



REGISTER OF DELEGATIONS

Register of Delegations & Authorisations

REVIEW

Reviewed by	Date approved	References
Reviewed, amended and re-adopted by Council.	25 Jun 2024	OCM 25/06/2024 Resolution AR152.

TABLE OF CONTENTS

INTRODUCTION	9
Introduction	9
Delegations and authorisations under other Legislation	10
Transfer of Authority Due to Absence	10
Compliance Function Line Managers (includes Coordinators) Authority	10
Authorised Person Identity Card and Appointment Certificate	10
Facility Emergency Management	11
Register of Council Adopted Policies	11
Register of City Administrative Policies	11
Register of Local Planning Policies	11
DELEGATIONS	12
Building Act 2011	12
Building Act - Council to CEO & CEO to Employees	12
B1.01 (D024) - Building Permit (Grant & Refuse)	12
B1.02 (D024) - Demolition Permits	14
B1.03 (D023) - Occupancy Permits or Building Approval Certificates	16
B1.04 (D024) - Designate Employees as Authorised Persons under (Building Act 2011)	18
B1.05 (D024) - Building Orders	20
B1.06 (D014) - Inspection and Copies of Building Records	22
B1.07 (D024) - Authorise persons to commence proceedings under (Building Act 2011)	23
B1.08 (D024) - Referrals and Issuing Certificates	24
B1.09 (D025) - Private Pool Barrier – Alternative and Performance Solutions	26
B1.10 (D023) - Smoke Alarms – Alternative Solutions	28
B1.11 (D025) - Appoint approved officers and authorised officers under (Building Act 2011)	29
Bush Fires Act 1954	31
Bush Fires Act - Council to CEO, Mayor and Chief Bush Fire Control Officer	31
BF1.01 (D029) - Make Request to FES Commissioner – Control of Fire	31
BF1.02 (D029) - Prohibited Burning Times - Vary	33
BF1.03 (D029) - Prohibited Burning Times – Control Activities	35
BF1.04 (D029) - Restricted Burning Times – Vary and Control Activities	37
BF1.05 (D029) - Control of Operations Likely to Create Bush Fire Danger	39
BF1.06 (D029) - Burning Garden Refuse / Open Air Fires	41
BF1.07 (D026) - Firebreaks	43
BF1.08 (D029)(D032) - Appoint Bush Fire Control Officer/s and Fire Weather Officer	45
BF1.09 (D029) - Control and Extinguishment of Bush Fires	47
BF1.10 (D029) - Recovery of Expenses Incurred through Contraventions of this Act	49
BF1.11 (D029) - Prosecution of Offences (Bush Fires Act)	50
Cat Act 2011	52
Cat Act - Council to CEO & CEO to Employees (Authorisations)	52

C1.01 (D031) - Cat Registrations	52
C1.02 (D031) - Cat Control Notices	54
C1.03 (D031) - Approval to Breed Cats (Cat Act)	55
C1.04 (D031) - Recovery of Costs – Destruction of Cats	57
C1.05 (D031) - Authorise a person to perform Specified functions under (Cat Act)	58
C1.06 (D031) - Applications to Keep Additional Cats	59
C1.07 (D031) - Reduce or Waiver Registration Fee (Cat Act)	61
C1.08 (D031) - Infringement Notices – Extensions and Withdrawals (Cat Act)	62
Council Policy Position (LG Act)	63
LG Act 1995 - Council to CEO & CEO to Employees (Authorisations)	63
LG1.16 (D005) - Appointment of an Acting Chief Executive Officer	63
LG4.02 - Application of Regional Price Preference Policy (LG Act)	65
LG4.05 (D011) - Power to Invest and Manage Investments (LG Act)	67
Dog Act 1976	69
Dog Act - Council to CEO & CEO to Employees (Authorisations)	69
D1.01 (D031) - Appoint Registration Officers (Dog Act)	69
D1.02 - Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons (Dog Act)	71
D1.03 (D031) - Refuse or Cancel Registration (Dog Act)	73
D1.04 - Grant Exemption as to Number of Dogs Kept at Premises (Dog Act)	75
D1.05 (D031) - Kennel Establishments (Dog Act)	77
D1.06 (D031) - Recovery of Moneys Due Under this Act (Dog Act)	78
D1.07 (D031) - Dispose of or Sell Dogs Liable to be Destroyed	79
D1.08 (D031) - Declare Dangerous Dog (Dog Act)	81
D1.09 (D031) - Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke (Dog Act).....	83
D1.10 (D031) - Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice (Dog Act).....	85
D1.11 - Determine Recoverable Expenses for Dangerous Dog Declaration (Dog Act)	86
Environmental Protection Act 1986	87
EPA Act - Authority to CEO and Authorised Employees	87
SI_1.01 - Noise Control – Environmental Protection Notices [Reg.65(1)] (EP Act)	87
SI_1.02 - Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events (EP Act).....	89
SI_1.03 - Noise Management Plans – Construction Sites (EP Act)	91
EPA Act - CEO to Employees	93
EH1.04.4 (D034) - Environmental Protection - Illegal Dumping & Noise	93
Food Act 2008	95
Food Act - Council to CEO & Employees	95
EH1.01 (D033) - Determine Compensation (Food Act)	95
EH1.02 (D033) - Prohibition Orders and Certificates of Clearance (Food Act)	97
EH1.03 (D033) - Food Business Registrations (Food Act)	99

EH1.04.0(D033) - Appoint Authorised Officers and Designated Officers under (Food Act 2008, Public Health Act 2016).....	101
EH1.05 (D022) - Debt Recovery and Prosecutions (Food Act)	103
EH1.06 (D033) - Abattoir Inspections and Fees (Food Act)	105
EH1.07 - Food Businesses List – Public Access (Food Act)	107
Freedom of Information Act 1992	109
FOI Act - CEO to Employees	109
FOI_1.01 (D014) - Freedom of Information Act 1992	109
Graffiti Vandalism Act 2016	111
Graffiti Act - Council to CEO & CEO to Employees	111
G1.01 (D026) - Give Notice Requiring Obliteration of Graffiti (Graffiti Act)	111
G1.02 (D026) - Notices – Deal with Objections and Give Effect to Notices (Graffiti Act)	113
G1.03 (D026) - Obliterate Graffiti on Private Property (Graffiti Act)	114
G1.04 (D026) - Powers of Entry (Graffiti Act)	115
Health (Misc Provisions) Act 1911	116
Health (Misc Provisions) Act 1911 - Council to CEO & CEO to Employees	116
EH1.04.2 - Health (Miscellaneous Provisions) Act 1911 – Powers of Local Government, Public Buildings, Events and Gatherings.....	116
EH1.04.3 (D033) - Health (Miscellaneous Provisions) Act 1911 - Powers of Local Government	118
Library Board of Western Australia Act 1951	120
Library Board Act - CEO to Employees	120
LB1.01 (D010) - Librarian Function & Authority	120
Local Government Act 1995	122
LG Act 1995 - Council to CEO & CEO to Employees (Authorisations)	122
LA1.01 (D035) - Creation and Change of Purpose of a Crown Reserve (Incl. Naming of Streets)	122
LG1.01 - Audit – CEO Review of Systems and Procedures (LG Act)	124
LG1.02 (D016) - Acknowledge Primary and Annual Returns, Gift Declarations and Financial Interest (LG Act)	125
LG1.03 (D001)(D026) - Authorise Persons or classes of persons to Perform Specified Functions under (LG Act 1995) ...	127
LG1.04 (D001, D020, D026, D030, D031) - Appoint Authorised Persons or Classes of Persons under (LG Act 1995)	130
LG1.05 (D030) - Caravan Parks & Camping Grounds Act 1995	132
LG1.06 (D030) - Control of Vehicles (Off-Road Areas) Act 1978	134
LG1.07 (D017) - Compensation - Damage Incurred when Performing Executive Functions (LG Act)	136
LG1.08 (D015) - Destruction of Electoral Papers (LG Act)	137
LG1.09 (D015) - Electoral Enrolment Eligibility Claims and Electoral Roll (LG Act)	138
LG1.10 (D021) - Extend Time for Lodging an Objection (LG Act)	140
LG1.11 - Financial Management Systems and Procedures (LG Act)	141
LG1.12 (D014) - Information to be Available to the Public (LG Act)	143
LG1.13 - Performing Functions Outside the District (LG Act)	146
LG1.14 (D002) - Corporate Documents & Branding	147
LG1.15 (D003) - Make Official Public Statements & Information	149
LG1.17 (D007) - Dealing with objections under Part 9 of Local Government Act 1995	151

LG1.18 (D006) - Sign Documents on Behalf of the City of Albany (Execution of Documents)	153
LG1.19 (D008) - Legal Proceedings - Approval	155
LG1.21 (D048) - National Redress Scheme	157
LG2.01 (D004) - Confiscated or Uncollected Goods or Impounded Goods	159
LG2.02 (D004) - Declare Vehicle is Abandoned Vehicle Wreck (LG Act)	161
LG2.03 - Determine if an Emergency for Emergency Powers of Entry (LG Act)	163
LG2.04 (D031) - Disposal of Sick or Injured Animals	164
LG2.05 (D001) - Infringement Notices (LG Act)	166
LG2.06 (D041) - Obstruction of Footpaths and Thoroughfares	168
LG2.07 (D027) - Powers of Entry (LG Act)	170
LG3.01.1 (D001)(D046) - Activities on Thoroughfares and Public Places and Trading Local Law 2011 - Infrastructure Control – (LG Act).....	172
LG3.01.2 (D001)(D020) - Activities on Thoroughfares and Public Places and Trading Local Law 2011 - Trading, Stallholders, Performing and Outdoor Dining (LG Act).....	176
LG3.02 (D001) - Animals Local Law 2020	179
LG3.03 (D001) - Bush Fire Brigades Local Law 2020	181
LG3.04 (D001) - Dog Local Law 2017	182
LG3.05 (D001) - Extractive Industries Local Law 2009	183
LG3.06 (D001) - Fencing Local Law 2010	184
LG3.07 (D001) - Health Local Laws 2001	185
LG3.08 (D001) - Jetties, Bridges, Boat Pens & Swimming Structures Local Law 2020	186
LG3.09 (D001) - Local Law Relating to the Former Perth 2001	187
LG3.10 (D001)(D046) - Local Government Property Local Law 2011 (LG Act)	188
LG3.11 (D001) - Signs Local Law 2006	191
LG3.12 (D001) - Waste Local Law 2017	193
LG3.13 (D043) - Parking and Parking Facilities Local Law 2009 - Treatment, schemes, bus shelters & seating	194
LG4.01 (D012) - Agreement as to Payment of Rates and Service Charges (LG Act)	196
LG4.03 (D022) - Defer, Grant Discounts, Waive or Write Off Debts (LG Act)	197
LG4.04 (D013) - Payments from the Municipal or Trust Funds (LG Act)	199
LG4.06 (D009) - Provision of Donations & Sponsorship and the Authority to Apply for Grant Funding and Apply for Subsidies (LG Act).....	202
LG5.01 (D018) - Expressions of Interest for Goods and Services (LG Act)	204
LG5.02 - Panels of Pre-Qualified Suppliers for Goods and Services (LG Act)	206
LG5.03 - Procurement of Goods or Services required to address a State of Emergency (LG Act)	208
LG5.04 - Renewal or Extension of Contracts during a State of Emergency (LG Act)	210
LG5.05 (D018) - Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (LG Act).....	212
LG5.06 - Appoint Persons (other than employees) to Open Tenders (LG Act)	215
LG5.07 (D018) - Tenders for Goods and Services – Call Tenders (LG Act)	216
LG6.01 (D012) - Determine Due Date for Rates or Service Charges (LG Act)	218
LG6.02 (D012) - Rate Record - Amendment (LG Act)	219
LG6.03 (D021) - Rate Record – Objections (LG Act)	220

LG6.04 (D012)(D022) - Recovery of Rates Debts - Actions to Take Possession of the Land (LG Act)	221
LG6.05 - Recovery of Rates Debts – Require Lessee to Pay Rent (LG Act)	223
LG6.06 (D012)(D022) - Recovery of Rates or Service Charges (LG Act)	224
LG7.01 (D047) (D019) - Disposing of Property (selling, leasing, transferring property) (LG Act)	226
LG8.01 (D041) - Close Thoroughfares to Vehicles (Temporary Road Closures)	229
LG8.02 - Control Reserves and Certain Unvested Facilities	231
LG8.03 (D041) - Crossing – Construction, Repair and Removal (LG Act)	233
LG8.04 (D041) - Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare (LG Act)	235
LG8.05 (D044) - Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares (LG Act).....	237
LG8.06 (D044) (D042) - Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places (LG Act).....	239
LG8.07 (D041) - Gates Across Public Thoroughfares (LG Act)	241
LG8.08 (D040) - Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift (LG Act).....	243
LG8.09 (D041) - Private Works on, over or under Public Places (LG Act)	245
LG8.10 (D041) - Public Thoroughfare – Dangerous Excavations (LG Act)	247
LG Act 1995 - Council to Committees of Council	249
LG9.01 - Audit and Risk Committee	249
Litter Act 1979 - CEO to Employees	251
EH1.04.1 (D033) - Appointment of Authorised Officers (Litter Act 1979)	251
Permit Authority (Dangerous Goods Regulations - CEO to Employees	253
LG1.20 (D036) - Authority to Approve Blasting and Fire Works (Dangerous Goods Act 2004)	253
Permit Authority (Liquor Control Act) - CEO to Employees	255
EH1.08 (D037) - Liquor Licensing & Control (Liquor Control Act 1988)	255
Planning and Development Act 2005	257
Planning & Development Act - CEO to Employees	257
PD1.01 (D039) - Appointment of Authorised Persons to administer the Planning & Development Act 2005 (PD Act) ...	257
PD1.02 (D028)(D038) - Development Control (Authority to enforce compliance, development control and take legal action) (PD Act).....	260
Planning & Development Act - Minister of Lands to CEO	262
SI_2.01 - Sign Development Applications for Crown Land as Owner (PD Act)	262
Planning & Development Act 2005 - Western Australia Planning Commission to CEO	265
SI_2.02 - WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01).....	265
Public Health Act 2016	268
Public Health Act - Council to CEO & CEO to Employees	268
EH2.01 - Appoint Authorised Officer or Approved Officer under (Public Health Act 2016, Asbestos Regs)	268
EH2.02 (D033) - Enforcement Agency Reports to the Chief Health Officer (Public Health Act)	270
EH2.03 (D033) - Designate Authorised Officers under (Public Health Act 2016 & Others)	271
EH2.04 - Dealing with Seized Items under the Public Health Act	274
EH2.05 - Appoint Designated Officer – Public Health Information Sharing	276

Road Traffic (Vehicles) Act 2012 277

 Road Traffic Act - CEO to Employees 277

 V1.01 - Approval for Certain Local Government Vehicles as Special Use Vehicles (Vehicles Act) 277

 V1.02 (D045) - Traffic Management - Events on Roads (Vehicles Act) 279

 V1.03 (D045) - Traffic Management – Road Works (Vehicle Act) 281

AMENDMENTS 283

INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or*
- (b) A CEO from performing any of his or her functions by acting through another person."*

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision-makers.

For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

- _ *Bush Fires Act 1954, regulations and local law created under that Act*
- _ *Caravan Parks and Camping Grounds Act 1995*
- _ *Cat Act 2011 and regulations*
- _ *Control of Vehicles (Off-Road Areas) Act 1978 and regulations*
- _ *Dog Act 1976 and regulations*
- _ *Environmental Protection (Noise) Regulations 1997*
- _ *Environmental Protection Act 1986*
- _ *Litter Act 1979 and regulations*
- _ *Local Government (Miscellaneous Provisions) 1960 as amended*

Note: This is not an exhaustive list.

Transfer of Authority Due to Absence

- Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.
- Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Directorate or Senior Line Manager for the period of absence.

Compliance Function Line Managers (includes Coordinators) Authority

- **Delegated Authority:** To enable efficiency, Line Managers and Coordinators who are charged with the responsibility to review compliance action are authorised to cancel, withdraw and/or discontinue infringements:
 - Found to contain critical errors at law; and
 - Deemed not in the public interest to pursue as an infringement or prosecution.
- This includes the authority to waive associated fees and charges.

Authorised Person Identity Card and Appointment Certificate

Authorised Persons Under LG Act must have a identify card and a detailed appointment certificate which lists each piece of legislation, and the relevant section or regulation numbers will still need to be signed by the CEO and retained by the local government.

Facility Emergency Management

- Where an Officer is appointed an Emergency Control Organisation (ECO) Member (i.e. Chief Fire Warden, Fire Warden, Area Warden etc.) their responsibility and authority must be acknowledged and followed, regardless of current position (i.e. Warden has the authority to direct a Manager/Executive etc.).
- This authority is intended to ensure that, during an emergency situation, life safety takes precedence over asset protection, environmental considerations, production operations and business continuity.

Reference: AS 3745-2010 (Planning for Emergencies in Facilities)

Register of Council Adopted Policies

Policies - Council

- Council adopted Policy Positions and administrative policies authorised under delegation, enable effective and efficient management of City of Albany resources and assist staff and Council to achieve an equitable decision-making process.
- Register of Council Adopted Policies: <https://www.albany.wa.gov.au/documents/policies-council>

Register of City Administrative Policies

Policies - Admin

- Administrative policies authorised under delegation, enable effective and efficient management of City of Albany resources and assist staff and Council to achieve an equitable decision-making process.
- City of Albany Website: <https://www.albany.wa.gov.au/documents/policies-council>

Register of Local Planning Policies

Policies - Local Planning Policies

- Register Council adopted local planning policies: <https://www.albany.wa.gov.au/documents/policies-council>

DELEGATIONS

Building Act 2011

Delegations under the Building Act 2011.

