Esperance's District [Regs. Sch. 3 cl.1(4)].
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Cat Act 2011* s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags Cat Regulations 2012 Scheduled 3, cl.1(4) Fees Payable
Power originally assigned to	Local Government
Power to Delegate	*Cat Act 2011* s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Cat Act 2011* s.45 Delegation by CEO of local government
Compliance Links	*Cat Regulations 2012* r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.13 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the *Cat Act 2011*. Cat Local Law

8.1 Cat Registrations

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Amended – May 2024, Resolution #O0524-059	6.
3. Amended – May 2025, Resolution #O0525-089	7.
4.	8.

8.2 Cat Control Notices (s.26)

Function Delegated	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Esperance District
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Cat Act 2011* s.26 Cat control notice may be given to cat owner
Power originally assigned to	Local Government
Power to Delegate	*Cat Act 2011* s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Cat Act 2011* s.45 Delegation by CEO of local government
Compliance Links	*Cat Regulations 2012* r.20 Cat control notice (s.23(3)), prescribes the form of the notice Cat Local Law

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – June 2023, Resolution #O0623-117	5.	
2.	Amended – May 2024, Resolution #O0524-059	6.	
3.	Reviewed – May 2025, Resolution #O0525-089	7.	
4.		8.	

8.3 Recovery of Costs – Destruction of Cats (s.49)

Function Delegated	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Cat Act 2011* s.49(3) Authorised person may cause cat to be destroyed
Power originally assigned to	Local Government
Power to Delegate	*Cat Act 2011* s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Cat Act 2011* s.45 Delegation by CEO of local government
Compliance Links	Cat Local Law

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Reviewed – May 2024, Resolution #O0524-059	6.
3. Amended – May 2025, Resolution #O0525-089	7.
4.	8.

8.4 Prosecutions (s.73)

Function Delegated	Authority to commence a prosecution for an office against the *Cat Act 2011* or a local law
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Cat Act 2011* s.73(1)(b) & (2)(b) Prosecutions
Power originally assigned to	Local Government
Power to Delegate	*Cat Act 2011* s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Cat Act 2011* s.45 Delegation by CEO of local government
Compliance Links	Cat Local Law

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Reviewed – May 2024, Resolution #O0524-059	6.
3. Amended – May 2025, Resolution #O0525-089	7.
4.	8.

PART 9 *LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960*

9.1 Establishing pounds and appointing poundkeepers and Rangers(s.449)	
Function Delegated	Authority to a. Establish pounds b. Appoint fit and proper persons to be pound keepers and Rangers
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Miscellaneous Provisions) Act 1960* s.449 - Pounds, establishing; poundkeepers and rangers, appointing
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 - CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* *Local Government (Miscellaneous Provisions) Act 1960 s.450*

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted - June 2013, Resolution # O0613-012	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12. Reviewed – May 2025, Resolution #O0525-089

PART 10 *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

10.1 Payment of accounts (r.12)

Function Delegated	Authority to make payments from the municipal or trust funds.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Financial Management) Regulations 1996* r.12 Payments from municipal fund or trust fund, restrictions on making
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government (Financial Management) Regulations 1996* r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. *Local Government Act 1995* s.6.5 – Accounts and records

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	8.	Amended – June 2019: Resolution #O0619-120
2.	Reviewed - February 2010, Resolution # O0210-1400	9.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - June 2013, Resolution # O0613-012	10.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed – May 2015, Resolution # O0515-026	11.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – July 2016, Resolution # O0716-032	12.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – June 2017 Resolution # O0617-133	13.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – May 2018, Resolution # O0518-098	14.	Reviewed – May 2025, Resolution #O0525-089

PART 11 *LOCAL GOVERNMENT (UNIFORM LOCAL PROVISIONS) REGULATIONS 1996*

11.1 Permission to have gate across public thoroughfare (r.9)

Function Delegated	Authority to assess and approve applications to construct a gate or other device across a public thoroughfare managed by the Local Government, that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.9.60 & Sch.9.1 cl.5(1)

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - June 2013, Resolution # O0613-012	7.	Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9.	Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017 Resolution # O0617-133	10.	Amended – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution # O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution #O0619-120	12.	Reviewed – May 2025, Resolution #O0525-089