Building Act - Council to CEO & CEO to Employees

Delegation	B1.01 (D024) Building Permit (Grant & Refuse)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: _s.18 Further Information _s.20 Grant of building permit _s.22 Further grounds for not granting an application _s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012: _r.23 Application to extend time during which permit has effect (s.32) _r.24 Extension of time during which permit has effect (s.32(3)) _r.26 Approval of new responsible person (s.35(c))
Function	Authority to: <ol style="list-style-type: none"> 1. Require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> a. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] b. Impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	This delegation is restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the Building Services (Registration) Regulations 2011.
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates	Building Surveyor Coordinator Building Services Executive Director Infrastructure, Development & Environment Manager Development Services
Subdelegate conditions	<i>Subdelegates are appointed by the CEO.</i>
Statutory framework	<p>Building Act 2011</p> <p>_s.17 Uncertified application to be considered by building surveyor</p> <p>_s.20 (Grant of building permit),</p> <p>_s.21 (Grant of demolition permit),</p> <p>_s.22 (Further grounds for not granting an</p> <p>_s.23 Time for deciding application for building or demolition permit</p> <p>_s.58 (Grant of occupancy permit, building approval certificate),</p> <p>_s.65 (Extension of period of duration),</p> <p>_s.96 (Authorised persons),</p> <p>_s.110 (Building orders),</p> <p>_s.117 (Revocation of building order),</p> <p>_s.119 Building and demolition permits – application for review by SAT</p> <p>_s.127 (Delegation: special permit authorities and local governments),</p> <p>_s.139 (Presumptions about authority to do certain things),</p> <p>_s.191 (Notices to stop unlawful work),</p> <p>_s.192 (Dangerous buildings),</p> <p>_s.193 (Neglected buildings),</p> <p>_s.194 (Dilapidated buildings),</p> <p>_s.195(Uncompleted buildings).</p> <p>Building Regulations 2012</p> <p>_r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT application),</p> <p>Building Services (Registration Act) 2011</p> <p>_Section 7</p> <p>Home Building Contracts Act 1991</p> <p>– Part 3A, Division 2 – Part 7, Division 2</p> <p>Building and Construction Industry Training Fund and Levy Collection Act 1990</p> <p>Heritage Act 2018</p> <p>_s.79 Permit for works affecting registered place</p>
Policy	Resources: City of Albany Website: City of Albany Building & Demolition Information sheets/guidelines/permits information/checklists: Link
Record keeping	Report to file.
Date adopted	25 June 2024
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Delegation	B1.02 (D024) Demolition Permits
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011 _s.18 Further Information _s.21 Grant of demolition permit _s.22 Further grounds for not granting an application _s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 _r.23 Application to extend time during which permit has effect (s.32) _r.24 Extension of time during which permit has effect (s.32(3)) _r.26 Approval of new responsible person (s.35(c))
Function	Authority to: <ol style="list-style-type: none"> 1. Require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Determine an application to extend time during which a demolition permit has effect [r.23], subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] 5. Impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 6. Approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	General: This delegation is restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the Building Services (Registration) Regulations 2011.
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Surveyor Coordinator Building Services Executive Director Infrastructure, Development & Environment Manager Development Services

Subdelegate conditions	<p><i>Subdelegates are appointed by the CEO.</i></p> <p>Subject to the conditions imposed on the CEO and specifically:</p> <p><u>Manager Development Services:</u></p> <p><i>_s.18 (1) Further Information to determine a building permit application</i></p> <p><i>_s.20 Grant or refuse building permit</i></p> <p><i>_s.21 Grant or refuse demolition permit</i></p> <p><i>_s.22 Further grounds for not granting an application</i></p> <p><i>_s.27(1) and (3) Impose, vary and revoke conditions on Permit</i></p> <p><i>_r.23 Application to extend time during which permit has effect</i></p> <p><i>_r.24 Extension of time during which permit has effect</i></p> <p><i>_r.26 Approval of new responsible person (s.35(c))</i></p> <p><u>Coordinator Building Services:</u></p> <p><i>_s.18 (1) Further Information to determine a building permit application</i></p> <p><i>_s.20 Grant or refuse building permit</i></p> <p><i>_s.21 Grant or refuse demolition permit</i></p> <p><i>_s.22 Further grounds for not granting an application</i></p> <p><i>_s.27(1) and (3) Impose, vary and revoke conditions on Permit</i></p> <p><i>_r.23 Application to extend time during which permit has effect</i></p> <p><i>_r.24 Extension of time during which permit has effect</i></p> <p><i>_r.26 Approval of new responsible person (s.35(c))</i></p> <p><u>Senior Building Surveyor:</u></p> <p><i>_r.23 Application to extend time during which permit has effect</i></p> <p><i>_r.24 Extension of time during which permit has effect</i></p> <p><i>_r.26 Approval of new responsible person (s.35(c))</i></p> <p><i>_s.18(1) Further Information to determine a building permit application</i></p> <p><i>_s.20 Grant of building permit</i></p> <p><i>_s.21 Grant demolition permit</i></p> <p><i>_s.27(1) and (3) Impose, vary and revoke conditions on Permit</i></p> <p><u>Building Surveyor:</u></p> <p><i>_s.18(1) Further Information to determine a building permit application</i></p> <p><i>_s.20 Grant of building permit</i></p> <p><i>_s.21 Grant demolition permit</i></p> <p><i>_s.27(1) and (3) Impose, vary and revoke conditions on Permit</i></p>
Statutory framework	<p>Building Act 2011:</p> <p><i>_s.119 Building and demolition permits (Application for review by SAT)</i></p> <p><i>_s.23 Time for deciding application for building or demolition permit</i></p> <p>Building Services (Complaint Resolution and Administration) Act 2011: Link</p> <p><i>_Part 7, Division 2</i></p> <p>Building and Construction Industry Training Fund and Levy Collection Act 1990: Link</p> <p>Heritage Act 2018: Link</p>
Policy	<p>Resources: City of Albany Website: Building & Demolition: Link</p>
Record keeping	<p>Report to file.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152.</p>
Last reviewed	<p>25 June 2024</p>

Delegation	B1.03 (D023) Occupancy Permits or Building Approval Certificates
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: _s.55 Further information _s.58 Grant of occupancy permit, building approval certificate _s.62(1) and (3) Conditions imposed by permit authority _s.65(4) Extension of period of duration Building Regulations 2012 _r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	Authority to: <ol style="list-style-type: none"> 1. Require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	CEO
Conditions	<p>General: This delegation is restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the Building Services (Registration) Regulations 2011.</p> <p>Council Conditions on this Delegation: <i>Delegation and authority does not apply to those applications that:</i></p> <ol style="list-style-type: none"> 1. Proposed the creation of a vacant lot; 2. Proposed vacant air strata's in multi-tiered strata scheme developments; 3. In the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to: <ol style="list-style-type: none"> a) type of development; and/or b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application. 4. The WAPC is to be provided with data on all applications determined under this instrument of delegation at the conclusion of each financial year in the format as prescribed by the WAPC. 5. Must comply with relevant Council Policies.

Express power to subdelegate	<p>Building Act 2011:</p> <p>_s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</p> <p>_s.55 Further information</p> <p>_s.58 Grant of occupancy permit, building approval certificate</p> <p>_s.60 Notice of decision not to grant occupancy permit or grant building approval certificates.62(1) and (3)</p> <p>Conditions imposed by permit authority</p> <p>_s.65(4) Extension of period of duration</p> <p>Building Regulations 2012:</p> <p>_r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65).</p>
Subdelegates	<p>Building Surveyor</p> <p>Chief Executive Officer (CEO)</p> <p>Coordinator Building Services</p> <p>Executive Director Infrastructure, Development & Environment</p> <p>Manager Development Services</p>
Subdelegate conditions	<p><i>Subdelegates are appointed by the CEO.</i></p> <p><i>Senior Building Surveyors and Building Surveyors</i></p> <p><i>_s.55 and s.58 (excluding refusal) only</i></p>
Statutory framework	<p>Building Act 2011: Link</p> <p>_s.59 time for granting occupancy permit or building approval certificate</p> <p>_s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</p> <p>_s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p>Building Services (Complaint Resolution and Administration) Act 2011: Link</p> <p>_Part 7, Division 2</p> <p>Building and Construction Industry Training Fund and Levy Collection Act 1990: Link</p> <p>Heritage Act 2018: Link</p>
Policy	<p>Resources: City of Albany Website: Link</p>
Record keeping	<p>Report to file.</p> <p>Each instance of the exercised use of this delegation is to be reported Council monthly.</p>
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	B1.04 (D024) Designate Employees as Authorised Persons under (Building Act 2011)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: Link _s.96(3) authorised persons _s.99(3) Limitation on powers of authorised person
Function	Authority to: <ol style="list-style-type: none"> 1. Designate an employee as an authorised person [s.96(3)]. 2. 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 [s.99(3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>. 2. This delegation is restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the Building Services (Registration) Regulations 2011. <p><i>Note: That an authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.</i></p>
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Surveyor Coordinator Building Services Executive Director Infrastructure, Development & Environment Manager Development Services
Subdelegate conditions	<ol style="list-style-type: none"> a. Subdelegates appointed by the CEO. b. Subject to the conditions imposed on the CEO. c. Authority to commence prosecutions must be authorised by line manager / director.
Statutory framework	Building Act 2011: _s.97 each designated authorised person must have an identity card. _r.5A Authorised persons (s.3) – definition
Policy	Policy Position: <ol style="list-style-type: none"> a. Authorised persons must hold a current authority card. b. An authorised person, shall on demand by the builder, owner or person apparently in charge thereof, produce their authority to enter, to the person demanding it.

Record keeping	a. Report to file. b. A copy of the Authorisation Certificate / Record is to be placed on the appropriate personal file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	B1.05 (D024) Building Orders
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: Link _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: Link _s.110(1) A permit authority may make a building order _s.111(1) Notice of proposed building order other than building order (emergency) _s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect _s.118(2) and (3) Permit authority may give effect to building order if non-compliance
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
Delegates	CEO
Conditions	<p>Council Conditions on this Delegation:</p> <ol style="list-style-type: none"> 1. In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the City of Albany in accordance with s5.36 of the Local Government Act 1995; and as defined in the Building Act 2011 Part 1. 3. 2. Must comply with Council policies.
Express power to subdelegate	Building Act 2011:_ _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	<p>Building Surveyor Coordinator Building Services Development Compliance Officer Executive Director Infrastructure, Development & Environment Manager Development Services Senior Planning and Development Compliance Officer</p>

Subdelegate conditions	<p>a. Same conditions imposed on the CEO. b. Subdelegates appointed by the CEO. c. CEO Conditions on this sub-delegation:</p> <p><u>Executive Director Infrastructure, Development & Environment</u> _s.110(1) A permit authority may make a building order _s.111(1) Notice of proposed building order other than building order (emergency) _s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect _s.118(2) and (3) Permit authority may give effect to building order if non-compliance</p> <p><u>Manager Development Services:</u> _s.110(1) A permit authority may make a building order _s.111(1) Notice of proposed building order other than building order (emergency) _s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect _s.118(2) and (3) Permit authority may give effect to building order if non-compliance</p> <p><u>Coordinator Building Services:</u> _s.110(1) A permit authority may make a building order _s.111(1) Notice of proposed building order other than building order (emergency) _s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect _s.118(2) and (3) Permit authority may give effect to building order if non-compliance</p> <p><u>Senior Building Surveyor & Building Surveyors & Statutory Compliance Enforcement Officers:</u> _s.114 Service of building order</p>
Statutory framework	<p>Building Act 2011: Link _s111 Notice of proposed building order other than building order (emergency) _s112 Content of building order _s113 Limitation on effect of building order _s114 Service of building order _Part 9 Review - s.122 Building orders – application for review by SAT. Interpretation Act 1984: Link</p>
Policy	<p>Regulatory Compliance Policy & Guideline: Link</p>
Record keeping	<p>a. Report to file. b. Each instance of the exercised use of this delegation is to be reported to Council monthly.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152.</p>
Last reviewed	<p>25 June 2024</p>

Delegation	B1.06 (D014) Inspection and Copies of Building Records
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: _s.131(2) Inspection, copies of building records
Function	Authority to: <ol style="list-style-type: none"> 1. Determine an application from an interested person to inspect and copy a building record [s.131(2)]. 2. Appoint persons to administer this function, specifically members of the Governance and Development Services Information Teams.
Delegates	CEO
Conditions	<i>Note: The delegator may perform this function through an officer or agent.</i>
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO),
Subdelegates	Building Surveyor Coordinator Building Services Development Compliance Officer Executive Director Infrastructure, Development & Environment Manager Development Services Senior Planning and Development Compliance Officer
Subdelegate conditions	<ol style="list-style-type: none"> a. Subdelegates appointed by the CEO. b. An officer or agent appointed to perform this function must be appointed in writing.
Statutory framework	Building Act 2011 _s.146 Confidentiality
Policy	Resources: City Albany Website: Forms: Search Request for Building Plans
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	B1.07 (D024) Authorise persons to commence proceedings under (Building Act 2011)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: _s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Delegates	CEO
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Executive Director Infrastructure, Development & Environment Manager Development Services
Subdelegate conditions	<i>Subdelegates are appointed by the CEO. Same conditions as imposed on the CEO.</i>
Statutory framework	Building Act 2011: Link _s.146 Confidentiality
Policy	Regulatory Compliance Policy & Guideline: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	B1.08 (D024) Referrals and Issuing Certificates
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: Link _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: _s.145A Local Government functions
Function	Authority to: <ol style="list-style-type: none"> 1. Refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Albany's District [s.145A(2)].
Delegates	CEO
Conditions	Council Conditions on this Delegation: If the applicant is an Elected Member or an employee, the conflict of interest provisions apply.
Express power to subdelegate	Building Act 2011: Link _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Executive Director Infrastructure, Development & Environment Manager Development Services
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i> <i>CEO Conditions on this sub-delegations:</i> <ol style="list-style-type: none"> a. <i>Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r5. of the Building Regulations 2012.</i> b. <i>Before exercising Authority 2 for a building outside of the City of Albany's District [s.145A(2)]., the delegate is to be informed.</i>
Statutory framework	Building Act 2011 Building Regulations 2012
Policy	Regulatory Compliance Policy & Guideline: Link
Record keeping	<ol style="list-style-type: none"> a. Report to file. b. Report to Council monthly.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	B1.09 (D025) Private Pool Barrier – Alternative and Performance Solutions
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: _r.51 Approvals by permit authority
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 2. Approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Inspect private swimming pools: <ol style="list-style-type: none"> i. Line Manager to sign any Prosecution Notices. ii. The inspection that is to be conducted after building work for an enclosure of a private swimming pool is an inspection to assess whether the pool enclosure complies with the requirements in r.50. b. Council designates the following classes of persons to administer and enforce this function: Chief Executive Officer, Executive Director Infrastructure, Development & Environment, Manager Development Services, Senior Planning & Development Compliance Officer, Coordinator Building Services, Development Compliance Officer, Senior Building Surveyors and Building Surveyors.
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	<p>Building Surveyor Coordinator Building Services Development Compliance Officer Executive Director Infrastructure, Development & Environment Manager Development Services Senior Planning and Development Compliance Officer</p>
Subdelegate conditions	<p><i>Subdelegates are appointed by the CEO. Subject to the same conditions imposed on the CEO.</i></p>

Statutory framework	Building Act 2011 Building Regulations 2012
Policy	Policy Position: All private swimming pools and spas that contain water that is more than 300mm deep must have a compliant barrier installed that restricts access by young children to the pool and its immediate surrounds.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	B1.10 (D023) Smoke Alarms – Alternative Solutions
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011 : _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012 : _r.55 Terms Used (alternative building solution approval) _r.61 Local Government approval of battery powered smoke alarms
Function	Authority to: <ol style="list-style-type: none"> 1. Approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Express power to subdelegate	Building Act 2011 : _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Coordinator Building Services Executive Director Infrastructure, Development & Environment Manager Development Services
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>
Statutory framework	<ol style="list-style-type: none"> 1. Building Regulations 2012: Local Government is responsible for investigating and enforcing the mandatory requirement to fit and maintain smoke alarms under the Building Regulations 2012. 2. Smoke Alarm Laws: Department of Energy, Mines, Industry Regulation & Safety: Link
Policy	Resources: Smoke Alarm Laws: Department of Energy, Mines, Industry Regulation & Safety: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	B1.11 (D025) Appoint approved officers and authorised officers under (Building Act 2011)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	Building Act 2011: _s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: Link _r.70 Approved officers and authorised officers
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Appoint: <ol style="list-style-type: none"> a. An <u>approved officer</u> for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A). <i>(Note: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers").</i> b. An <u>authorised officer</u> for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2). <i>(Note: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2)).</i> 2. Inspect Swimming Pools: <ol style="list-style-type: none"> a. Enter and inspect land and swimming pools, issue notices and take out such measures with or without assistants as considered necessary in order to prevent the swimming pool from being a danger to persons who may enter upon the land. b. Inspect <u>private swimming pools</u> and enforce the provisions of the Building Act 2011 and associated regulations and standards.
Delegates	CEO
Conditions	<p>Private Swimming Pools (Authority to Inspect and Enforcement):</p> <ol style="list-style-type: none"> a. Line Manager to sign any Prosecution Notices. b. The inspection that is to be conducted at the completion of building work for an enclosure of a private swimming pool is an inspection to assess whether the pool enclosure complies with the requirements in Regulation 50.
Express power to subdelegate	Building Act 2011: _s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	<p>Building Surveyor Coordinator Building Services Development Compliance Officer Executive Director Infrastructure, Development & Environment Manager Development Services Senior Planning and Development Compliance Officer</p>

Subdelegate conditions	<i>Subdelegates are appointed by the CEO. Refer to advice notes.</i>
Statutory framework	Building Regulations 2012: _r 70(3) each authorised officer must be issued a certificate of appointment
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Bush Fires Act 1954

Delegations under the Bush Fires Act 1954.

Bush Fires Act - Council to CEO, Mayor and Chief Bush Fire Control Officer

Delegation	BF1.01 (D029) Make Request to FES Commissioner – Control of Fire
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954 : _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954 : _s.13(4) Duties and powers of bush fire liaison officers
Function	Authority to request on behalf of the City that the FES Commissioner authorise the Chief Bush Fire Control Officer or another person to take control of fire operations [s.13(4)].
Delegates	CEO Chief Bushfire Control Officer
Conditions	<ul style="list-style-type: none"> a. Before making the request, if time permits, advise the CEO of the request. b. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	<ul style="list-style-type: none"> a. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: Chief Executive Officer, Executive Director Corporate & Commercial Services, Manager Public Health & Safety, Community Emergency Services Manager – CESM, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Coordinator Ranger Services, Senior Ranger & Rangers. b. NIL – Sub-delegation is prohibited by s.48(3).
Subdelegates	Community Emergency Services Manager Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>
Statutory framework	Bushre Fires Act 1954
Policy	City of Albany Bush Fire Brigades Local Law 2020: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 225/06/2024 Resolution AR152. (AMENDED)

Last reviewed	25 June 2024
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Delegation	BF1.02 (D029) Prohibited Burning Times - Vary
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government _s.17(10) Prohibited burning times may be declared by Minister (power of delegation to Mayor and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express power or duty delegated	Bush Fires Act 1954: _s.17(7) Prohibited burning times may be declared by Minister 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
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]. Noting: _s.17(10): <i>A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).</i> _s.48(4) says <i>'Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business'.</i>
Delegates	Chief Bushfire Control Officer Chief Executive Officer (CEO) Mayor
Conditions	a. Decisions under s,17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	a. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: Chief Executive Officer, Executive Director Corporate & Commercial Services, Manager Public Health & Safety, Community Emergency Services Manager – CESM, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Coordinator Ranger Services, Senior Ranger & Rangers. b. NIL – Sub-delegation is prohibited by s.48(3).
Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>

Statutory framework	<ol style="list-style-type: none"> 1. The Department of Conservation and Land Management (CALM) was a department of the Government of Western Australia that was responsible for implementing the state's conservation and environment legislation and regulations. It was created by the Conservation and Land Management Act 1984, also known as the CALM Act,[1] which is still in force as of 2024. 2. Now known as the Department of Biodiversity, Conservation and Attractions (DBCA). 3. Every year the City of Albany issues a Fire Management Notice that outlines the minimum requirements for all landowners and occupiers to prepare for the bushfire season. The Fire Management Notice is issued under Section 33 of the Bush Fire Act 1954 and the requirements contained within are required by law.
Policy	City of Albany Fire Management Notice: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.03 (D029) Prohibited Burning Times – Control Activities
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions. _s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land 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
Function	Authority to: <ol style="list-style-type: none"> 1. Determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Recover the cost of measures taken by the City or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Bushfire Control Officer Chief Executive Officer (CEO) Mayor
Express power to subdelegate	<ol style="list-style-type: none"> a. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business. b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: Chief Executive Officer, Executive Director Corporate & Commercial Services, Manager Public Health & Safety, Community Emergency Services Manager – CESH, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Coordinator Ranger Services, Senior Ranger & Rangers. c. NIL – Sub-delegation is prohibited by s.48(3)

Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fires Act 1954 Conservation and Land Management Act 1984
Policy	<p>City of Albany Fire Management Notice City of Albany Volunteer Bush Fire Brigade Operating Procedures</p> <p>Extract: <i>Notifying Residents of Restricted and Prohibited Burning Times</i></p> <p><i>_The City of Albany advises local residents of restricted and prohibited burning times through an annual fire management notice issued in conjunction with annual rates notices.</i></p> <p><i>_Public notices are also placed in local newspapers and on City of Albany website advising residents of dates. Notices are also published if there is any adjustment to previously advised times.</i></p> <p><i>_As a service to local residents some brigades also display appropriate message boards prominently out the front of their fire stations.</i></p> <p><i>_Restricted and prohibited times may be varied according to weather conditions.</i></p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.04 (D029) Restricted Burning Times – Vary and Control Activities
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.18(5), (11) Restricted burning times may be declared by FES Commissioner _s.22(6) and (7) Burning on exempt land and land adjoining exempt land _s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions _s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land Bush Fire Regulations 1954: _r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. _r.15C Local Government may prohibit burning on certain days _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
Function	Authority to: <ol style="list-style-type: none"> 1. Where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, determine to vary the restricted burning times in respect of that year [s.18(5)]. 2. Determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 3. Where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 4. Determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 5. Arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 6. Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 7. Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 8. Issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 9. Prohibit the use of tractors, engines or self-propelled harvesters, during a Restricted Burning Times, and to give permission for the use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 10. Recover the cost of measures taken by the City or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including the authority to recover expenses in any court of competent jurisdiction [s.28(5)].

Delegates	Chief Bushfire Control Officer Chief Executive Officer (CEO) Mayor
Conditions	<p>a. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited and restricted burning times, after consultation with an authorised CALM Act officer [s.17(7) and s.18(5)].</p> <p>b. Authority to give and publish notices that outline the particulars of the variation [s.17(8)]. Note, the process outlined in s17(8) also applies to restricted burning times [s18(5C)].</p>
Express power to subdelegate	<p>a. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p> <p>b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: Chief Executive Officer, Executive Director Corporate & Commercial Services, Manager Public Health & Safety, Community Emergency Services Manager – CESM, Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer, Coordinator Ranger Services, Senior Ranger & Rangers.</p> <p>c. NIL – Sub-delegation is prohibited by s.48(3)</p>
Subdelegates	Community Emergency Services Manager Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fire Act 1954 Conservation and Land Management Act 1984
Policy	Refer to applicable policies.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.05 (D029) Control of Operations Likely to Create Bush Fire Danger
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.27D Requirements for carriage and deposit of incendiary material Bush Fires Regulations 1954: _r.39C Welding and cutting apparatus, use of in open air _r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. _r.39D Explosives, use of _r.39E Fireworks, use of
Function	Authority to: <ol style="list-style-type: none"> 1. Give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power-operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Delegates	CEO Chief Bushfire Control Officer Community Emergency Services Manager Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	<ol style="list-style-type: none"> a. NIL – Sub-delegation is prohibited by s.48(3) b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: <ol style="list-style-type: none"> 1. Chief Executive Officer, 2. Executive Director Corporate & Commercial Services, 3. Manager Public Health & Safety, Community Emergency Services Manager – CESM, 4. Chief Bush Fire Control Officer, 5. Deputy Chief Bush Fire Control Officer, 6. Coordinator Ranger Services, and 7. Senior Ranger & Rangers.

Subdelegates	Coordinator Ranger Services Ranger Senior Ranger
Subdelegate conditions	<i>Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fires Act 1954 Bush Fires Regulations 1954
Policy	<ol style="list-style-type: none"> 1. City of Albany Volunteer Bush Fire Brigade Operating Procedures: Link 2. Department of Fire & Emergency Services online resources: On-line TFB Activity Notification AFDRS
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.06 (D029) Burning Garden Refuse / Open Air Fires
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.24F Burning garden refuse during limited burning times _s.24G Minister or local government may further restrict burning of garden refuse _s.25 No fire to be lit in open air unless certain precautions taken _s.25A Power of Minister to exempt from provisions of section 25 Bush Fires Regulations 1954: _r.27(3) Permit, issue of
Function	Authority to: <ol style="list-style-type: none"> 1. Give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25 (1a) and (1b)]. 5. Serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	CEO Chief Bushfire Control Officer
Conditions	Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Express power to subdelegate	<p>a. NIL – Sub-delegation is prohibited by s.48(3).</p> <p>b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions:</p> <ol style="list-style-type: none"> 1. Chief Executive Officer 2. Executive Director Corporate & Commercial Services 3. Manager Public Health & Safety 4. Community Emergency Services Manager – CESM 5. Chief Bush Fire Control Officer 6. Deputy Chief Bush Fire Control Officer 7. Coordinator Ranger Services 8. Senior Ranger & Rangers.
Subdelegates	<p>Coordinator Ranger Services Manager Public Health and Safety Ranger Senior Ranger</p>
Subdelegate conditions	<p><i>_Designated classes of persons listed as "Subdelegates".</i> <i>_Subdelegates appointed by the CEO.</i></p>
Statutory framework	<p>Bush Fires Act 1954 Bush Fires Regulations 1954 City of Albany Bush Fire Brigades Local Law 2020</p>
Policy	<p>Resources: City of Albany Volunteer Bush Fire Operating Procedures</p>
Record keeping	<p>Report to file.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152. (AMENDED)</p>
Last reviewed	<p>25 June 2024</p>

Delegation	BF1.07 (D026) Firebreaks
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <ol style="list-style-type: none"> 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 [s.33(1)]. d. determine that these matters have been acted upon to the satisfaction of the City. 2. Direct 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 [s.33(4)]. 3. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	CEO Chief Bushfire Control Officer
Conditions	<ol style="list-style-type: none"> a. A person authorised to administer this function: <ol style="list-style-type: none"> i. Notice to Install Firebreaks around Properties: Prevention measures and fire breaks (fire access tracks) are to be under the City of Albany Fire Management Requirements Notice (s33 of the Bush Fires Act 1954). ii. Must be qualified following the Department of Fire & Emergency Services (DFES) and/or City prescribed qualifications. b. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	<ol style="list-style-type: none"> a. NIL – Sub-delegation is prohibited by s.48(3). b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: <ol style="list-style-type: none"> 1. Chief Executive Officer, 2. Executive Director Corporate & Commercial Services, 3. Manager Public Health & Safety, 4. Community Emergency Services Manager – CESM, 5. Chief Bush Fire Control Officer, 6. Deputy Chief Bush Fire Control Officer, 7. Coordinator Ranger Services, 8. Senior Ranger & Rangers.

Subdelegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Ranger Senior Ranger
Subdelegate conditions	<p>a. <i>Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</i></p> <p>b. <i>Classes of persons designated to perform this function listed as "Subdelegates".</i></p> <p>c. <i>Subdelegates appointed by the CEO.</i></p>
Statutory framework	Bush Fires Act 1954 Bush Fires Regulations 1954
Policy	<p>1. City of Albany Fire Management Notice</p> <p>2. Resources:</p> <p>_City of Albany Volunteer Bush Fire Brigade Operating Procedures</p> <p>_City of Albany Fire Information & Guidelines: Link</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.08 (D029)(D032) Appoint Bush Fire Control Officer/s and Fire Weather Officer
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.38 Local Government may appoint bush fire control officer Fire & Emergency Services Act 1998: _s12 (2)(e)(f) (Powers) _s37(Protection from personal and vicarious liability). Emergency Management Act 2005: _s36 (Functions of Local Government),
Function	Authority to: <ol style="list-style-type: none"> 1. Appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and of those Officers: <ol style="list-style-type: none"> a. Appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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 City [s.38(5A)]. 3. Appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have the exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. 4. Appoint deputy Fire Weather Officer/s as necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	CEO Chief Bushfire Control Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers who shall be first, second in seniority of those officers, and subject thereto may determine the respective seniority of the other Bush Fire Control Officers appointed. 2. Appointments must be published in a newspaper circulating in the district and Government Gazette. 3. Appointed persons must be qualified in accordance with the Department of Fire & Emergency Services (DFES) prescribed qualifications. 4. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

Express power to subdelegate	<p>a. NIL – Sub-delegation is prohibited by s.48(3).</p> <p>b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, and Fire & Emergency Services Act 1998 subject to conditions:</p> <ol style="list-style-type: none"> 1. Chief Executive Officer 2. Executive Director Corporate & Commercial Services 3. Manager Public Health & Safety 4. Community Emergency Services Manager – CESM 5. Chief Bush Fire Control Officer 6. Deputy Chief Bush Fire Control Officer 7. Coordinator Ranger Services 8. Senior Ranger & Rangers
Subdelegates	Executive Director Corporate & Commercial Services
Subdelegate conditions	<i>The classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates appointed by the CEO.</i>
Statutory framework	<p>Bush Fire Act 1954</p> <p>Fire & Emergency Services Act 1988</p> <p>Bush Fire Brigades Local Law 2020</p>
Policy	<p>a. Publications: City of Albany Strategic Bush Fire Plan: Link</p> <p>b. Resources: City of Albany Website: Link</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.09 (D029) Control and Extinguishment of Bush Fires
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. 2. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or propose a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Delegates	CEO Chief Bushfire Control Officer
Conditions	<ol style="list-style-type: none"> 1. Issue direction to a registered Bush Fire Brigade: Having reasonably sought information prior to issuing directions and so satisfying themselves that direction is needed. 2. Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	<ol style="list-style-type: none"> a. NIL – Sub-delegation is prohibited by s.48(3). b. Council designates the following classes of persons to administer and enforce the Bush Fire Act 1954, subject to conditions: <ol style="list-style-type: none"> 1. Chief Executive Officer 2. Executive Director Corporate & Commercial Services 3. Manager Public Health & Safety 4. Community Emergency Services Manager – CESM 5. Chief Bush Fire Control Officer 6. Deputy Chief Bush Fire Control Officer 7. Coordinator Ranger Services 8. Senior Ranger & Rangers
Subdelegates	Community Emergency Services Manager Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fires Act 1954 Bush Fires Regulations 1954 City of Albany Bush Fire Brigades Local Law 2020

Policy	City of Albany Fire Management Notice Resources: <ul style="list-style-type: none"> ▪ City of Albany Volunteer Bush Fire Brigade Operating Procedures ▪ City of Albany Website: Fire Information & Guidelines: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.10 (D029) Recovery of Expenses Incurred through Contraventions of this Act
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: _s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the City or those on behalf of the City to do [s.58].
Delegates	CEO
Conditions	Noting s.48 Delegation by local governments (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.
Express power to subdelegate	<p>a. NIL – Sub-delegation is prohibited by s.48(3).</p> <p>b. Council designates the following classes of persons to administer this function:</p> <ol style="list-style-type: none"> 1. Executive Director Corporate & Commercial Services 2. Manager Public Health & Safety
Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fires Act 1954 Bush Fires Regulations 1954
Policy	Resources: City of Albany Fire Information & Guidelines: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	BF1.11 (D029) Prosecution of Offences (Bush Fires Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	Bush Fires Act 1954: _s.59(3) Prosecution of offences
Express power or duty delegated	Bush Fires Act 1954: _s.59 Prosecution of offences _s.59A(2) Alternative procedure – infringement notices
Function	Authority to: <ol style="list-style-type: none"> 1. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Serve an infringement notice for an offence against this Act [s.59A(2)].
Delegates	CEO Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	Authorisation to prosecute is limited to the following classes of persons: <ol style="list-style-type: none"> a. Executive Director Corporate & Commercial Services, b. Manager Public Health & Safety, and c. Coordinator Ranger Services,
Express power to subdelegate	<ol style="list-style-type: none"> 1. It should be noted that s.48(4) Delegation by local governments. Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business. 2. Sub-delegation is prohibited by s.48(3) of the Act.
Subdelegates	Coordinator Ranger Services Ranger Senior Ranger
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates appointed by the CEO.</i>
Statutory framework	Bush Fires Act 1954 Bush Fires Regulations 1954 City of Albany Bush Fire Brigades Local Law 2020
Policy	City of Albany Fire Management Notice City of Albany Volunteer Bush Fire Brigade Operating Procedures Resources: City of Albany Fire Information & Guidelines: Link
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Cat Act 2011

Delegations under the Cat Act 2011.

Cat Act - Council to CEO & CEO to Employees (Authorisations)

Delegation	C1.01 (D031) Cat Registrations
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: _s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: _s.9 Registration _s.10 Cancellation of registration _s.11 Registration numbers, certificates and tags Cat Regulations 2012: _Schedule 3, cl.1(4) Fees Payable
Function	<ol style="list-style-type: none"> 1. Authority to: Grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to: Refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to: Cancel a cat registration [s.10]. 4. Authority to: Give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to: Reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the City's District [Regs. Sch. 3 cl.1(4)]. 6. Authority to: Authorise persons to administer this function.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights under Part 4, Division 5 of the Cat Act 2011. b. Withdrawal of an Infringement Notice can only be approved by the following classes of persons: <ol style="list-style-type: none"> 1. Chief Executive Officer, 2. Executive Director Corporate & Commercial Services, 3. Manager Public Health & Safety, 4. Coordinator Ranger Services.
Express power to subdelegate	Cat Act 2011: _s.45 Delegation by CEO of local government

Subdelegate conditions	<i>Noting a local government may, in writing, appoint persons or classes of persons to be authorised to perform particular functions regarding the enforcement of laws.</i>
Statutory framework	<p>Cat Regulations 2012:</p> <p>_r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>_r.12 Period of registration (s.9(7))</p> <p>_r.11 Changes in registration</p> <p>_r.14 Registration certificate (s.11(1)(b))</p> <p>_r.15 Registration tags (s.76(2))</p> <p><i>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.</i></p> <p>City of Albany Animals Local Law 2020 (Part 8 - Cats)</p>
Policy	<p>1. Wander Cat Management Policy</p> <p>2. <u>Resources</u>:</p> <p>_City of Albany Website: Cat Registration Information: Link</p> <p>_The Department of Local Government, Sport and Cultural Industries: Guidelines: <i>The department is responsible for administering the Cat Act 2011 (the Cat Act) and the Dog Act 1976 (the Dog Act). The acts and associated regulations apply throughout Western Australia:</i> Link</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	C1.02 (D031) Cat Control Notices
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: _s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: _s.26 Cat control notice may be given to cat owner
Function	<ol style="list-style-type: none"> 1. Authority to: Give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's District [s.26]. 2. Authority to: Authorise persons to administer this function.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Ranger
Conditions	<ol style="list-style-type: none"> 1. Withdrawal of a Notice can only be approved by a delegate. 2. Authorisation to administer listed functions, limited to classes of persons designated a Ranger.
Express power to subdelegate	Cat Act 2011: _s.45 Delegation by CEO of local government
Statutory framework	Cat Regulations 2012 _r.20 Cat control notice [s.23(3)], prescribes the Form of the notice. City of Albany Animals Local Law 2020 (Part 8 - Cats)
Policy	Wander Cat Management Policy Resource: _City of Albany Website: Cat Management Information: Link _The Department of Local Government, Sport and Cultural Industries: The department is responsible for administering the Cat Act 2011 (the Cat Act) and the Dog Act1976 (the Dog Act). The acts and associated regulations apply throughout Western Australia: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 28/02/2023 Resolution AR152.
Last reviewed	25 June 2024

Delegation	C1.03 (D031) Approval to Breed Cats (Cat Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: _s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: _s.37 Approval to Breed Cats _s.38 Cancellation of approval to breed cats _s.39 Certificate to be given to approved cat breeder
Function	<ol style="list-style-type: none"> 1. Authority to: Grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 2. Authority to: Refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to: Cancel an approval to breed cats [s.38]. 4. Authority to: Give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. 5. Authority to: Authorise persons to administer this function.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Ranger
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. Authority to authorise persons to administer this function is limited to the following classes of persons: Rangers, and Public Health & Safety Customer Service Officers.
Express power to subdelegate	Cat Act 2011: _s.45 Delegation by CEO of local government
Subdelegates	Ranger
Subdelegate conditions	<i>Subdelegates are appointed by the CEO. Classes of persons authorised to administer this function listed as "Subdelegates".</i>
Statutory framework	Cat Regulations 2012: _r.21 Application for approval to breed cats (s.36(2)) _r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) _r.23 Person who not be refused approval to breed cats (s.37(5)) _r.24 Duration of approval to breed cats (s.37(6)) _r.25 Certificate given to approved cat breeder (s.39(1)) City of Albany Animals Local Law 2020 (Part 8 - Cats)

Policy	Wander Cat Management Policy Resources: _City of Albany Cat Management Information: Link _The Department of Local Government, Sport and Cultural Industries: The department is responsible for administering the Cat Act 2011 (the Cat Act) and the Dog Act 1976 (the Dog Act). The acts and associated regulations apply throughout Western Australia: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	C1.04 (D031) Recovery of Costs – Destruction of Cats
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: _s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: _s.49(3) Authorised person may cause cat to be destroyed
Function	<ol style="list-style-type: none"> 1. Authority to: Recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. 2. Authority to: Appoint persons or classes of persons to administer this function.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Ranger
Conditions	Council has designated the following positions to administer Animal Control: _Rangers, and _Customer Service Officers responsible for administering animal control functions.
Express power to subdelegate	Cat Act 2011: _s.45 Delegation by CEO of local government
Subdelegates	Administration Officer - Ranger & Emergency Services Ranger
Subdelegate conditions	<i>Subdelegates are appointed by the CEO. Authorised classes of persons appointed to administer this function are listed as "Subdelegates".</i>
Statutory framework	Cat Act 2011: City of Albany Animals Local Law 2020 (Part 8 - Cats)
Policy	Wandering Cat Management Policy Resources: City of Albany Cat Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	C1.05 (D031) Authorise a person to perform Specified functions under (Cat Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011 : _s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011 : _s.73 Prosecutions
Function	Authority to: Authorise a person to commence a prosecution for an offence against the Cat Act 2011 and the City of Albany Animal Local Law 2020 (Part 8 - Cats) [s.73(1)(b) & (2)(b).
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Express power to subdelegate	Cat Act 2011 : _s.45 Delegation by CEO of local government
Subdelegate conditions	
Statutory framework	Cat Act 2011 Cat Regulations 2012 City of Albany Animals Local Law 2020 (Part 8 - Cats)
Policy	Wandering Cat Management Policy Resources: _City of Albany Website: Cat Management Information: Link _The Department of Local Government, Sport and Cultural Industries: The department is responsible for administering the Cat Act 2011 (the Cat Act) and the Dog Act 1976 (the Dog Act). The acts and associated regulations apply throughout Western Australia: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	C1.06 (D031) Applications to Keep Additional Cats
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011 : _s.44 Delegation by local government
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013 : _r.8 Application to keep additional number of cats _r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to: Require any document or additional information required to determine an application [r.8(3)] 2. Authority to: Refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to: Grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	Administration Officer - Ranger & Emergency Services CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Development Services Manager Public Health and Safety Ranger Senior Ranger
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice on reviewing rights per r.11 of the Cat (Uniform Local Provisions) Regulations 2013. b. Authority to administer this function is limited to classes of persons responsible for administering animal control functions.
Express power to subdelegate	Cat Act 2011 : _s.45 Delegation by CEO of local government
Statutory framework	Cat Act 2011 Cat (Uniform Local Provisions) Regulations 2013 City of Albany Animals Local Law 2020 (Part 8 - Cats)
Policy	<p>Policy Position: <i>If you wish to breed cats, you must be an approved cat breeder. A cattery may be considered for approval, subject to conditions.</i></p> <p>Resources:</p> <ul style="list-style-type: none"> ▪ City of Albany Cat Management Information: Link ▪ The Department of Local Government, Sport and Cultural Industries: The department is responsible for administering the Cat Act 2011 (the Cat Act) and the Dog Act 1976 (the Dog Act). The acts and associated regulations apply throughout Western Australia: Link
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	C1.07 (D031) Reduce or Waiver Registration Fee (Cat Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	Cat Act 2011: _s.44 Delegation by local government
Express power or duty delegated	Cat Regulations 2012: _Schedule 3 Fees clause 1(4)
Function	<ol style="list-style-type: none"> 1. Authority to: Reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. 2. Authority to: Designate persons or classes of persons to administer this function is limited to persons responsible for administering animal control functions.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ol style="list-style-type: none"> a. This delegation does NOT provide authority to determine to reduce or waive the fees payable regarding any <u>class of cat</u> within the District. b. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995. c. Noting the Cat Regulations 2012, Schedule 3 outlines the fees related to cat management and clause 1(4): Pensioner Discount: If a person is an eligible pensioner as defined in the Rates and Charges (Rebates and Deferments) Act 1992, they are entitled to a 50% discount on registration fees when registering your cat.)
Express power to subdelegate	Cat Act 2011: _s.45 Delegation by CEO of local government
Statutory framework	Cat Act 2011 Cat Regulation 2012 City of Albany Cat Local Law 2020 (Part 8 - Cats)
Policy	Resources: City of Albany Website: Cat Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	C1.08 (D031) Infringement Notices – Extensions and Withdrawals (Cat Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011 : _s.45 Delegation by CEO of local government
Express power or duty delegated	Cat Act 2011 : _s.64 Extension of time _s.65 Withdrawal of notice
Function	<ol style="list-style-type: none"> 1. Authority to: Extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority to: Withdraw an infringement notice, within one year of the infringement notice being given and whether or not the modified penalty has been paid [s.65].
Delegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ol style="list-style-type: none"> a. Withdrawal of an Infringement Notice limited to delegates only. b. Classe of persons authorised to administer this function is limited to persons responsible for animal control functions.
Subdelegates	Ranger Senior Ranger
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates".</i>
Statutory framework	Cat Regulations 2012 : _r.28 Withdrawal of infringement notice (s.65(1)) City of Albany Animals Local Law 2020 (Part 8 - Cats)
Policy	Wandering Cat Management Policy Resources: City of Albany Website: Cat Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	Adoption Reference: OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Council Policy Position (LG Act)

Council Policy Position (Adopted by Absolute Majority) and reviewed annually with delegations.