11.2 Private works on, over, or under public places (r.17)

Function Delegated	Authority to grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.17 - Private works on, over, or under public places — Sch. 9.1 cl.8
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.9.60 - Regulations that operate as local laws Sch 9.1 cl.8 Private works on, over, or under public places

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution #O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Reviewed – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017 Resolution # O0617-133	15.	Amended – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

11.3 Requirement to construct and repair crossing (r.13)

Function Delegated	Authority to a. Give notice to an owner or occupier of land requiring the person to construct or repair a crossing. b. Construct or repair the crossing if the person fails to comply with the notice, and recover 50% of the cost as a debt due from the person.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government Act 1995* s.9.60(4) – Regulations that operate as local laws Schedule 9.1 cl 7 Council Policy Crossover Construction Policy

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted - February 2004, Resolution # O0204-0769	9.	Amended – June 2019: Resolution #O0619-120
2.	Reviewed - February 2011, Resolution # O0211-1575	10.	Reviewed – May 2020, Resolution #O0520-148
3.	Reviewed - April 2012, Resolution # AP0412-005	11.	Reviewed – May 2021, Resolution #O0521-147
4.	Reviewed - June 2013, Resolution # O0613-012	12.	Reviewed – May 2022, Resolution #O0522-112
5.	Reviewed – May 2015, Resolution # O0515-026	13.	Amended – June 2023, Resolution #O0623-117
6.	Reviewed – July 2016, Resolution # O0716-032	14.	Amended – May 2024, Resolution #O0524-059
7.	Reviewed – June 2017 Resolution # O0617-133	15.	Reviewed – May 2025, Resolution #O0525-089
8.	Reviewed – May 2018, Resolution # O0518-098	16.	

11.4 Dangerous excavation in or near public thoroughfare (r.11)

Function Delegated	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has - i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government (Uniform Local Provisions) Regulations 1996* r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – May 2021, Resolution #O0521-147	4.	Reviewed – May 2024, Resolution #O0524-059
2.	Amended – May 2022, Resolution #O0522-112	5.	Reviewed – May 2025, Resolution #O0525-089
3.	Amended – June 2023, Resolution #O0623-117	6.	

11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)	
Function Delegated	1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to - a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has - i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)

Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	*Local Government Act 1995* Sch.9.1(3) Determination of Bond Value and Conditions are specified in Delegation 11.6 of the Delegated Authority Manual: Obstruction of public thoroughfare by things placed and left. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995*.

DELEGATION ADMINISTRATION

Decision Reference		Decision Reference	
1.	Adopted – May 2021, Resolution #O0521-147	5.	Amended – May 2025, Resolution #O0525-089
2.	Amended – May 2022, Resolution #O0522-112	6.	
3.	Amended – June 2023, Resolution #O0623-117	7.	
4.	Reviewed – May 2024, Resolution #O0524-059	8.	

PART 12 *HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911*

12.1 Appointment of Deputies (s.24)	
Function Delegated	Officers are appointed as Deputies to carry out the powers and functions of the Local Government under the *Health (Miscellaneous Provisions) Act 1911* and the regulations, local laws and orders made thereunder.
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Health (Miscellaneous Provisions) Act 1911* s.26 - Powers of local government
Power originally assigned to	Local Government
Power to Delegate	*Health (Miscellaneous Provisions) Act 1911* s.26 - Powers of local government
Power Delegated to	Chief Executive Officer Director External Services Manager Development Services Coordinator Environmental Health Environmental Health Officer
Council Conditions	Nil
Power to Sub-Delegate	N/A
Compliance Links	Nil

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – August 2019, Resolution #O0819-170	6. Amended – August 2023, Resolution #O0823-149
2. Amended – May 2020, Resolution #O0520-148	7. Amended – November 2023, Resolution # O1123-190
3. Reviewed – May 2021, Resolution #O0521-147	8. Amended – May 2024, Resolution #O0524-059
4. Reviewed – May 2022, Resolution #O0522-112	9. Amended – May 2025, Resolution #O0525-089
5. Amended – June 2023, Resolution #O0623-117	10. Amended – October 2025, Resolution O1025-026