LG Act 1995 - Council to CEO & CEO to Employees (Authorisations)

Delegation	LG1.16 (D005) Appointment of an Acting Chief Executive Officer
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Council Policy Position (LG Act)
Delegator	Councillor
Express power to delegate	Local Government Act 1995 _s5.36(1)(a) _s5.45(2) "Acting Through"
Express power or duty delegated	<i>Local Government Act 1995</i> _s5.36(1)(a) _s5.45(2) "Acting Through"
Function	Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
Delegates	Chief Executive Officer (CEO)
Conditions	In accordance with the Council Policy: CEO Performance Review Process Policy: Link <ul style="list-style-type: none"> a. The Employee being designated a "Senior Employee", as prescribed by the Local Government Act. b. Appointments being no longer than 6 weeks. c. Council Members to be advised of acting Chief Executive Officer. d. The acting role to be rotated between the Executive Directors of the City where practicable.
Express power to subdelegate	Nil.
Statutory framework	Local Government Act 1995 _s5.42 "Acting Through". _5.39C (Policy for temporary employment or appointment of CEO)
Policy	Policies: <ul style="list-style-type: none"> ▪ CEO Performance Review Process Policy: Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • Prior to appointment Council must be informed in writing (email) and registered on the appropriate file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG4.02 Application of Regional Price Preference Policy (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Council Policy Position (LG Act)
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> _s.5.42 Delegation of some powers or duties to the CEO _s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: _r.24G Adopted regional price preference policy, effect of
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	In accordance with the Council adopted policy position, the policy applies to: <ul style="list-style-type: none"> a. Quotations of \$30,000 value or greater (Major Quotations), and b. All Tenders invited by the City of Albany, for the supply of goods and services and construction (building) services, unless Council resolves that the policy does not apply to a particular tender.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Subdelegate conditions	<ul style="list-style-type: none"> a. Subject to the condition on delegation to the CEO. b. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Policies: <ul style="list-style-type: none"> • Purchasing Policy (Tenders & Quotes): Link • Buy Local (Regional Price Preference) Policy: Link • Employee Code of Conduct: Link (<i>Attachment 2: Conflict of Interest Management</i>)
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (NEW)
Last reviewed	25 June 2024

Delegation	LG4.05 (D011) Power to Invest and Manage Investments (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Council Policy Position (LG Act)
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: Link _s.6.14 Power to invest Local Government (Financial Management) Regulations 1996: Link _r.19 Investments, control procedures for
Function	In accordance with the Investment of Surplus Funds Policy: Link & Cash / Investment Backing for Reserve Accounts Policy: Link Authority to: <ol style="list-style-type: none"> 1. Invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]. 3. Authorise persons to administer the listed functions.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policies. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17].
Express power to subdelegate	Local Government Act 1995: Link _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Business Analyst / Management Accountant Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	<ol style="list-style-type: none"> a. A decision to invest must be jointly confirmed by two Delegates. b. The following positions are authorised to enact the delegation: <ol style="list-style-type: none"> 1. Manager Finance 2. Business Analyst / Management Accountant

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Legislation:</p> <ul style="list-style-type: none"> • Local Government (Financial Management) Regulations 1996 • Refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Cash / Investment Backing for Reserve Accounts Policy: Link ▪ Investment of Surplus Funds Policy: Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • The Corporate & Commercial Services - Finance Team is responsible for reporting to Council monthly.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Dog Act 1976

Delegations under the Dog Act 1976.

Dog Act - Council to CEO & CEO to Employees (Authorisations)

Delegation	D1.01 (D031) Appoint Registration Officers (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.3 Terms Used (Registration officer means a person authorised by the local government to affect the registration of dogs pursuant to this Act)
Function	Authority to: <ol style="list-style-type: none"> 1. Authorise a person for the purposes of performing the prescribed office of Registration Officer under the <i>Dog Act 1976</i> [s.3]. 2. Sub-delegate this function.
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ol style="list-style-type: none"> a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. e. Council has designated the following classes of persons to administer the Dog Act 1978, subject to conditions: <ol style="list-style-type: none"> 1. Coordinator Ranger Services, Senior Rangers and Rangers 2. Customer Service Officers responsible for administering animal control functions.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Statutory framework	Legislation: Dog Act 1976 Dog Regulations 2013 Local Laws: City of Albany Animals Local Law 2020

Policy	Resources: <ul style="list-style-type: none">▪ City of Albany Website: Dog Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	D1.02 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.10A Payments to veterinary surgeons towards costs of sterilisation
Function	Authority to: <ol style="list-style-type: none"> 1. Determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$200 [s.10A(1)(a) and (3)]. 2. Give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Ranger Senior Ranger
Subdelegate conditions	Classes of Persons authorised to administer this function are limited to persons responsible for administering animal control functions.
Statutory framework	Dog Act 1976 City of Albany Animals Local Law 2020
Policy	Resources: <ul style="list-style-type: none"> ▪ City of Albany Website: Dog Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	D1.03 (D031) Refuse or Cancel Registration (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.15(2) and (4A) Registration periods and fees _s.16(3) Registration procedure _s.17A(2) If no application for registration made _s.17(4) and (6) Refusal or cancellation of registration
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept. iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City's District [s15(4A)]. 4. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. 5. Following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Authority to refuse or cancel registration is limited to delegates. c. Authority for delegates to sub-delegate. d. Classes of Persons authorised to administer listed functions limited to persons responsible for administering animal control.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation).</i>

Subdelegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Statutory framework	Legislation: Dog Act 1976 _s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) (Note: Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)). Local Laws: _City of Albany Animals Local Law 2020 _City of Albany Dog Local Law
Policy	Resources: ▪ City of Albany Website: Dog Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	D1.04 Grant Exemption as to Number of Dogs Kept at Premises (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.26(3) Limitation as to numbers
Function	Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the <i>City of Albany Dogs Local Law</i>, including:</p> <ul style="list-style-type: none"> • Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. • Apply the provisions of s.26(4). <p>c. Conditions that must be applied to an approved exemption, include:</p> <ul style="list-style-type: none"> • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties (Note: Sub-delegation is only permitted where delegation to the CEO expressly authorises sub-delegation).
Subdelegates	Ranger Senior Ranger
Subdelegate conditions	<p>a. Authority to grant an exemption must be given by a delegate.</p> <p>b. Classes of Persons authorised to administer listed functions limited to persons responsible for administering animal control functions.</p>

Statutory framework	<p>Legislation: Dog Act 1976 Dog Regulation 2013 (Note: Decisions under this delegation may be referred for review by the State Administration Tribunal).</p> <p>Local Laws: City of Albany Dog Local Law 2017: Link</p>
Policy	<p>Policy Position: The maximum number of adult dogs that may be kept on any property in the City of Albany is 6 (on properties with an area of 4 hectares or greater). If you wish to keep more than 6 dogs you will need to apply for a kennel licence.</p> <p>Resources:</p> <ul style="list-style-type: none"> ▪ City of Albany Dog Management Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	D1.05 (D031) Kennel Establishments (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.27 Licensing of approved kennel establishments
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	CEO Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the City of Albany Dogs Local Law. c. Council has designated this function as limited to persons responsible for administering animal control functions.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Statutory framework	Legislation: Dog Act 1954 <i>(Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).</i>
Policy	<p>Policy Position: The maximum number of adult dogs that may be kept on any property in the City of Albany is 6 (on properties with an area of 4 hectares or greater). If you wish to keep more than 6 dogs you will need to apply for a kennel licence.</p> <p>Resources: City of Albany Website: Dog Kennels and Catteries: Link</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	D1.06 (D031) Recovery of Moneys Due Under this Act (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.29(5) Power to seize dogs
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Council limits this delegation to classes of persons responsible for animal control.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Statutory framework	<p>Legislation:</p> <p>Dog Act 1976: Includes recovery of expenses relevant to:</p> <ul style="list-style-type: none"> _s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense _s.33M Local government expenses to be recoverable. _s.47 Veterinary service expenses recoverable from local government _r.31 Local government expenses as to dangerous dogs (declared) <p>Local Laws:</p> <ul style="list-style-type: none"> _City of Albany Dog Local Law 2020
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	D1.07 (D031) Dispose of or Sell Dogs Liable to be Destroyed
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.29(11) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. c. Council limits the sub delegation of this function to persons responsible for animal control.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Senior Ranger
Subdelegate conditions	<i>Note: Classes of persons listed as subdelegates are authorised to administer this function.</i>
Statutory framework	Legislation: Dog Act 1976 Local Law: City of Albany Dog Local Law 2020
Policy	<p>Policy Position: Unidentified dogs that have been in the pound for longer than three days, or unidentified cats that have been retained for three working days that are not claimed by owners, may be rehomed. The City of Albany works closely with animal rescue organisations to find new homes for impounded animals. If your dog or cat has been referred to a rescue organisation for re-homing you will need to contact them directly as they will be the new legal owner of the animal. A re-homing fee applies to animals rehomed directly from the City of Albany.</p> <p>Resources: City of Albany Website: Link</p>
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	D1.08 (D031) Declare Dangerous Dog (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	CEO Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Council condition: Declaration must be certified by either the CEO or Executive Director Corporate & Commercial Services.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Coordinator Ranger Services Senior Ranger
Subdelegate conditions	<i>Note: Classes of persons authorised to administer this function are listed as "Subdelegates".</i>
Statutory framework	Legislation: Dog Act 1976 <i>(Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).</i>

<p>Policy</p>	<p>Policy Positions:</p> <ul style="list-style-type: none"> • <u>Dangerous Dogs.</u> Owners of a restricted breed dog, or a dog that has been declared dangerous by a local government must abide by the stringent laws that are in place to protect the community. If you own a restricted breed dog or a dog crossed with a restricted breed, you need to declare this on the application form when you register your dog for the first time, or renew its registration. Penalties for breaches of the Dog Act 1976 by a dangerous dog are double those which apply to other dogs. • <u>Restricted Breeds.</u> Certain breeds of dogs have been identified by the Commonwealth Government as being particularly aggressive. These breeds have been banned from import into Australia. It is an offence to sell, buy or advertise for sale restricted breed dogs. The following breeds (or crosses of these breeds) are classified as restricted: Pit Bull Terriers, American Pit Bull Terriers, Dogo Argentino, Fila Brasileiro, Japanese Tosa and Perro de Prensa Canario. • <u>Declared Dangerous Dogs.</u> A local government may declare a dog dangerous if it has caused injury or damage by an attack on, or chasing, a person, animal or vehicle or if a dog has repeatedly shown a tendency to attack or chase causing no injury. <p>Resources:</p> <ul style="list-style-type: none"> ▪ City of Albany Website: Dogs Control Information: Link
<p>Record keeping</p>	<p>Report to file.</p>
<p>Date adopted</p>	<p>25 June 2024</p>
<p>Adoption references</p>	<p>Fully reviewed by Council. Adoption Reference: OCM 25/06/2024 Resolution AR152.</p>
<p>Last reviewed</p>	<p>25 June 2024</p>

Delegation	D1.09 (D031) Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.33F(6) Owners to be notified of making of declaration _s.33G(4) Seizure and destruction _s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
Function	Authority to: <ol style="list-style-type: none"> 1. Consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]. 4. Before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Council limits the delegation of this function to classes of persons responsible for animal control.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Statutory framework	Dog Act 1976 (Note: Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the Dog Act 1976).
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	D1.10 (D031) Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.33H(5) Local government may revoke declaration or proposal to destroy
Function	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)] a notice: <ul style="list-style-type: none"> a. Declaring a dog to be dangerous; or b. Proposing to cause a dog to be destroyed.
Delegates	CEO Executive Director Corporate & Commercial Services
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Council Condition: Declaration to revoke Dangerous Dog Declaration must be certified by CEO.
Express power to subdelegate	<i>Dog Act 1976:</i> _s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Statutory framework	<i>Legislation:</i> <i>Dog Act 1976</i> <i>(Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).</i>
Policy	Resources: <ul style="list-style-type: none"> ▪ City of Albany Website: Link
Record keeping	Report to file. Report to Council Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	D1.11 Determine Recoverable Expenses for Dangerous Dog Declaration (Dog Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	Dog Act 1976: _s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: _s.33M(1)(a) Local Government expenses to be recoverable
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	CEO
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Council condition: Sub delegation limited to persons responsible for animal control.
Express power to subdelegate	Dog Act 1976: _s.10AA(3) Delegation of local government powers and duties <i>(Note: Sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Statutory framework	Legislation: Dog Act 1976 <i>(Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).</i> Local Laws: City of Albany Dog Local Law 2020.
Policy	Resources: ▪ City of Albany Website: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Environmental Protection Act 1986

Environmental Protection Act 1986 and including State Government Authorisation and Delegations to Local Governments, including: Environmental Protection (Noise) Regulations 1997, Environmental Protection Regulations 1987

EPA Act - Authority to CEO and Authorised Employees

Delegation	SI_1.01 Noise Control – Environmental Protection Notices [Reg.65(1)] (EP Act)
Category	PART 3 - STATUTORY DELEGATIONS ASSIGNED TO LOCAL GOVERNMENT
Head of power	Environmental Protection Act 1986
Delegator	Environmental Protection Authority
Express power to delegate	Environmental Protection Act 1986 _Section 20 of the Environmental Protection Act 1986
Express power or duty delegated	Instrument of delegation — Government Gazette No. 47. pg. 919 - 19 March 2004: _All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice. _Persons to whom delegation made — This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995.
Function	_All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice. _Persons to whom delegation made — This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i> .
Delegates	CEO
Subdelegates	Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates appointed by the CEO.</i>
Statutory framework	Environmental Protection Act 1986
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	SI_1.02 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events (EP Act)
Category	PART 3 - STATUTORY DELEGATIONS ASSIGNED TO LOCAL GOVERNMENT
Head of power	Environmental Protection Act 1986
Delegator	Environmental Protection Authority
Express power to delegate	Environmental Protection Act 1986 _Section 20 Delegation by CEO
Express power or duty delegated	Pursuant to section 20 of the Act, delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i> , powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i> , other than this power of delegation.
Function	Any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i> , powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i> , other than this power of delegation, in relation to— <ul style="list-style-type: none"> a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; b. bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); c. community activities—noise control notices in respect of community noise under regulation 16; d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3; e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4; f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; g. sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> i. Subregulation 18(13)(b) is not delegated.
Delegates	CEO
Conditions	Subregulation 18(13)(b) is not delegated.
Subdelegates	Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	<i>Classes of persons authorised to administer this function are listed as "Subdelegates". Subdelegates are appointed by the CEO.</i>
Statutory framework	Environmental Protection Act 1986
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	SI_1.03 Noise Management Plans – Construction Sites (EP Act)
Category	PART 3 - STATUTORY DELEGATIONS ASSIGNED TO LOCAL GOVERNMENT
Head of power	Environmental Protection Act 1986
Delegator	Environmental Protection Authority
Express power to delegate	Environmental Protection Act 1986 _Section 20 Environmental Protection Act 1986
Express power or duty delegated	Instrument of delegation Government Gazette No 71, 16 May 2014 Delegation No 119 Pg. 1548: Pursuant to section 20 of the Act, delegate to the holder for the time being of the offices of— a. Chief Executive Officer under the Local Government Act 1995; and b. To any employee of the local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the Act, all powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i> , other than this power of delegation.
Function	1. All power powers and duties in relation to noise management plans under regulation 13 of the Environmental Protection (Noise) Regulations 1997 other than this power of delegation. 2. Authority to appoint any employee of a local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the EPA Act.
Delegates	CEO
Conditions	The authority to appoint an employee is limited to the CEO.
Express power to subdelegate	Nil.
Subdelegates	Coordinator Health Services Coordinator Planning Services Development Compliance Officer Development Engineer Environmental Health Officer Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Public Health and Safety Senior Environmental Health Officer Senior Planning and Development Compliance Officer
Subdelegate conditions	<i>Subdelegates are appointed by the CEO.</i>
Statutory framework	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997
Policy	Regulatory Compliance Policy & Guideline

Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

EPA Act - CEO to Employees

Delegation	EH1.04.4 (D034) Environmental Protection - Illegal Dumping & Noise
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Environmental Protection Act 1986
Delegator	CEO
Express power to delegate	<p>_Delegation 52 (gazette 19 March 2004) – local government CEO has powers in relation to environmental protection notices under section 65 of the Act;</p> <p>_Delegation 112 (gazette 20 December 2013) – local government CEO has powers in relation to various approvals and other activities under the noise regulations;</p> <p>_Delegation 119 (gazette 16 May 2014) – local government CEO and Environmental Health Officers have powers in relation to noise management plans for construction work on construction sites under noise regulation 13.</p>
Express power or duty delegated	Environmental Protection Act 1986: _s79 (Noise); and _s49A (Dumping Waste).
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Exercise the powers and discharge the duties of the local government under the Environmental Protection Act 1986. 2. Authorise classes of persons to administer any or all of the functions under: <ol style="list-style-type: none"> a. _s79 (Noise); and b. _s49A (Dumping Waste).
Delegates	<p>Coordinator Health Services Coordinator Ranger Services Coordinator Waste Operations Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Operations Manager Public Health and Safety</p>
Conditions	<p>The CEO limits the authorisation to the following classes of persons</p> <p>_Executive Corporate & Commercial Services _Manager Public Health & Safety _Coordinator Health Services _Environmental Health Officers _Coordinator Ranger Services (Dumping Waste Only) _Senior Rangers, Rangers (Dumping Waste Only)</p> <p>Executive Director Infrastructure, Development & Environment: (Dumping Waste Only) _Manager City Reserves (Dumping Waste Only) _Manager Operations (Dumping Waste Only) _Coordinator Waste Services (Dumping Waste Only) _City of Albany Waste Contractors (subject to induction and authorisation) from a City employee. (Dumping Waste Only)</p>

Subdelegates	Environmental Health Officer Ranger Senior Environmental Health Officer Senior Ranger
Subdelegate conditions	<i>Note: Classes of persons authorised to administer and enforce this function listed as "Subdelegates".</i>
Statutory framework	Legislation: <ul style="list-style-type: none"> ▪ Environmental Protection Act 1986 ▪ Environmental Protection (Noise) Regulations 1997 ▪ Environmental Protection Regulations 1987
Policy	Policies: <ul style="list-style-type: none"> ▪ Regulatory Compliance Policy and Guidelines Resources: <ul style="list-style-type: none"> ▪ City of Albany Website: Waste Education: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Food Act 2008

Delegations under the Food Act 2008.

Food Act - Council to CEO & Employees

Delegation	EH1.01 (D033) Determine Compensation (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008 : _s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008 : _s.56(2) Compensation to be paid in certain circumstances _s.70(2) and (3) Compensation
Function	<ol style="list-style-type: none"> 1. Authority to: Determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to: Determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	Chief Executive Officer (CEO) Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1000. Compensation requests above this value are to be reported to Council.
Express power to subdelegate	<i>NIL – Food Regulations 2009 do not provide for sub-delegation.</i>
Statutory framework	Food Act 2008 : <i>Note: Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	EH1.02 (D033) Prohibition Orders and Certificates of Clearance (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008 : _s.118 Functions of enforcement agencies and delegation _(2)(b) Enforcement agency may delegate a function conferred on it _(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] _(4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008 : _s.65(1) Prohibition orders _s.66 Certificate of clearance to be given in certain circumstances _s.67(4) Request for re-inspection
Function	<ol style="list-style-type: none"> 1. Authority to: Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to: Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to: 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 [s.67(4)].
Delegates	CEO Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	<i>NIL – Food Regulations 2009 do not provide for sub-delegation</i>
Statutory framework	Food Act 2008 (Note – Decisions under this delegation may be referred for review by the State Administration Tribunal). Resources: Guide to Regulator Guideline Number 1: Introduction of Regulatory Auditing In Western Australia: Link
Policy	Regulatory Compliance Policy & Guideline Trading in Public Places Policy Resources: _Mobile food business centralised register (Department of Health WA): Link _Temporary, Mobile and Home-Based Food Businesses; City of Albany website: Link
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	EH1.03 (D033) Food Business Registrations (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008 : _s.118 Functions of enforcement agencies and delegation _(2)(b) Enforcement agency may delegate a function conferred on it _(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] _(4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008 : _s.110(1) and (5) Registration of food business _s.112 Variation of conditions or cancellation of registration of food businesses
Function	<ol style="list-style-type: none"> 1. Authority to: Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to: Vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Executive Director Corporate & Commercial Services
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: a. Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA: Link b. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1: Link c. WA Priority Classification System: Link d. Verification of Food Safety Program Guideline: Link
Express power to subdelegate	<i>NIL – Food Regulations 2009 do not provide for sub-delegation.</i>
Subdelegates	Coordinator Health Services Environmental Health Officer Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	<i>Note: Classes of persons authorised to administer this function on behalf of the CEO are listed as "Subdelegates".</i>
Statutory framework	Food Act 2008 (Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).
Policy	Regulatory Compliance Policy & Guideline Trading in Public Places Policy Resources: _Mobile food business centralised register (Department of Health WA): Link _Temporary, Mobile and Home-Based Food Businesses; City of Albany website: Link
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR52.
Last reviewed	25 June 2024

Delegation	EH1.04.0(D033) Appoint Authorised Officers and Designated Officers under (Food Act 2008, Public Health Act 2016)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008 : _s.118 Functions of enforcement agencies and delegation _(2)(b) Enforcement agency may delegate a function conferred on it _(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] _(4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008 : _s.22(1) Appointment of authorised officers _s.26(6), (7) and (13) Infringement Officers Public Health Act 2016 _s.21(1)(b)(i)
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)]. 2. Authority to: Appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(1)]. 3. Authority to: Appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 4. Authority to: Appoint 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)].
Delegates	CEO Executive Director Corporate & Commercial Services
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> i. Appointment of Authorised Officers as Meat Inspectors: Link ii. Appointment of Authorised Officers: Link iii. Appointment of Authorised Officer - Designated Officers Only: Link iv. Appointment of Authorised Officers - Appointment of persons to assist with the discharge of duties of an Authorised Officer: Link b. A register of authorised officers appointed is to be maintained [s.122(3)]. c. Authorised Officers are to be issued with a certificate of authority. [s.123(1)].
Express power to subdelegate	<i>Note - The Food Regulations 2009 do not provide for sub-delegation.</i>
Subdelegates	Coordinator Health Services Environmental Health Officer Manager Public Health and Safety Senior Environmental Health Officer

Subdelegate conditions	<i>Note: Authorised classes of persons are listed as "Subdelegates".</i>
Statutory framework	Food Act 2008
Policy	Regulatory Compliance Policy & Procedures
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	EH1.05 (D022) Debt Recovery and Prosecutions (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008: _s.118 Functions of enforcement agencies and delegation <ul style="list-style-type: none"> • (2)(b) Enforcement agency may delegate a function conferred on it • (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] • (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: _s.54 Cost of destruction or disposal of forfeited item _s.125 Institution of proceedings
Function	Authority to: <ol style="list-style-type: none"> 1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Institute proceedings for an offence under the Food Act 2008 [s.125].
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	Nil. (The Food Regulations 2009 do not provide for sub-delegation).
Subdelegates	Coordinator Health Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	Authorised persons: <ol style="list-style-type: none"> a. Subject to the conditions imposed on the CEO. b. Classes of persons authorised to administer this function on behalf of the CEO are listed as "Subdelegates".
Statutory framework	Legislation: <ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	EH1.06 (D033) Abattoir Inspections and Fees (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008: _s.118 Functions of enforcement agencies and delegation <ul style="list-style-type: none"> • (2)(b) Enforcement agency may delegate a function conferred on it • (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] • (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Regulations 2009: _r.43 Local government may require security _r.45 Withdrawal of inspection services
Function	Authority to: <ol style="list-style-type: none"> 1. Relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the City [r.43]. 2. Give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	Nil. (The Food Regulations 2009 do not provide for sub-delegation).
Subdelegates	Coordinator Health Services Senior Environmental Health Officer
Subdelegate conditions	Subdelegate conditions: <ol style="list-style-type: none"> a. Subject to the conditions imposed on the CEO. b. Classes of persons authorised to administer this function on behalf of the CEO are listed as "Subdelegates".
Statutory framework	Legislation: <ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009
Policy	Resources: <ul style="list-style-type: none"> ▪ City of Albany Food Business Information: Link
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	EH1.07 Food Businesses List – Public Access (Food Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	Food Act 2008: _s.118 Functions of enforcement agencies and delegation <ul style="list-style-type: none"> ▪ (2)(b) Enforcement agency may delegate a function conferred on it ▪ (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] ▪ (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: _r.51 Enforcement agency may make list of food
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	CEO Executive Director Corporate & Commercial Services
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	Nil. (The Food Regulations 2009 do not provide for sub-delegation).
Subdelegates	Coordinator Health Services Environmental Health Officer Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	<ul style="list-style-type: none"> a. Same conditions as imposed on the CEO and Delegates. b. Classes of persons authorised to administer this function on behalf of the CEO are listed as "<i>Subdelegates</i>".
Statutory framework	Legislation: <ul style="list-style-type: none"> ▪ Food Act 2008
Policy	Resources: <ul style="list-style-type: none"> ▪ City of Albany Food Business Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Freedom of Information Act 1992

Delegations under the Freedom of Information Act 1992.

FOI Act - CEO to Employees

Delegation	FOI_1.01 (D014) Freedom of Information Act 1992
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Freedom of Information Act 1992
Delegator	CEO
Express power to delegate	Freedom of Information Act 1992 _s.100 Freedom of Information Act 1992 (Express Power to Appoint)
Function	Authority to determine decisions made under this Act [s.100(1)(b)]
Delegates	Executive Director Corporate & Commercial Services Manager Governance & Risk Team Leader - Records & Council Liaison
Conditions	Special Requirements: a. Assessment of applications to be conducted in accordance with s.30. b. Notice under s. 13(1)(b) of decision, form etc. c. Internal Reviews per s39 of the FOI Act restricted to: 1. Director Corporate & Commercial Services 2. Principal FOI Officer 3. Manager Governance & Risk.
Subdelegates	Development Compliance Officer Information Officer - Development Services Manager Development Services Manager Information Technology Senior Development Information Officer – Development Services Senior Planning and Development Compliance Officer Technical Support Officer - Development Services
Subdelegate conditions	The following classes of persons are authorised to administer the release of information pertaining to: Planning, Building and Development Information Services: (1) Building Plans: Release of plans to WAPOL: Development Information Services Team. Refer to Delegation: B1.6 Inspection and Copies of Building Records. (2) Dividing Fences Information. Refer to Delegation: B1.6 Inspection and Copies of Building Records. Corporate & Commercial Services: (1) CCTV Recordings: Manager Information Technology. (2) Body Worn Camera Footage: Principle Freedom of Information Officer Only.

Statutory framework	Freedom of Information Act. _s3 (Objects of Act), _s4 (Agencies, duties of when applying Act)
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Code of Conduct for Staff with Access to Recorded Material (Audio, CCTV, Camera Footage) Policy: Link <p>Resources:</p> <ul style="list-style-type: none"> ▪ City of Albany Freedom of Information website: Link ▪ Access to Documents (Freedom of Information Act 1992) Form: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Graffiti Vandalism Act 2016

Delegations under the Graffiti Vandalism Act 2016.

Graffiti Act - Council to CEO & CEO to Employees

Delegation	G1.01 (D026) Give Notice Requiring Obliteration of Graffiti (Graffiti Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016: _s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: _s.18(2) Notice requiring removal of graffiti _s.19(3) & (4) Additional powers when notice is given
Function	Authority to: <ol style="list-style-type: none"> 1. Give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Function to be administered following the Council-adopted policy position.
Express power to subdelegate	Graffiti Vandalism Act 2016: _s.17 Delegation by CEO of local government
Subdelegates	Executive Director Community Services Manager Community Relations
Subdelegate conditions	<ol style="list-style-type: none"> a. Subject to the conditions imposed on the delegate. b. Classes of Persons authorised to administer listed functions are to be determined by subdelegates.
Statutory framework	<i>Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.</i>
Policy	<ul style="list-style-type: none"> • Graffiti Management Policy: Link • Graffiti Removal Pack Application Form (Online Form): Link
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	G1.02 (D026) Notices – Deal with Objections and Give Effect to Notices (Graffiti Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016: _s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: _s.22(3) Objection may be lodged _s.24(1)(b) & (3) Suspension of effect of notice
Function	Authority to: <ol style="list-style-type: none"> 1. Deal with an objection to a notice [s.22(3)]. 2. Where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	CEO
Conditions	Function to be administered following the Council-adopted policy.
Express power to subdelegate	Graffiti Vandalism Act 2016: _s.17 Delegation by CEO of local government
Subdelegates	Executive Director Community Services Manager Community Relations
Subdelegate conditions	a. Subject to the conditions imposed on the delegate. b. Classes of Persons authorised to administer listed functions are to be determined by subdelegates.
Statutory framework	<i>Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.</i>
Policy	Graffiti Management Policy, Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	G1.03 (D026) Obliterate Graffiti on Private Property (Graffiti Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016: _s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: _s.25(1) Local government graffiti powers on land not local government property
Function	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	Executive Director Community Services Manager Community Relations
Conditions	<ul style="list-style-type: none"> a. Subject to exercising Powers of Entry. b. Classes of Persons authorised to administer listed functions are to be determined by the delegates.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> _s.17 Delegation by CEO of local government
Subdelegate conditions	<i>Note: This function is administered by the City of Albany Community Development Services Team.</i>
Statutory framework	Graffiti Vandalism Act 2016
Policy	<p>Policies:</p> <ul style="list-style-type: none"> • Graffiti Management Policy, Link • State Government (WAPOL) Graffiti Vandalism Quick Reference Removal Guide: Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • Report Graffiti Taskforce Reporting Form (website): Link
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	G1.04 (D026) Powers of Entry (Graffiti Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	Graffiti Vandalism Act 2016: _s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: _s.28 Notice of entry _s.29 Entry under warrant
Function	Authority to: <ol style="list-style-type: none"> 1. Give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO Executive Director Community Services
Conditions	The authority to enact this function is limited to the delegates.
Express power to subdelegate	Graffiti Vandalism Act 2016: _s.17 Delegation by CEO of local government
Subdelegate conditions	Notes: <ul style="list-style-type: none"> • <i>The power to enter property without the consent of the owner or occupier is only to be enacted with the approval of a delegate.</i> • <i>This function is administered by the City of Albany Community Development Services Team.</i>
Statutory framework	Graffiti Vandalism Act 2016
Policy	Policies: <ul style="list-style-type: none"> • Graffiti Management Policy
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Health (Misc Provisions) Act 1911

Health (Misc Provisions) Act 1911, .26 Powers of Local Government

Health (Misc Provisions) Act 1911 - Council to CEO & CEO to Employees

Delegation	EH1.04.2 Health (Miscellaneous Provisions) Act 1911 – Powers of Local Government, Public Buildings, Events and Gatherings
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Health (Misc Provisions) Act 1911
Delegator	CEO
Express power to delegate	Health (Miscellaneous Provisions) Act 1911 _s.26 Powers of Local Government
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 _s176 and s177. <i>Note: s176 does not apply to or in relation to building work, as defined in the Building Act 2011 section 3, for which a building permit is required under that Act.</i>
Function	Appointment of such persons or classes of persons for the purpose of discharging it's power and functions under Health (Miscellaneous Provisions) Act 1911, specifically: <ol style="list-style-type: none"> 1. s176 (Approval of Plans) 2. s177 Approval must be in writing)
Delegates	Chief Executive Officer (CEO) Executive Director Community Services Executive Director Corporate & Commercial Services
Conditions	Only the CEO and the listed Delegates may issue approvals for larger events and gatherings requiring risk management plans under the <i>Health (Public Building) Regulations 1992</i> .
Subdelegates	Coordinator Health Services Environmental Health Officer Manager Community Relations Manager Governance & Risk Manager Public Health and Safety Senior Environmental Health Officer
Subdelegate conditions	<ol style="list-style-type: none"> a. Same conditions imposed on the CEO. b. Large events must be "certified" that all necessary approvals have been completed by the City's Event Coordinator.
Statutory framework	Health (Miscellaneous Provisions) Act 1911 _s.26 Powers of Local Government
Policy	Resources: <ul style="list-style-type: none"> ▪ City of Albany Website: Event Information: Link

Record keeping	<ul style="list-style-type: none">• Report to file.• Large gatherings in the planning stage must be reported to the Local Emergency Management Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	EH1.04.3 (D033) Health (Miscellaneous Provisions) Act 1911 - Powers of Local Government
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Health (Misc Provisions) Act 1911
Delegator	Local Government
Express power to delegate	Health (Miscellaneous Provisions) Act 1911 _s.26 Powers of Local Government
Express power or duty delegated	<p>Appointment of such persons for the purpose of discharging it's power and functions under:</p> <ul style="list-style-type: none"> ▪ Part IV – Division 4 (Sanitary Convenience) ▪ Part IV – Division 7 (Pollution of Water) ▪ Part V – Division 1 (House unfit for occupation) ▪ Part VI – Public Buildings ▪ Part VII – Division 1 (Nuisances) ▪ Health (Air Handling & Water Systems) Regulations 1994 ▪ Health (Aquatic Facilities) Regulations 2007 ▪ Health (Cloth Materials) Regulations 1985 ▪ Construction Camps Regulations 1988 ▪ Health (Construction Work) Regulations 1973 ▪ Health (Garden Soil) Regulations 1998 ▪ Health (Offensive Trade Fees) Regulations 1976 ▪ Health (Pesticides) Regulations 2011 ▪ Health (Prescribed Insect Pests) Regulations 1991 ▪ Health (Public Buildings) Regulations 1992 ▪ Health (Skin Penetration) Procedure Regulations 1998 ▪ Health (Temporary Sanitary Conveniences) Regulations 1997 ▪ Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 ▪ Health Act (Laundries and Bathrooms) Regulations ▪ Health Act (Sewerage Drainage and Underground Water Supply) Regulations 1974 ▪ Health Act (Underground Water Supply) Regulation 1959 ▪ Fly Eradication Regulations ▪ Piggeries Regulations 1979 ▪ City of Albany Health Local Laws
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Commence legal proceedings under the Health (Miscellaneous Provisions) Act 1911 and associated regulations and local laws. 2. Serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the Health (Miscellaneous Provisions) Act 1911. 3. Delegations with respect to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. 4. Order premises within the City of Albany to be connected to sewer mains when such mains are completed and ready for use. (s.72 Health (Miscellaneous Provisions) Act 1911). 5. Sign and issue licences and registrations issued under the Health (Miscellaneous Provisions) Act 1911 Conditions.

Delegates	Chief Executive Officer (CEO) Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Public Health and Safety
Conditions	<ul style="list-style-type: none"> a. Only the Manager Public Health & Safety may commence legal proceedings. b. The City's Environmental Health Officers may only serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the Health (Miscellaneous Provisions) Act 1911 & Sign and issue licences and registrations issued under the Health (Miscellaneous Provisions) Act 1911. c. Not to expend funds for the carrying out of works in default of a notice served under this Act without separate budget approval by Council. d. The following designated classes of persons are limited to the functions listed under the Health (Public Buildings) Regulations 1992: <ul style="list-style-type: none"> 1. Manager Development Services 2. Coordinator Building Services 3. Building Surveyor
Subdelegates	Building Surveyor Coordinator Building Services Coordinator Health Services Environmental Health Officer Senior Environmental Health Officer
Subdelegate conditions	<i>Note: Classes of persons authorised this function are listed as "Subdelegates".</i>
Statutory framework	Health (Miscellaneous Provisions) Act 1911 _s.26 Powers of Local Government
Policy	Policies: <ul style="list-style-type: none"> ▪ Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Library Board of Western Australia Act 1951

Library Board of Western Australia Act 1951 Delegations

Library Board Act - CEO to Employees

Delegation	LB1.01 (D010) Librarian Function & Authority
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Library Board of Western Australia Act 1951
Delegator	Chief Executive Officer (CEO)
Express power to delegate	<i>Not applicable, legislated function of the Chief Executive Officer(CEO).</i>
Express power or duty delegated	Library Board (Registered Public Library) Regulations 1985: _Regulation 29 (Authority of librarian):
Function	Authority to: <ol style="list-style-type: none"> 1. Authorise the recovery of overdue library books and other loaned Items. 2. Deny use of library services to persons whose actions are detrimental to others. 3. Authorise classes of persons to administer any or all the above functions.
Delegates	Library Team Leader Manager Arts & Culture
Conditions	<p>a. Nil.</p> <p>b. Note:</p> <ol style="list-style-type: none"> 1. Regulation 29 (Authority of librarian): <p>(1) A librarian may cause to be excluded or removed from a library —</p> <p>(a) any disorderly person;</p> <p>(b) any person who is guilty of offensive behaviour;</p> <p>(c) any person who appears to be intoxicated;</p> <p>(d) any person who is not using the library for the purpose for which it is intended; or</p> <p>(e) any person who has committed a breach of these regulations if it appears that his continued presence in the library may lead to a further breach of these regulations.</p> <p>(2) A librarian —</p> <p>(a) may suspend the use of a reader's ticket; and</p> <p>(b) may refuse books and deny the use of the library to any person who refuses or neglects to comply with these regulations.</p> <ul style="list-style-type: none"> ▪ Regulation 29(2) provides that 'a person who is aggrieved by the decision of a librarian' to deny them the use of the library may appeal the decision in writing to the CEO of the City of Albany.
Express power to subdelegate	Note: Authorised classes of person authorised to enact all listed functions: <ul style="list-style-type: none"> ▪ Library Team Leader.
Statutory framework	Library Board of Western Australia Act 1951 Library Board (Registered Public Library) Regulations 1985

Policy	Resource: <ul style="list-style-type: none">▪ City of Albany Website: Library Information: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Local Government Act 1995

Delegations under the Local Government Act 1995.

LG Act 1995 - Council to CEO & CEO to Employees (Authorisations)

Delegation	LA1.01 (D035) Creation and Change of Purpose of a Crown Reserve (Incl. Naming of Streets)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power or duty delegated	<p>Council designates the following classes of persons to administer and enforce the Land Administration Act 1997, subject to conditions:</p> <ul style="list-style-type: none"> ▪ Chief Executive Officer ▪ Executive Director Corporate & Commercial Services ▪ Executive Director Infrastructure Development & Environment ▪ Manager Development Services ▪ Coordinator Planning Services ▪ Lands Officer
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Process requests related to Crown Reserves, pursuant to s3.54 of the Local Government Act 1995 and Part 4 of the Land Administration Act 1997. 2. Comment on requests to lease Crown land, where the State manages the lease, pursuant to Part 6 of the Land Administration Act 1997. 3. Forward recommendations of street names to the Geographic Names Committee, Western Australia, under s26A of the Land Administration Act 1997. 4. Authorise persons to administer any or all of the above functions.
Delegates	Chief Executive Officer (CEO)
Conditions	<ol style="list-style-type: none"> a. Process requests related to Crown Reserves (1) Authority to process matters relating to Crown Reserves, as follows: <ol style="list-style-type: none"> 1. Requests to the Minister for Lands to create a new reserve or transfer Crown land from one form to another (i.e. road reserve to Crown reserve; excision of road reserve from Crown reserve etc.); 2. Change of purpose of a Crown reserve; 3. Changes to reserve boundaries; 4. Acceptance of a management order, where the City is currently managing the land or can do so within existing operational budgets; and 5. Requests to lease Crown land, where no structure will be built (i.e. leases managed by the State, pastoral leases etc.). b. Comment on requests to lease Crown Land (2) Compliance with the following documents is necessary: <ol style="list-style-type: none"> 1. Local Planning Scheme & Strategies; 2. Adopted Asset Management Plans (Roads; Reserves: Natural and Developed; Drainage); and 3. City of Albany Bushfire Strategy. c. The revocation of a management order of an existing City managed reserve or cancellation of an existing Crown reserve shall be considered by Council.

Express power to subdelegate	(a) Nil. (b) Classes of persons designated to administer this function is the Lands Officer.
Subdelegates	Coordinator Planning Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Lands Officer Manager Development Services
Subdelegate conditions	<i>Listed subdelegates are authorised to administer this function, exempt authority to authorise other classes of persons.</i>
Statutory framework	Local Government Act 1995: _Part 3 (Functions of local governments), Division 3 (Executive functions of local governments), s3.54 (Reserves under control of a local government) Land Administration Act 1997: _Part 2 (General administration), Division 3 (General), s26A (New subdivisions, names of roads and areas in), _Part 4 (Reserves) _Part 6 (Sales, leases, licences, etc. Of Crown land).
Policy	Policies: ▪ Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.01 Audit – CEO Review of Systems and Procedures (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Audit) Regulations 1996: _r.17 CEO to review certain systems and procedures
Function	<ol style="list-style-type: none"> 1. Authority: Conduct the review of the appropriateness and effectiveness of the City's systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)]. 2. Authority: Designate persons to administer listed functions.
Delegates	Executive Director Corporate & Commercial Services Financial Services Coordinator Manager Finance Manager Governance & Risk
Conditions	<ol style="list-style-type: none"> a. Each matter is to be reviewed at least once every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required. b. Findings are to be presented to the Executive Management Team (EMT) for comment. c. Findings including executive comment are to be presented to the Audit & Risk Committee.
Statutory framework	Local Government (Audit) Regulations 1996 Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Resources: <ul style="list-style-type: none"> ▪ Office of the Auditor General Website: Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • Findings and associated response action are to be tabled to the Audit & Risk Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (CEO Delegation) (NEW)
Last reviewed	25 June 2024

Delegation	LG1.02 (D016) Acknowledge Primary and Annual Returns, Gift Declarations and Financial Interest (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.5.77 Acknowledging receipt of returns]
Function	<ol style="list-style-type: none"> 1. Authority to: On receipt of a Primary or Annual Return under s.5.75 or 5.76, give the person who submitted the Return written acknowledgement of having received the Return. 2. Authority to: Receipt of declarations of gifts in accordance with sections 5.87A and 5.87B of the Act. 3. Authority to: Receipt of Declarations of Interest (Impartiality, Proximity & Financial).
Delegates	Executive Director Corporate & Commercial Services Manager Governance & Risk Team Leader - Records & Council Liaison
Conditions	<ol style="list-style-type: none"> a. Before issuing a written acknowledgement, the designated person is to review the content of the Return declaration and consider any probity risks that may be evident from the disclosures in the context of the disclosing employee's job role. b. Where any probity risk is identified the designated person is to implement appropriate actions in regard to that employee's duties to mitigate the identified risk. c. Compliance with Attendance at Events Policy.
Subdelegate conditions	<i>Authorised persons are subject to the same conditions as the delegates.</i>
Statutory framework	Primary & Annual: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 _s.5.88 Register of Financial Interests _s.5.96A(1)(i), Register to be published on the City's Official website
Policy	City of Albany Employee Code of Conduct: Link Resources: Department of Local Government, Operational Guideline – Primary and Annual Returns: Link
Record keeping	Primary & Annual Returns: If submitted manually in hardcopy, the original Primary or Annual Return and the acknowledgement is to be retained in the Register of Financial Interests kept under s.5.88 of the Local Government Act 1995. <i>Note:</i> _Local Government Act 1995, s.5.96A(1)(i), Register to be published on the City's Official website. _The "Attain" cloud-based application is approved to facilitate this process: https://admin.attain.net.au/
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.03 (D001)(D026) Authorise Persons or classes of persons to Perform Specified Functions under (LG Act 1995)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.24 Authorising persons under this Subdivision _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 _s.3.31(2) General Procedure for entering property _s.3.39(1) Power to remove and impound _s.3.40A(1) Abandoned vehicle wreck may be taken _s.9.24(1)(c) and (2)(b) Prosecutions, commencing Local Government (Miscellaneous Provisions) Act 1960 _s.449 Pounds, establishing; pound keepers and rangers, appointing
Function	Authority to: <ol style="list-style-type: none"> 1. Authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land - to exercise the Local Government’s powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24] 2. Authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Appoint fit and proper persons as pound keepers or rangers [Misc.Prov.s.449].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. d. Animal Control: Council designates the following classes of persons to administer and enforce the <i>Cat Act 2011</i>, <i>Dog Act 1978</i> and the <i>Local Government (Miscellaneous Provisions) Act 1960</i>: Executive Corporate & Commercial Services, Manager Public Health & Safety, Coordinator Ranger Services, Senior Rangers and Rangers, Customer Service Officers responsible for administering animal control functions.