PART 13 *HEALTH (ASBESTOS) REGULATIONS 1992*

13.1 Appoint Authorised and Approved Officers (r.15D)	
Function Appointed	Authority to: a. Appoint Officers as Authorised Officers for the purpose of the *Criminal Procedure Act 2004* to issue infringements under the *Health (Asbestos) Regulations 1992.* b. Manage infringements issued under the *Health (Asbestos) Regulations 1992* as an Approved Officer for the purpose of the *Criminal Procedure Act 2004.*
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Health (Asbestos) Regulations 1992* r.15D – Infringement Notices
Power originally assigned to	Local Government
Power to Delegate	*Health (Asbestos) Regulations 1992* r.15D – Infringement Notices
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil
Compliance Links	*Criminal Procedure Act 2004* Part 2 - Dealing with alleged offenders without prosecuting them

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – August 2019, Resolution #O0819-170	5. Amended – June 2023, Resolution #O0623-117
2. Reviewed – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7. Reviewed – May 2025, Resolution #O0525-089
4. Reviewed – May 2022, Resolution #O0522-112	8.

PART 14 *BUILDING REGULATIONS 2012*

14.1 Appoint Approved and Authorised Officers (r.70)	
Function Delegated	Authority: a. To appoint Authorised Officers for the purpose of the *Criminal Procedure Act 2004* to issue infringements under the *Building Regulations 2012* b. As an Approved Officer for the purpose of the *Criminal Procedure Act 2004* to withdraw infringements under the *Building Regulations 2012*
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power being Delegated	*Building Regulations 2012* r.70 – Approved Officers and Authorised Officers
Power originally assigned to	Local Government
Power to Delegate	*Building Regulations 2012* r.70 – Approved Officers and Authorised Officers
Power Delegated to	Chief Executive Officer
Council Conditions	Officers authorised for this purpose must first be authorised under s.9.16 of the *Local Government Act 1995*.
Power to Sub-Delegate	N/A
Compliance Links	*Criminal Procedure Act 2004* Part 2 - Dealing with alleged offenders without prosecuting them s.6(a) s.6(b) *Local Government Act 1995* 9.10 - Appointment of authorised persons 9.16 - Notice, giving of to alleged offender 9.19 – Extension of time 9.20 – Withdrawal of notice

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – May 2020, Resolution #O0520-148	5. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2021, Resolution #O0521-147	6. Reviewed – May 2024, Resolution #O0524-059
3. Amended – May 2022, Resolution #O0522-112	7. Reviewed – May 2025, Resolution #O0525-089
4. Amended – August 2022, Resolution #O0822-186	8.

PART 15 *LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021*

15.1 Behaviour Complaints (cl. 14B(5))	
Powers and Duties Appointed	Authority to – 1. Provide advice or any other assistance to the Council, a Committee authorised under clause 14B(2) or a person authorised under clause 14B(3). [cl. 14B(5)] 2. Appoint an external investigator to deal with a complaint [cl. 14B(5)]
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.	
Power Being Delegated	*Local Government Act 1995* s.5.104 Adoption of model code of conduct *Local Government (Model Code of Conduct) Regulations 2021*: Schedule 1 – Model Code of Conduct – Clause 14B(5)
Power originally assigned to	Local Government
Power to Delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	1. Authority includes the relevant powers and duties within the same clauses specified in the *Code of Conduct for Council Members, Committee Members and Candidates* adopted by Council in accordance with section 5.104(1) of the *Local Government Act 1995*. 2. Appointment of an external investigator must be in accordance with a resolution of Council authorising that person to perform the function of dealing with a complaint.
Power to Sub-Delegate	*Local Government Act 1995* s.5.44 – CEO may delegate powers and duties to other employees
Sub-Delegated to	Director Corporate & Community Services
CEO Conditions	1. Authority includes the relevant powers and duties within the same clauses specified in the *Code of Conduct for Council Members, Committee Members and Candidates* adopted by Council in accordance with section 5.104(1) of the *Local Government Act 1995*. 2. Authority only extends to complaints lodged by the Chief Executive Officer. 3. Appointment of an external investigator must be in accordance with a resolution of Council authorising that person to perform the function of dealing with a complaint.
Compliance Links	Complaint Resolution and Investigation Policy Code of Conduct for Council Members, Committee Members and Candidates

15.1 Behaviour Complaints (cl. 14B(5))

DELEGATION ADMINISTRATION	
Decision Reference	**Decision Reference**
1. Adopted – May 2026, Resolution # O0526-001	5.
2.	6.
3.	7.
4.	8.