<p>Express power to subdelegate</p>	<p>Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees.</p> <p>Classes of persons are authorised to administer the prescribed functions: _Schedule 3.1 – Powers under notices to owners or occupiers of land [s3.25((1))]:</p> <ul style="list-style-type: none"> ▪ Executive Directors ▪ Manager Development Services ▪ Development Engineer ▪ Planning Coordinator ▪ Senior Planning & Development Compliance Officer ▪ Development Compliance Officers ▪ Coordinator Building Services ▪ Manager City Reserves ▪ Manager Operations ▪ Manager Public Health & Safety ▪ Coordinator Ranger Services ▪ Senior Ranger & Rangers ▪ Coordinator Environmental Health <p>_Schedule 3.2 – Particular things local governments can do on land even though it is not local government property [s3.27(1)], limited to:</p> <ul style="list-style-type: none"> ▪ Executive Directors ▪ Manager Development Services ▪ Senior Planning & Development Compliance Officer ▪ Manager Engineering & Sustainability
<p>Subdelegates</p>	<p>Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Engineering & Sustainability Manager Finance Manager Governance & Risk Manager Public Health and Safety</p>
<p>Subdelegate conditions</p>	<p>a. Subject to the conditions imposed on the CEO. b. The power to authorise classes of persons is limited to the Executive Directors and the Manager Governance & Risk and must be given in writing. c. A person who is authorised to give an infringement notice under s9.16 of the Act is not eligible to be an authorised person to extend time or withdrawal. d. Authorisation involving animal control on land administered by the City must be approved in consultation with the Coordinator Ranger Services & Manager Reserves. e. The power to direct (additional powers) is limited to Executive Directors and the following classes of persons: _Manager Development Services _Manager Public Health & Safety _Manager Engineering & Sustainability f. The power to deal with objections and grant an extension of time is limited to Executive Directors and above and the following designated positions: _Manager Governance & Risk _Manager Finance g. Section 3.39 (Power to remove and impound). This section only authorises an “employee authorised by the local government”. Once impounded, the City then must give notice to the offender under section 3.42(1)(b) of the Act.</p>

Statutory framework	Primary & Annual Returns: Delegates and subdelegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	<p>Policy Position: Classes of persons are authorised to administer the prescribed functions:</p> <ul style="list-style-type: none"> • Schedule 3.1 – Powers under notices to owners or occupiers of land[s3.25((1))]: (<i>Refer to Designated Person Register</i>) • Schedule 3.2 – Particular things local governments can do on land even though it is not local government property [s3.27(1)]: (<i>Refer to Designated Person Register</i>)
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.04 (D001, D020, D026, D030, D031) Appoint Authorised Persons or Classes of Persons under (LG Act 1995)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995 _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.9.10 Appointment of authorised persons [s.9.10(2)]
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act (i.e., regulations): <ol style="list-style-type: none"> a. Local Government Act 1995 and its subsidiary legislation; b. Local Government (Miscellaneous Provisions) Act 1960; c. City of Albany Local Laws made under the Local Government Act; d. Caravan Parks and Camping Grounds Act 1995; e. Cat Act 2011; f. Cemeteries Act 1986; g. Control of Vehicles (Off-road Areas) Act 1978; h. Dog Act 1976; i. Graffiti Vandalism Act 2016 – refer s.15; and j. any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995. 2. Authority to: Issue licences, notices, approvals and permits relating to the City of Albany Local laws.
Delegates	Chief Executive Officer (CEO) Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager City Reserves Manager Development Services Manager Engineering & Sustainability Manager Facilities Manager Finance Manager Governance & Risk Manager Operations Manager Public Health and Safety Manager Recreation Services

Conditions	<ul style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only appropriately qualified and trained persons may be appointed as Authorised persons. c. A person to be appointed as an authorised officer by Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for section 9.16 of the <i>Local Government Act 1995</i> (LG Act). d. The power to authorise persons is limited to Executive Directors and the Manager Governance & Risk and must be given in writing. e. A person authorised to give an infringement notice under s9.16 of the LG Act is not eligible to be an authorised person to extend time or withdrawal. f. Authorisations involving animal control on land administered by the city must be approved by the Manager of Governance & Risk and/or Manager of Public Health & Safety in consultation with the Coordinator of Ranger Services and the Manager of City Reserves.
Express power to subdelegate	<p><i>The following classes of persons are authorised to administer designated functions;</i></p> <ul style="list-style-type: none"> _Manager Public Health & Safety (All listed functions) _Coordinator Ranger Services (All listed functions) _Senior Rangers & Rangers (All listed functions) _Environmental Health Officers (limited to functions listed under the <i>Caravan Parks and Camping Grounds Act 1995</i>).
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><i>Note: Local laws ensure that activities throughout the City are regulated, controlled and efficiently managed. Under the Local Government Act 1995, the City of Albany Council is able to make local laws considered necessary for the good government of the district. A local law is invalid to the extent that it is inconsistent with any state or federal legislation. Local laws that are being advertised for public comment can be viewed on the community engagement page.</i></p>
Policy	<p>Regulatory Compliance Policy & Guideline</p> <p><i>Note: RE: Enforcement of the:</i></p> <ul style="list-style-type: none"> _Control of Vehicles (Off Road Areas) Act 1978; _Local Government Act 1995; and _Caravan Parks and Camping Grounds Act 1995. <p><i>Designated officers are empowered to sign documents, enter, and inspect a facility, caravan or camp, issue and withdraw notices, extend the payment date for modified penalties, and initiate appropriate legal action on behalf of the City of Albany when a breach of the Caravan Parks and Camping Grounds Act 1995 and related legislation warrants such action.</i></p>
Record keeping	<p>Report to file.</p> <p>Instruments or Certificates of Authorisation</p> <ul style="list-style-type: none"> _Copies are to be retained on the Authorised Person's personnel file. _A record of each Authorisation is to be retained in the Authorised Persons Register and retained as a Local Government Record.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.05 (D030) Caravan Parks & Camping Grounds Act 1995
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 _s9.10(2) (Appointment of authorised persons) Caravan Parks and Camping Grounds Act 1995 _s5 (Terms Used) <i>authorised person means a person appointed to be an authorised person under —</i> (a) section 17(1)(a); or (b) the Local Government Act 1995 section 9.10(2) for the purposes of this Act;
Express power or duty delegated	Local Government Act 1995 _s9.10(2) (Appointment of authorised persons)
Function	1. Authority to appoint classes of persons to administer and enforce the Caravan Parks & Camping Ground Act 1995. 2. Authority to authorise classes of persons the doing of all acts and things and authorised person is able to do under the Camping Act. 3. Authority to authorise classes of persons: a. to enter any facility pursuant to s18 of the Camping Act. b. to enter any occupied caravan or camp pursuant to s20 of the Camping Act.
Delegates	CEO
Conditions	a. The power to prosecute any person is only exercised by agreement of the Executive Director or Line Manager. b. A withdrawal notice shall be signed by a person appointed in writing to withdraw infringement notices by the public authority. c. The person who issues an infringement notice, is not permitted to withdraw the notice. <i>Note: Camping on undeveloped land: Noting camping on undeveloped Land may be permissible in the event they have the consent of the owner of the land, such incidents are to be administered under the Planning & Development Act 2005. Refer to policy section.</i>
Express power to subdelegate	Local Government Act 1995 _s.5.44 CEO may delegate some powers and duties to other employees Caravan Parks and Camping Grounds Act 1995 _Part 4 - Enforcement _s22 (Legal proceedings to be taken by authorised person) _23(1) (Infringement notices). An authorised person is a reference to a person appointed to be an authorised person under the Local Government Act 1995 section 9.10(2).
Subdelegates	Coordinator Health Services Coordinator Ranger Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Environmental Health Officer Senior Ranger

Statutory framework	<p>Local Government Act 1995 Caravan Parks and Camping Grounds Act 1995 Caravan Parks and Camping Grounds Regulations 1997</p> <p><i>Noting:</i> _Regulation 10, states: that a person may only camp at a site in a caravan park or camping ground, as appropriate, licensed under the Camping Act, or in accordance with Regulation 11. _Regulation 11 provides the circumstances under which a person can camp somewhere other than a caravan park or camping ground and provides the following exceptions: (a) a person may camp on land which they own or have a legal right to occupy up to 3 nights in any period of 28 days; (b) roadside areas; (c) road reserves; (d) land which is held by a State Instrumentality in freehold or leasehold, or land that is under the care, control or management of a State instrumentality in accordance with that instrumentality; or (e) unallocated Crown land or unmanaged reserves. _Legal Advice: Undeveloped Land may be permissible in the event they have the consent of the owner of the land. Persons who are camping on the Undeveloped Land without permission are doing so contrary regulation 10 of the Camping Act and are liable to a modified penalty of \$1,000.</p>
Policy	<p>Regulatory Compliance Policy & Guideline</p> <p>Policy: Camping on privately-owned undeveloped land is to be administered by an appropriately authorised person under the Planning and Development Act 1995 (PD Act).</p> <p><i>Noting:</i> _Property Management is the responsibility of the land owner. _Therefore, owners are required to take action to evict any persons who are illegally camping on the land.</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (AMENDED)
Last reviewed	25 June 2024

Delegation	LG1.06 (D030) Control of Vehicles (Off-Road Areas) Act 1978
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 _s9.10(2) (Appointment of authorised persons) Control of Vehicles (Off-road Areas) Act 1978 _s38 (Authorised persons)
Express power or duty delegated	Local Government Act 1995 _s9.10(2) (Appointment of authorised persons) Control of Vehicles (Off-road Areas) Act 1978 _s38 (Authorised persons) Control of Vehicles (Off-road Areas) Act 1978 _s5(1) Local government's functions: Subject to the Minister, and in co-operation with the Director General, it shall be the duty of a local government to administer and enforce the provisions of this Act within its district.
Function	<ol style="list-style-type: none"> 1. Authority to appoint classes of persons to administer and enforce the Control of Vehicles (Off-Road Areas) Act 1978. 2. Authority to authorise classes of persons the doing of all acts and things and authorised person is able to do under the Control of Vehicles (Off-Road Areas) Act 1978.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The power to prosecute any person is only exercised by agreement of the Executive Director or Line Manager. b. A withdrawal notice shall be signed by a person appointed in writing to withdraw infringement notices by the public authority. c. The person who issues an infringement notice, is not permitted to withdraw the notice.
Express power to subdelegate	Local Government Act 1995 : _s.9.10 Appointment of authorised persons [s.9.10(2)]
Subdelegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Subdelegate conditions	<i>The same conditions imposed on the CEO.</i>
Statutory framework	Control of Vehicles (Off-Road Areas) Act 1978 Regulatory Compliance Policy & Guideline
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152 (AMENDED).
Last reviewed	25 June 2024

Delegation	LG1.07 (D017) Compensation - Damage Incurred when Performing Executive Functions (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.22(1) Compensation _s.3.23 Arbitration
Function	<ol style="list-style-type: none"> 1. Authority to: Assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)], per s.3.22 procedures. 2. Authority to: Where compensation is unable to be determined and agreed between parties, give effect to arbitration per s.3.23.
Delegates	CEO
Conditions	Delegation is limited to settlements that do not exceed a material value of \$1000 . <i>Note:</i> <i>_A local government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in s3.22 (5) of the Act, or in Schedule 3.1 or Schedule 3.2 of the Act. _s.3.22 does not limit section s9.57 of the Act.</i>
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Executive Director Corporate & Commercial Services Manager Governance & Risk Risk Management & Insurance Officer Team Leader - Records & Council Liaison
Subdelegate conditions	<i>Subdelegates are appointed by the CEO.</i>
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.08 (D015) Destruction of Electoral Papers (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Elections) Regulations 1996: _r.82 Keeping election papers – s4.84(a)
Function	Authority to: <ol style="list-style-type: none"> 1. After a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)]. 2. Authorise persons to administer the destruction process.
Delegates	Executive Director Corporate & Commercial Services Manager Governance & Risk Team Leader - Records & Council Liaison
Conditions	Carry out the destruction of electoral material relating to local government elections [Elect. r. 82 (4)] by way of: <ul style="list-style-type: none"> ▪ Supervising the destruction of parcels in the presence of at least 2 employees; or ▪ Supervising the secure conveying of parcels to a secure paper destruction company, or placed in a locked bin provided by such a company.
Statutory framework	Primary & Annual Returns: <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Resources: <ul style="list-style-type: none"> ▪ Department of Local Government, Sport and Cultural Industries: Returning Officer Manual ▪ Local Government Operational Guidelines - Owners and Occupiers Roll
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 225/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.09 (D015) Electoral Enrolment Eligibility Claims and Electoral Roll (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: Link _s.4.30 Eligibility of non-resident owners and occupiers to be enrolled _s.4.31. Rateable property: ownership and occupation _s.4.32. Eligibility to enrol under s. 4.30, how to claim _s.4.34 Accuracy of enrolment details to be maintained _s.4.35 Decision that eligibility to enrol under s.4.30 has ended _s.4.37 New roll for each election Local Government (Elections) Regulations 1995: Link _r.11 Nomination of co-owners or co-occupiers — s.4.31(1E) or (1F) _r.13(2) & (4) Register - s.4.32(6)
Function	Authority to: <ol style="list-style-type: none"> 1. Maintain the owners and occupiers roll on behalf of the CEO. 2. Determine eligibility of non-resident owners and occupiers to be enrolled. 3. Determine persons to be silent electors and omit their details from the roll.
Delegates	Executive Director Corporate & Commercial Services Manager Governance & Risk Team Leader - Records & Council Liaison
Conditions	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32 and s.4.35. b. Authority to authorise persons to administer the listed functions.
Express power to subdelegate	Nil
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Resources: <ul style="list-style-type: none"> ▪ Department of Local Government, Sport and Cultural Industries: Returning Officer Manual ▪ Local Government Operational Guidelines - Owners and Occupiers Roll: Link
Record keeping	Report to file.
Date adopted	28 February 2023
Adoption references	OCM 25/06/2024 Resolution AR131.

Last reviewed	25 June 2024
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Delegation	LG1.10 (D021) Extend Time for Lodging an Objection (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.9.5 Objection may be lodged
Function	Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
Delegates	CEO
Conditions	An extension will only be granted for a maximum period of 30 days.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services
Subdelegate conditions	Subject to the same conditions as the CEO.
Statutory framework	Primary & Annual Returns: <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p><i>(Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.)</i></p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR131.
Last reviewed	25 June 2024

Delegation	LG1.11 Financial Management Systems and Procedures (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: _r.5 CEO's Duties as to financial management
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the City; ii. Safe custody and security of money collected or held by the City; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority 1.2.27; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. 2. Designate persons to be responsible for listed functions.
Delegates	<p>Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Finance</p>
Conditions	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained per the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17] c. When exercising authority to authorise persons under FM.r.5 to incur liabilities: <ul style="list-style-type: none"> • A register of Authorisations is to be maintained as a Local Government Record. • Only appropriately qualified and trained persons may be authorised for this purpose. • Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Subdelegates	Financial Services Coordinator
Subdelegate conditions	<i>Subject to the same conditions imposed on the Delegates.</i>

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Legislation:</p> <ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Financial Management) Regulations 1996 • Local Government (Audit) Regulations 1996 • Fire & Emergency Services Act 1998
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Corporate Credit Card Usage Policy ▪ Cash Investment Backing for Reserve Accounts Policy ▪ Buy Local Policy (Regional Price Preference) ▪ Purchasing Policy (Tenders and Quotes) ▪ Rates Financial Hardship Policy ▪ City of Albany Above Award Policy - Day Care Employees ▪ City of Albany Above Award Policy - Local Government Officers ▪ City of Albany Above Award Policy - Municipal Employees <p>Intranet ONLY:</p> <ul style="list-style-type: none"> ▪ Current Contracts ▪ Quotation Procedure ▪ Evaluation Procedure (Tenders & Quotes) ▪ Request for eQuote (Example Only) Form ▪ Non-Conforming File Note Form
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (NEW)
Last reviewed	25 June 2024

Delegation	LG1.12 (D014) Information to be Available to the Public (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information Local Government (Administration) Regulations 1996: _r.29B Copies of certain information not to be provided (Act s.5.96)
Function	Authority to: <ol style="list-style-type: none"> 1. Determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 3. Determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)]. 4. Authorise classes of persons to administer this function.
Delegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Community Relations Manager Finance Manager Governance & Risk Manager Information Technology Manager Public Health and Safety Rates Coordinator Team Leader - Records & Council Liaison

Conditions	<p>The authority to authorise persons or classes of persons to administer this function is limited to delegates.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. <i>The City is responsible for ensuring any register of gifts is made available for public inspection.</i> 2. <i>Information that must be published on the City's website:</i> <ol style="list-style-type: none"> 1. <i>A map of the district boundaries;</i> 2. <i>Adverse findings of the State Administrative Tribunal and Standards Panel;</i> 3. <i>An up-to-date list of fees and charges;</i> 4. <i>Confirmed minutes of council or committee meetings;</i> 5. <i>Consolidated copies of any local law that is in force in the district;</i> 6. <i>Minutes of electors' meetings; and notice papers and agendas relating to council and committee meetings that have been tabled or produced by the local government and presented at a council or committee meeting (unless it concerns an item that was part of a meeting that was closed to members of the public);</i> 7. <i>The annual budget;</i> 8. <i>The local government's plans for the future;</i> 9. <i>The notice of sale of a property because of the non-payment of rates or service charges; and</i> 10. <i>Business Plans for major land trading undertakings or major land transactions.</i>
Statutory framework	<p>Legislation:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1995: <ul style="list-style-type: none"> _s5.94 (Public can inspect certain local government information), _3.59(Commercial enterprises by local governments), _s5.96A (Information published on official website), _s9.57A (Local government protected from liability for defamation: council proceedings on website), _s5118 (Carrying out orders), _Schedule 6.3 (Provisions relating to sale or transfer of land where rates or service charges unpaid). ▪ Freedom of Information Act 1992 (FOI Act): The City of Albany Information Statement made under the FOI Act prescribes that a document is required to be made which conveys information to the public about City operations, the kinds of documents it holds and the procedures for accessing them.
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Social Media Policy & Guidelines: Link ▪ Code of Conduct for Recorded Material acquired on City of Albany Property (Audio, CCTV, Camera Footage) ▪ City's Information Statement ▪ Media Liaison Policy <p>Resources:</p> <ul style="list-style-type: none"> ▪ Government of Western Australia - Fact Sheet - Privacy and Responsible Information Sharing
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.

Last reviewed	25 June 2024
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Delegation	LG1.13 Performing Functions Outside the District (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.20(1) Performing functions outside district
Function	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. b. Where the above conditions are not met, the matter must be referred for Council decision, supported by a cost-benefit analysis.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<p>Primary & Annual Returns</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (NEW)
Last reviewed	25 June 2024

Delegation	LG1.14 (D002) Corporate Documents & Branding
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995: _s.5.42 Delegation of some powers or duties to the CEO _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.45(2) "Acting Through"
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Approve the use of the City of Albany Crest and Corporate Logos. 2. Update administrative policies, guidelines, procedures, and processes. 3. Make minor amendments to Council adopted policies. 4. Authorise persons to administer any or all of the above functions.. <p><i>Note: It is the role of Council to determine local government's policies.</i></p>
Delegates	<p>Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Community Relations Manager Development Services Manager Governance & Risk</p>
Conditions	<p>Council Condition of Delegation:</p> <ol style="list-style-type: none"> a. Minor amendments can be made to Council adopted policies, if authorised by the Chief Executive Officer. b. On effecting the amendment, a copy of the updated policy is to be distributed to all elected members. c. The power to authorise persons is limited to Executive Directors and above. <p><i>Note: minor amendment, means a change to a Policy or procedure, which does not alter the general meaning, scope, purpose or intent of the document.</i></p>
Statutory framework	<p>Legislation:</p> <ul style="list-style-type: none"> ▪ Local Government Act 1995: <ul style="list-style-type: none"> ◦ _Part 2 (Constitution of local government), Division 2 (Local governments and councils of local governments), s2.7(2)(b) (Role of council); ◦ _Part 3 (Functions of local governments), Division 1 (General), s3.1 (General function); and ◦ _Part 5 (Administration), Division 4 (Local government employees), s5.41 (Functions of CEO). <ol style="list-style-type: none"> 1. Planning & Development Act 2005 Planning & Development (Local Planning Schemes) Regulations 2015

Policy	Policies: <ul style="list-style-type: none">▪ Corporate Document Policy: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.15 (D003) Make Official Public Statements & Information
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer (CEO)
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s5.41 (d)(f) (Functions of CEO). _s5.45(2) "Acting Through"
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Represent the City of Albany on external committees and working groups and make operational decisions on behalf of the City. 2. Prepare, produce, and distribute City information, media releases and publications, and make comments, with the condition that comment is limited to matters relating to functions of the CEO, defined by the Act. 3. Authorise persons to administer any or all of the above functions.
Delegates	<p>Community Emergency Services Manager Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager City Reserves Manager Community Relations Manager Development Services Manager Engineering & Sustainability Manager Facilities Manager Finance Manager Governance & Risk Manager Information Technology Manager Major Projects Manager Operations Manager People & Culture Manager Public Health and Safety Manager Recreation Services Team Leader - Records & Council Liaison</p>
Conditions	<p>a. The power to authorise persons is limited to the CEO, Executive Directors, and the Manager Community Relations.</p> <p>b. The following classes of persons are authorised: _ Team Leader Arts & Culture _ Communications Team Leader/Supervisor</p>
Express power to subdelegate	Nil
Statutory framework	Local Government Act 1995: _s5.41 (d)(f) (Functions of CEO).

Policy	Policies: <ul style="list-style-type: none">• Elected Member Communications Policy• Media Liaison Policy• Social Media Policy
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.17 (D007) Dealing with objections under Part 9 of Local Government Act 1995
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s9.5(2), s9.6(5) and s9.9(1)(b)
Function	The Chief Executive Officer is delegated the power to: <ol style="list-style-type: none"> 1. Receive an objection and grant an extension of time for an objection to be lodged (Section 9.5(2)). 2. Give notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way. 3. Determine that there are reasons why the effect of a decision should not be suspended in line with the provisions of the Local Government Act 1995 Section 9.9(1)(b).
Delegates	Chief Executive Officer (CEO)
Conditions	Council Condition: This delegation may not be exercised to dispose of an objection to a decision originally made by the CEO.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Community Relations Manager Development Services Manager Finance Manager Governance & Risk Manager Public Health and Safety
Subdelegate conditions	Reviews must be conducted in accordance with the City of Albany Internal Review (Decision or conditions relating to a decision) Policy & Guideline: Link
Statutory framework	Local Government Act 1995 Part 9 (Miscellaneous provisions), Division 1 (Objections and review) _s9.1 (When this Division applies) _s9.5 (Objection may be lodged), _s9.6 (Dealing with objection), _s9.7 (Review), _s9.9 (Suspension of effect of decision) Schedule 3.1 - Powers under notices to owners or occupiers of land (s3.25).

Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Internal Review (Decision or conditions relating to a decision) Policy & Guideline: Link <p>Note:</p> <ol style="list-style-type: none"> 1. <i>The LG Act states in part, that the objection of a decision made is to be dealt with by the council of the local government.</i> 2. <i>Unresolved objections are facilitated through the Corporate & Community Services Committee.</i> 3. <i>Part 9 – Miscellaneous provisions, Division 1 – Objections and review applies when a local government makes a decision under the Act as to whether it will:</i> <p><i>_grant a person an authorisation under Part 3 of the Act or under any local law or regulation that is to operate as if it were a local law; or</i> <i>_renew, vary, or cancel an authorisation that a person has under any of those provisions; or</i> <i>_whenever a local government gives a person a notice under 3.25 of the Act.</i></p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.18 (D006) Sign Documents on Behalf of the City of Albany (Execution of Documents)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 _s9.49A(4)
Express power or duty delegated	Local Government Act 1995 _s9.49A(4)
Function	In accordance with Council Policy: Common Seal Policy & Guideline: Link Authority to: <ol style="list-style-type: none"> 1. Execute Documents and/or Apply the Common Seal. 2. Grants: Authorise Persons to: <ol style="list-style-type: none"> a. electronically submit approved grant funding submissions. b. administer the "Grant Online Portals" and certify the electronic submissions. 3. Administer Emergency Service Levy (ESL) returns in accordance with the Fire and Emergency Services Authority of Western Australia Act 1998.
Delegates	Chief Executive Officer (CEO) Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Conditions	<ol style="list-style-type: none"> a. The execution of the document must not be inconsistent with a Council Policy or resolution. b. Authorisation of the use of the common seal must be in accordance with the relevant Council Policy. c. The classes of persons "Executive Director" are restricted to executing documents that are to a value of \$250,000 or less. d. Administration of Grants on behalf of the City of Albany is limited to the following classes of persons: <ol style="list-style-type: none"> i. Manager Finance; ii. Revenue Development Officer; and iii. Persons authorised in writing to administer grant funding online portals by an Executive Director.
Subdelegates	Manager Finance Manager Governance & Risk
Statutory framework	Local Government Act 1995: _s2.5 (Local governments created as bodies corporate); _s5.42 (Delegation of some powers and duties to CEO), s5.43(ha) (Limits on delegations to CEO); _s9.49A (2)(4)(5) (Execution of documents). Local Government(Functions and General) Regulations 1996: _Reg.34 (Common seal, unauthorised use of) Fire and Emergency Services Authority of Western Australia Act 1998: _s36ZJ (ESL agreement, nature of etc.), s36ZK (Part 6A modified for ESL agreement (Sch. 1A))

Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Use of Common Seal Policy: Link <p>Resources:</p> <ul style="list-style-type: none"> • Sealing Clause Document Template (Intranet) • Sealing Clause for Common Seal Document and Template (Intranet) • Authorisation Form (Intranet)
Record keeping	<ul style="list-style-type: none"> • Report to file. • Report to Council Committee monthly.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.19 (D008) Legal Proceedings - Approval
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power or duty delegated	Local Government Act 1995 _s9.10(1)(2) (Appointment of authorised persons), _s9.29(2) (Representing local government in court),
Function	Authority to: <ol style="list-style-type: none"> 1. Authorise Legal Expenses for Council Members, Employees and Volunteers. 2. Enact legal proceedings, represent and authorise persons to represent the City in a Court. 3. Authorise classes of persons to administer any or all of the above functions.
Delegates	Chief Executive Officer (CEO)
Conditions	<ol style="list-style-type: none"> a. Compliance with Council Policy: Legal Representation for Elected Members, Employees and Volunteers. b. The City's Insurance Broker is to be notified before proceeding with action. c. Classes of persons authorised to enact legal proceedings, represent and authorise persons to represent the City in a Court: <ol style="list-style-type: none"> i. Executive Directors ii. Manager Governance & Risk iii. Manager Finance iv. Manager Public Health & Safety, Coordinator Ranger Services v. Manager Development Services
Subdelegates	<p>Coordinator Health Services Coordinator Ranger Services Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Finance Manager Governance & Risk</p>
Statutory framework	Local Government Act 1995 _s9.10(1)(2) (Appointment of authorised persons), _s9.29(2) (Representing local government in court),
Policy	Policies: _Legal Representation for Elected Members, Employees & Volunteers Policy: Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • Report quarterly to the Audit & Risk Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG1.21 (D048) National Redress Scheme
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Institutional Child Sexual Abuse Act 2018 (Cth): _For facilitating the National Redress Scheme. Local Government Act 1995 (the Act): _If a redress application is received, the application will be administered in accordance with s.9.49A (4) of the Act.
Express power or duty delegated	Institutional Child Sexual Abuse Act 2018 (Cth):
Function	Council designates the Chief Executive Officer as being authorised to execute a service agreement with the State, if a redress application is received.
Delegates	Chief Executive Officer (CEO)
Conditions	A confidential report to be provided to Council for noting,if a redress application is received by the City of Albany.
Subdelegates	Manager Governance & Risk Team Leader - Records & Council Liaison
Subdelegate conditions	Classes of persons employed in the Governance & Risk Team are authorised to administer this function.
Statutory framework	Legislation: <ul style="list-style-type: none"> ▪ Institutional Child Sexual Abuse Act 2018 (Cth): ▪ Local Government Act 1995 (the Act): _s.9.49A (4) of the Act. ▪ State Records Act 2000: The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the State Records Act 2000 to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse.

Policy	<p>Council Policy Position:</p> <ul style="list-style-type: none"> ▪ On the 26 May 2020, Council resolved to participate in the National Redress Scheme as a State Government institution and be included as part of the State Government’s declaration. ▪ Application Processing / Staffing and Confidentiality: Administratively the Chief Executive Officer will determine: <ul style="list-style-type: none"> ◦ Which position(s) will be responsible for receiving applications and responding to Requests for Information; ◦ Support mechanisms for staff members processing Requests for Information. ◦ Ensure appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements. ◦ Local Governments are required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in the Act. ◦ The State Government and the City of Albany do not have any influence on the decision made and there is no right of appeal.
Record keeping	<ul style="list-style-type: none"> • Report to file. • Reporting Requirement: Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.01 (D004) Confiscated or Uncollected Goods or Impounded Goods
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.46 Goods May be withheld until costs paid _s.3.47 Confiscated or uncollected goods, disposal of _s.3.48 Impounding expenses, recovery of
Function	Authority to: <ol style="list-style-type: none"> 1. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. The CEO may authorise, if appropriate, to donate the surplus plant, equipment and/or material to a suitable not-for-profit entity (i.e. community group, sporting organisation, school) taking into account the loss of income to the City as well as the fairness and equity to other not for profit entities in the City. c. In the absence of any sale or donation being made, it shall be at the absolute discretion of the CEO to dispose of any surplus plant, equipment and/or material in any manner thought fit by them. <p><i>Note: A declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated. Refer to Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.</i></p>
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager Facilities Manager Public Health and Safety Manager Recreation Services

Subdelegate conditions	<p>a. Subject to the conditions imposed on the CEO.</p> <p>b. An authorised person who administers the confiscation of property cannot administer the disposal.</p>
Statutory framework	<p>Local Government Act 1995 Part 3, Division 3, Subdivision 3 _s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.</p> <p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	<p>Policy Position:</p> <p>(a) Any goods slated for disposal or donation with an estimated market value exceeding \$5,000 require a two-week written notice to Elected Members before any action.</p> <p>(b) Any goods with an estimated market value above \$1,000 must be:</p> <ul style="list-style-type: none"> • Sold via public auction; or • Offered for sale through public tender. <p>(c) Any goods valued at \$1,000 or less may be disposed of using the methods outlined in (b) as well as:</p> <ul style="list-style-type: none"> • Offering items to the City of Albany tip shop for sale; • Advertising items for sale in a local newspaper; or • Advertising items for sale on the City's website. <p>(d) The CEO may, at their discretion, choose to donate goods to a suitable not-for-profit entity (e.g., community group, sporting organisation, school), considering the impact on the City's income and fairness to other non-profit entities within the City.</p> <p>(e) In the absence of any sale or donation, the CEO has full discretion to dispose of goods as they see fit.</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.02 (D004) Declare Vehicle is Abandoned Vehicle Wreck (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.40A(4) Abandoned vehicle wreck may be taken.
Function	1. Authority to: Declare that a vehicle is an abandoned vehicle wreck [s.3.40A(4)]. 2. Authority to: Declare that an <u>impounded</u> vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken per <i>Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods</i> or may be referred for Council decision. b. An authorised person who administers impounding of property is not to administer the disposal. <i>Note:</i> _A declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). _Authority to appoint an authorised person for this purpose may be delegated. Refer to <i>Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions</i> .
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Administration Officer - Ranger & Emergency Services Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Subdelegate conditions	a. Subject to the conditions on delegation to the CEO. b. The following classes of persons (Authorised Officers) are authorised to administer this function: _Senior Ranger _Ranger _Administration Office - Ranger & Emergency Services (Authority 2 only).
Statutory framework	Local Government Act 1995 Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Resources: Western Australian Police: Who do I report an abandoned vehicle to? Website: Link
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.03 Determine if an Emergency for Emergency Powers of Entry (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.3.34(2) Entry in emergency
Function	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Public Health and Safety
Conditions	<i>Note: In case of an emergency, a local government has the legal authority to enter any land or premises without prior notice to address the emergency. An emergency is defined as a situation where obtaining entry through regular procedures is impractical or unreasonable due to the risk of injury, illness, natural disaster, or other prescribed occurrences. The local government can use reasonable force for entry and can do so during the emergency and as long as reasonably necessary afterwards. While notice is generally not required for entry, the local government should provide notice to the owner or occupier if practical.</i>
Express power to subdelegate	Nil
Statutory framework	Primary & Annual Returns: <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (CEO Delegation)(NEW)
Last reviewed	25 June 2024

Delegation	LG2.04 (D031) Disposal of Sick or Injured Animals
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.47A Sick or injured animals, disposal of _s.3.48 Impounding expenses, recovery of
Function	Authority to: <ol style="list-style-type: none"> 1. Determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Returns: <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Policy Position: <ul style="list-style-type: none"> ▪ Authorised Persons will be guided by the Department of Primary Industries and Regional Development (DPIRD) "Sustainability and Biosecurity Invasive Species" Policy Statement and Standard Operating Procedure "Humane Killing of Animals Under Field Conditions" - Link. ▪ Veterinarian euthanasia is the preferred method of destruction. The administration of lethal injection must be undertaken by an authorised veterinarian. ▪ Alternative humane methods are only to be used when appropriate and authorised by a Senior Ranger.
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.05 (D001) Infringement Notices (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: _s.9.13(6)(b) Onus of proof in vehicle offences may be shifted _s.9.19 Extension of Time _s.9.20 Withdrawal of Notice Building Regulations 2012: _Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	Authority to: <ol style="list-style-type: none"> 1. Consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20]. 4. <u>Line managers and coordinators</u> that administer the review of compliance actions to cancel, withdraw and/or discontinue infringements, if: <ol style="list-style-type: none"> 1. Found to contain critical errors in law; and 2. Deemed not in the public interest to pursue as an infringement or prosecution; and 3. This includes the authority to waive associated fees and charges.
Delegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Public Health and Safety

Conditions	<p>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</p> <p>b. Delegation for Dog Act, Cat Act, Parking Local Law, and associated compliance action (i.e. , Infringement Notices) is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> i. Manager Public Health & Safety ii. Coordinator Ranger Services iii. Senior Rangers iv. Rangers <p>c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices::</p> <ul style="list-style-type: none"> i. Coordinator Building Services ii. Building Surveyors iii. Senior Planning & Development Compliance Officer <p><i>(Note: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority.)</i></p>
Express power to subdelegate	Nil
Subdelegates	Building Surveyor Coordinator Building Services
Subdelegate conditions	<i>Subdelegates appointed by the CEO. Listed subdelegates are authorised officers.</i>
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.06 (D041) Obstruction of Footpaths and Thoroughfares
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty 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)
Function	Authority to: <ol style="list-style-type: none"> 1. 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: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. 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. 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. 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. 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].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	<p>Coordinator Building Services Development Compliance Officer Development Engineer Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Development Services Manager Engineering & Sustainability Manager Operations Manager Public Health and Safety Senior Planning and Development Compliance Officer</p>
Subdelegate conditions	<p><i>Note:</i> (i) The Development Information Services Team reports to the Manager Planning Services. (ii) The Development Information Services Team are authorised to administer:</p> <ul style="list-style-type: none"> ▪ Applications to deposit building material on, erect scaffolding or excavate near a street.
Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Legislation:</p> <ul style="list-style-type: none"> ▪ Local Government (Uniform Local Provisions) Regulations 1996: Noting: <ul style="list-style-type: none"> ◦ Penalties under the Uniform Local Provisions Regulations are administered under Part 9, Division 2 of the Local Government Act 1995. ◦ Modified penalties apply under the local law.
Policy	<p>Associated Delegation:</p> <ul style="list-style-type: none"> • Determination of Bond Value and Conditions. Refer to CEO Delegation LG2.6 – Public Thoroughfare Obstruction – Determine Conditions <p>Resources:</p> <ul style="list-style-type: none"> • City of Albany Guidelines: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG2.07 (D027) Powers of Entry (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.32 Notice of entry _s.3.33 Entry under warrant _s.3.34 Entry in an emergency _s.3.36 Opening fences
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Give notice of entry [s.3.32]. 3. Seek and execute an entry under warrant [s.3.33]. 4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Give notice and effect entry by opening a fence [s.3.36]. <p><i>Note: These powers of entry may be used to perform any function under the Local Government Act where entry is required in order to perform the function or in any other case which entry is authorised by the Act, other than by a local law (refer s3.28).</i></p>
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): <ol style="list-style-type: none"> 1. A register of Authorisations is to be maintained as a Local Government Record. 2. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. 3. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. c. The power to enter property without the consent of the owner or occupier is only to be enacted if approved by a delegate.
Express power to subdelegate	<i>Local Government Act 1995:</i> _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Building Services Coordinator Health Services Coordinator Planning Services Coordinator Ranger Services Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Public Health and Safety

Subdelegate conditions	<p>a. Subject to the conditions imposed on the CEO.</p> <p>b. The following classes of persons may authorise a person to lawfully enter land or premises without consent:</p> <ol style="list-style-type: none"> 1. Manager Development Services 2. Manager Public Health & Safety 3. Manager Governance & Risk <p>c. The following classes of persons are authorised to enact this function if given verbal authorisation from their direct line manager:</p> <ul style="list-style-type: none"> • Rangers • Compliance Officers • Environmental Health Officers • Building Surveyors
Statutory framework	<p>Local Government Act 1995: _Authorise person – refer s.3.31(2)] _Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry _s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p> <p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and must provide Primary and Annual Returns.
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Regulatory Compliance Policy and Guideline
Record keeping	<p>Report to file.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152.</p>
Last reviewed	<p>25 June 2024</p>

Delegation	LG3.01.1 (D001)(D046) Activities on Thoroughfares and Public Places and Trading Local Law 2011 - Infrastructure Control – (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	<p>Activities on Thoroughfares and Public Places and Trading Local Law: PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES</p> <ul style="list-style-type: none"> • Division 2 - Vehicle Crossings: cl.2.5(2) Removal of redundant crossing • Division 3 - Verge Treatments: cl.2.6 Interpretation – “acceptable material”, cl.2.11 Notice to owner or occupier • Division 4 - Property numbers: cl.2.15 Assignment of numbers • Division 6 - Signs erected by the local government: cl.2.17(1) Signs <p>PART 5—ROADSIDE CONSERVATION</p> <ul style="list-style-type: none"> • Division 2 - Flora roads: cl.5.3 Declaration of flora road, cl.5.5 Signposting of flora roads • Division 3 - Special environmental areas: cl.5.7 Designation of special environmental areas <p>PART 6—TRADING ON THOROUGHFARES AND PUBLIC PLACES</p> <ul style="list-style-type: none"> • Division 3 - Outdoor eating facilities on public places: cl.6.18 Obligations of permit holder (Outdoor Eating Facility) <p>PART 7—PERMITS:</p> <ul style="list-style-type: none"> • Division 1—Applying for a permit: cl.7.1 Application for Permit, cl.7.2 Decision on application for permit, cl.7.3 Conditions which may be imposed on a permit, cl.7.5 Compliance with and variation of conditions, cl.7.7 Renewal of permit, cl.7.8 Transfer of permit, cl.7.10 Cancellation of permit <p>PART 9—MISCELLANEOUS NOTICES cl.9.1 Notice to redirect or repair sprinkler, cl.9.2 Hazardous plants, cl.9.3 Notice to repair damage to thoroughfare, cl.9.4 Notice to remove thing unlawfully placed on thoroughfare</p> <p>PART 10—ENFORCEMENT:</p> <ul style="list-style-type: none"> • Division 1—Notices given under this local law: cl.10.2 Local government may undertake requirements of notice
Function	<p>1. General Activity Control(Permits) _1A. Authority, limit to permits subject of this delegation, to:</p> <ol style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)];

e. determine the form of the permit [cl.7.2(2)].

_1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:

- a. Temporary vehicle crossing [cl.2.4(1)]
- b. Any activity described as requiring a permit under cl.2.2(1);
 - i. dig or otherwise create a trench through or under a kerb or footpath;
 - ii. throw, place or deposit anything on a verge;
 - iii. cause any obstruction to a vehicle or person using a thoroughfare;
 - iv. cause any obstruction to a water channel;
 - v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - vi. damage a thoroughfare;
 - vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13;
 - viii. fell any tree onto a thoroughfare;
 - ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare
 - x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - xi. use or do anything so as to create a nuisance;
 - xii. place or cause to be placed in on a thoroughfare a bulk rubbish container;
 - xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;
- c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];
- d. Erect or place an advertising or directional sign [cl.3.2]
- e. Use of portable signs [cl.3.4];
- f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5];
- g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];
- h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11].
- i. Burn, subject to the Bush Fires Act 1954, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]
- j. Construct firebreaks on a thoroughfare [cl.5.17]

_1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]

_1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].

2. Use of Public Places

_2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].

3. Crossings

_3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].

4. Thoroughfares and Verges

_4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].

_4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].

_4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].

_4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:

- a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];

	<p>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>_4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to: Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>_4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>_5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>_5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>_5C. Authority to approve [cl.7.2], renew [c.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <p>a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9].</p> <p>_5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
Delegates	Chief Executive Officer (CEO)
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995:</i> _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Ranger Services Development Compliance Officer Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager City Reserves Manager Development Services Manager Engineering & Sustainability Manager Operations Manager Public Health and Safety Ranger Senior Planning and Development Compliance Officer Senior Ranger
Subdelegate conditions	<i>The authority to issue a permit is to be limited to assigned functions relative to role.</i>
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

Policy	<p>Policy Position: Associated Delegations & Conditions:</p> <ul style="list-style-type: none"> _Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations LG8.3 and LG8.6. _A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law. _Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer to Delegation LG8.3 Crossings – Construction, Repair and Removal. <p>Guidelines:</p> <ul style="list-style-type: none"> _ Painted Kerbside House Numbering Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.01.2 (D001)(D020) Activities on Thoroughfares and Public Places and Trading Local Law 2011 - Trading, Stallholders, Performing and Outdoor Dining (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Activities on Thoroughfares and Public Places and Trading Local Law: PART 6 TRADING ON THOROUGHFARES AND PUBLIC PLACES: Division 1 - Stallholders and traders _cl.6.6 Conditions of Permit (Stallholders and Traders) _cl.6.18 Obligations of permit holder (Outdoor Eating Facility) PART 7 - PERMITS: Division 1 - Applying for a permit _cl.7.1 Application for Permit _cl.7.2 Decision on application for permit Division 2 - Conditions _cl.7.3 Conditions which may be imposed on a permit _cl.7.5 Compliance with and variation of conditions _cl.7.7 Renewal of permit _cl.7.8 Transfer of permit _cl.7.10 Cancellation of permit

Function	<p>1. Permits General [Subdivision 2—Permits]</p> <p>_1A. Authority, limited to the permit types listed below, to:</p> <ul style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. <p>[Subdivision 3 - Conduct of stallholders and traders]</p> <p>2. Stallholder, Trading and Performing [Division 2 - Street entertainers]</p> <p>_2A. Authority to approve [cl.7.2], renew [c:7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <ul style="list-style-type: none"> a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; c. Perform in a public place [cl.6.10]. <p>_2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>_2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].</p> <p>3. Outdoor Eating Facilities [Division 3 - Outdoor eating facilities on public places]</p> <p>_3B. Authority to approve [cl.7.2], renew [c:7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>_3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>_3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Stallholders representing community groups are exempt from permit fees. b. City managed facilities and reserves, approvals (permits) are subject to the following conditions: <ul style="list-style-type: none"> i. Such use to be at an appropriate fee as set by the Council. ii. Having regard to existing and previous usage. iii. Approval is based on the following criteria: <ul style="list-style-type: none"> o the event being conducted at no cost to the City; o the organiser being required to meet the cost of all outgoings; o adjoining residential areas being notified of the event in advance; o the event not causing any inconvenience to adjacent business/commercial operations; o the City being indemnified against any claims for damages; o approval is time-limited; and o the City's Service and Tourist Signage Policy.
Express power to subdelegate	<p><u>Local Government Act 1995:</u></p> <p>_s.5.44 CEO may delegate some powers and duties to other employees</p>

Subdelegates	<p>Coordinator Planning Services Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager City Reserves Manager Community Relations Manager Development Services Manager Facilities Manager Public Health and Safety Manager Recreation Services Senior Planning and Development Compliance Officer Senior Planning Officer - Policy & Place Senior Team Leader Property, Leasing & Customer Service</p>
Subdelegate conditions	<p>a. Authority to issue a permit is to be limited by assigned functions. b. Classes of Persons authorised to administer and enforce this function can be approved by the listed "Subdelegates", in addition to:</p> <p>Corporate & Community Services Directorate:</p> <ul style="list-style-type: none"> • Customer Service Team Officers • Leasing Team Employees <p>Development, Infrastructure & Services Directorate:</p> <ul style="list-style-type: none"> ▪ Reserves Team employees ▪ Planning Team employees <p>Corporate Services Directorate:</p> <ul style="list-style-type: none"> • Team Leader Arts & Culture • Library Team Leader • Albany Leisure & Aquatic Centre (ALAC) Duty Managers & Coordinators • Events Coordinators & Events Approval & Project Officers
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
Policy	<p>Local Law, c7.4 Imposing conditions under a policy: (1) In this clause - "policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a). _Council Policy: Trading in Public Places _Applications for permits under the local law are to be submitted using the Application for Permit Form _Stallholders representing community groups are exempt from permit fees.</p>
Record keeping	<p>Report to file.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152.</p>
Last reviewed	<p>25 June 2024</p>

Delegation	LG3.02 (D001) Animals Local Law 2020
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Animals Local Law 2020
Express power or duty delegated	Under the powers conferred by the Cat Act 2011, the Local Government Act 1995, and under all other powers enabling it, the Council of the City of Albany resolved on 28 July 2020 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons the doing of all acts and things and authorised person is able to do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit is to be limited by assigned functions. b. Classes of Persons authorised to administer and enforce this function can be approved by the listed Executive Directors.
Subdelegates	Administration Officer - Ranger & Emergency Services Coordinator Health Services Coordinator Ranger Services Environmental Health Officer Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Information Officer - Environmental Health Services Manager Governance & Risk Manager Public Health and Safety Ranger Senior Environmental Health Officer Senior Ranger
Subdelegate conditions	<i>Note: Animal Control Contractors can be appointed by the appropriate Executive Director in consultation with the Coordinator of Ranger Services.</i>
Statutory framework	Local Government Ac 1995 Animals Local Law 2020
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.03 (D001) Bush Fire Brigades Local Law 2020
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Under the powers conferred by the Local Government Act 1995, the Bush Fires Act 1954 and under all other powers enabling it, the Council of the City of Albany resolved on 28 July 2020 to make the local law.
Express power or duty delegated	Bush Fire Brigades Local Law 2020
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	Classes of Persons authorised to administer and enforce this function can be approved by the listed Executive Directors.
Subdelegates	Chief Bushfire Control Officer Community Emergency Services Manager Executive Director Corporate & Commercial Services Manager Public Health and Safety
Statutory framework	Local Government Act 1995 Bush Fire Brigades Local Law 2020
Policy	Bush Fire Brigade Operating Procedures
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.04 (D001) Dog Local Law 2017
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995
Express power or duty delegated	Under the powers conferred on it by the Dog Act 1976 and the Local Government Act 1995 and under all other enabling powers, the Council of the City of Albany resolved on 31 October 2017 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit is to be limited by assigned functions. b. Classes of Persons authorised to administer and enforce this function can be approved by the listed Executive Directors.
Subdelegates	Administration Officer - Ranger & Emergency Services Coordinator Ranger Services Executive Director Corporate & Commercial Services Manager Public Health and Safety Ranger Senior Ranger
Statutory framework	Dog Local Law 2017
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.05 (D001) Extractive Industries Local Law 2009
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995
Express power or duty delegated	Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 15 September 2009 to make the Local Law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit and enforcement of the local law is limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function. .
Subdelegates	Coordinator Planning Services Development Compliance Officer Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Senior Planning and Development Compliance Officer Senior Planning Officer Senior Planning Officer - Policy & Place
Statutory framework	Report to file.
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.06 (D001) Fencing Local Law 2010
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995
Express power or duty delegated	Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 15 June 2010 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit or enforce this local law is to be limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Subdelegates	Building Surveyor Coordinator Building Services Coordinator Planning Services Coordinator Waste Operations Development Compliance Officer Development Engineer Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Engineering & Sustainability Manager Operations Planning Officer Senior Planning and Development Compliance Officer Senior Planning Officer Senior Planning Officer - Policy & Place Technical Support Officer - Development Services
Statutory framework	Fencing Local Law 2010.
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.07 (D001) Health Local Laws 2001
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Made by the Council of the City of Albany under section 342 of the Health Act 1911 in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995.
Express power or duty delegated	Made by the Council of the City of Albany under section 342 of the Health Act 1911 in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit and/or enforce the local law is to be limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Subdelegates	Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Information Officer - Environmental Health Services Manager Public Health and Safety Senior Environmental Health Officer
Statutory framework	Health Act 2001
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.08 (D001) Jetties, Bridges, Boat Pens & Swimming Structures Local Law 2020
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 City of Albany Jetties, Bridges, Boat Pens, and Swimming Structures Local Law 2020
Express power or duty delegated	Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 11 August 2020 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit or enforce the local law is to be limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Subdelegates	Administration Officer - Ranger & Emergency Services Coordinator Ranger Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations Manager Public Health and Safety Ranger Senior Ranger
Statutory framework	Local Government Act 1995
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.09 (D001) Local Law Relating to the Former Perth 2001
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 Local Law Relating to the Former Perth 2001
Express power or duty delegated	Local Government Act 1995 Local Law Relating to the Former Perth 2001 Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 16th October 2001 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit or enforce the local law is limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Statutory framework	Local Government Act 1995
Policy	Regulatory Compliance Policy & Guideline.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.10 (D001)(D046) Local Government Property Local Law 2011 (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 : An authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law.
Express power or duty delegated	Local Government Act 1995 : _s.5.44 CEO may delegate some powers and duties to other employees _Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 15 July 2011 to make the local law.
Function	<ol style="list-style-type: none"> 1. Authority to appoint classes of persons to perform the functions required to administer and enforce the respective provisions in the listed local law. 2. Authority to authorise classes of persons the doing of all acts and things and authorised person is able to do under the local law. 3. Public Reserve Land Management: Authority to: <ol style="list-style-type: none"> a. Provide for the management, planting, pruning and removal of street trees in order to enhance the streetscapes and not detract from the community landscape requirements. b. Approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes in accordance with the conditions imposed by the: <ol style="list-style-type: none"> 1. Local Government Act 1995, 2. Land Administration Act 1997, and 3. Parks & Reserves Act 1895.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function. b. Public Reserves Land Management is limited to the classes of persons employed or authorised by the DIS Directorate, specifically the City Reserves Team. c. Local Law administration and compliance limited to classes of persons' roles (assigned functions).
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Administration Officer - Ranger & Emergency Services Airport Coordinator Building Surveyor Coordinator Building Services Coordinator Health Services Coordinator Planning Services Coordinator Ranger Services Coordinator Waste Operations Development Compliance Officer Development Engineer Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Information Officer - Development Services Manager Arts & Culture Manager City Reserves Manager Community Relations Manager Development Services Manager Engineering & Sustainability Manager Facilities Manager Governance & Risk Manager Operations Manager Public Health and Safety Manager Recreation Services Ranger Senior Planning and Development Compliance Officer Senior Ranger Technical Support Officer - Development Services
Subdelegate conditions	<i>Subdelegated appointed by the CEO. Listed subdelegates are authorised officers.</i>
Statutory framework	Local Government Act 1995 : _s3.54 (Reserves under control of a local government) Land Administration Act 1997 Parks & Reserves Act 1895 City of Albany Local Government Property Local Law 2011 <i>Note: s.3.54 of the Local Government Act 1995 states in regards to reserves under control of local government: If land reserved under the Land Administration Act 1997 is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the Parks and Reserves Act 1895 if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law. Subsection (1) is subject to any express provision to the contrary made by an order under the Land Administration Act 1997 in respect of the land.</i>
Policy	Regulatory Compliance Policy; Link Street Tree Management Policy: Link & Street Trees Guideline Resources: _City of Albany Urban Tree Strategy: Link _City of Albany Website: Verge & Street Trees _City of Albany Website: Parks & Reserves
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.11 (D001) Signs Local Law 2006
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995 Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 19th September 2006 to make the "City of Albany Signs Local Law 2006.
Function	<ol style="list-style-type: none"> 1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons, the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Authority to issue a permit or enforce this local law is to be limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Administration Officer - Ranger & Emergency Services Building Surveyor Coordinator Building Services Coordinator Planning Services Coordinator Ranger Services Development Compliance Officer Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Engineering & Sustainability Manager Public Health and Safety Ranger Senior Planning and Development Compliance Officer Senior Ranger
Statutory framework	Local Government Act 1995 Signs Local Law 2006
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.12 (D001) Waste Local Law 2017
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995
Express power or duty delegated	Local Government Act 1995 Under the powers conferred on it by the Waste Avoidance and Resource Recovery Act 2007 and the Local Government Act 1995 and under all other enabling powers, the Council of the City of Albany resolved on 27 February 2018 to make the local law.
Function	1. Authority to: Appoint classes of persons to administer and enforce the local law. 2. Authority to: Authorise classes of persons the doing of all acts and things an authorised person can do under the local law.
Delegates	CEO
Conditions	a. Authority to issue a permit or enforce the local law is limited by assigned functions. b. The listed Executive Directors can approve classes of Persons authorised to administer and enforce this function.
Express power to subdelegate	<i>Note: Contracted service providers and their employees may be appointed as "Authorised Persons".</i>
Subdelegates	Coordinator Waste Operations Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations Specialist Waste Operator Waste Facility Leading Hand Waste Facility Worker
Statutory framework	Waste Avoidance and Resource Recovery Act 2007 Waste Local Law 2017
Policy	Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG3.13 (D043) Parking and Parking Facilities Local Law 2009 - Treatment, schemes, bus shelters & seating
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Parking and Parking Facilities Local Law 2009 _Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Albany resolved on 18 August 2009 to make the Local Law. " authorised person " means a person authorised by the local government under s.9.10 of the Act to perform any of the functions of an authorised person under this Local Law;
Function	<ol style="list-style-type: none"> 1. Authority to: Authorise classes of persons to administer and/or enforce the Parking and Parking Facilities Local Law 2009. 2. Authority to: Including the authority to: <ol style="list-style-type: none"> a. Approve and implement minor amendments to Parking Schemes and ACROD bays and the designation of visitor and authorised vehicle parking. b. Investigate and develop traffic management treatment proposals and Local Area Traffic Management Scheme proposals in order to identify and address traffic related issues. c. Locate bus shelters and seats. 3. Authority to: Authorise persons to administer specific functions only, determined by the Delegate.
Delegates	Chief Executive Officer (CEO)
Conditions	Nil.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability

Subdelegate conditions	<p>Authorised classes of persons are limited to administer the following functions:</p> <p>a. Part 2 - Parking Stations:</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons. (ii) Compliance: CCS Directorate Authorised Persons (Rangers).</p> <p>b. Part 3 - Parking on Thoroughfares:</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons. (ii) Compliance: CCS Directorate Authorised Persons (Rangers).</p> <p>c. Part 4 - Stopping and Parking Generally</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons. (ii) Compliance: CCS Directorate Authorised Persons (Rangers).</p> <p>d. Part 5 - Residential Parking Permits</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons. (ii) Compliance: CCS Directorate Authorised Persons (Rangers).</p> <p>e. Part 6 - Metered Zones:</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons. (ii) Permit / Administration: CCS Directorate Authorised Persons (Airport Only). (iii) Compliance: CCS Directorate Authorised Persons (Rangers)</p> <p>f. Part 7 - Miscellaneous</p> <p>(i) Permit / Administration: DIS Directorate Authorised Persons, with certification from CCS Directorate. (ii) Permit / Administration: CCS Directorate Authorised Persons (Airport Only). (iii) Compliance: CCS Directorate Authorised Persons (Rangers)</p>
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 City of Albany Parking and Parking Facilities Local Law 2009</p>
Policy	<p>Regulatory Compliance Policy & Guideline: Link</p> <p>Resources:</p> <p>_City of Albany Website: Parking _City of Albany Website: Parking Infringements</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG4.01 (D012) Agreement as to Payment of Rates and Service Charges (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy: Rates Financial Hardship Policy: Link b. Agreements must be in writing and, subject to the Council Policy.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Policies: Rates Financial Hardship Policy: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG4.03 (D022) Defer, Grant Discounts, Waive or Write Off Debts (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.12 Power to defer, grant discounts, waive or write off debts
Function	Authority to: <ol style="list-style-type: none"> 1. Waive a debt which is owed to the City of Albany [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the City of Albany [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the City of Albany [s.6.12(1)(c)]. 4. Determine eligibility of charitable or benevolent community-based organisations within the City of Albany to qualify for a Waste Services Subsidy.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the City. c. Limited to individual debts valued below \$10,000. d. Write-off of debts greater than these values must be referred for Council decision.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Building Services Coordinator Health Services Coordinator Planning Services Coordinator Ranger Services Coordinator Waste Operations Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager Development Services Manager Engineering & Sustainability Manager Facilities Manager Finance Manager Governance & Risk Manager Operations Manager Public Health and Safety Manager Recreation Services

Subdelegate conditions	<p>a. Subject to the conditions on delegation to the CEO.</p> <p>b. This delegation:</p> <ul style="list-style-type: none"> i. Does not extend to statutory charges, the municipal rate or service charges incorporated within the rates notice. ii. Subject to funding being allocated in the City's Annual Budget.
Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p><i>Note: Collection of Rates Debts – refer to Delegations:</i></p> <ul style="list-style-type: none"> • <i>Delegation LG 4.01- Agreement as to Payment of Rates and Service Charges</i> • <i>Delegation LG 6.04 - Recovery of Rates Debts – Actions to Take Possession of the Land</i> • <i>Delegation LG 6.05 - Recovery of Rates Debts – Require Lessee to Pay Rent</i> • <i>Delegation LG 6.06 - Recovery of Rates or Service Charges</i>
Policy	<p>Policies:</p> <p>_Rating Subsidy - Sporting & Community Organisations Policy: Link</p> <p>_Community Funding Policy: Link (Note: Budget allocation for Community Funding is not to be used for: Other City financial assistance programs such as: rate rebates, peppercorn rent, subsidised rental in-kind support, or in-kind support or funding provided by City Business Units).</p> <p>_Supply of Mobile Garbage Bins Policy: Link (Note: The City of Albany does not supply or facilitate the supply of MGBs to residential property owners.)</p>
Record keeping	<p>Report to file.</p> <p>Report to Council Committee Monthly.</p>
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG4.04 (D013) Payments from the Municipal or Trust Funds (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: _r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	Authority to make payments from the municipal or trust funds [FM. r.12(1)(a)].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. Requests for "Miscellaneous Expenses" by Elected Members to be jointly signed by the Chief Executive Officer and an Executive Director or Manager.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	<p>Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Arts & Culture Manager City Reserves Manager Community Relations Manager Development Services Manager Engineering & Sustainability Manager Facilities Manager Finance Manager Governance & Risk Manager Information Technology Manager Major Projects Manager Operations Manager People & Culture Manager Public Health and Safety Manager Recreation Services</p>

Subdelegate conditions	<ol style="list-style-type: none"> 1. Delegation Compliance: Delegates and authorised persons must adhere to the Procedures approved by the CEO, as outlined in Financial Management Regulation 5. 2. Payment Approval: Payments via cheque and EFT transactions require joint approval from two Delegates. 3. Liability Verification: <ol style="list-style-type: none"> a. Delegates approving payments should not verify the liability. b. Verification of liability (including purchase orders, invoices, and evidence of goods/services received) must be conducted independently of payment approval. 4. Authority to Authorise Persons: Authority to authorise persons limited to Executive Directors and Manager Finance per the following limits: 5. Spending Limits for Authorised Persons: <ol style="list-style-type: none"> a. Category A: Limited by approved budget (Chief Executive Officer / Acting CEO). b. Category B: Up to \$250,000 (Executive Directors). c. Category C: Up to \$100,000 (Manager Engineering & Sustainability, Manager Operations). d. Category D: Up to \$50,000 (Managers). e. Category E: Up to \$20,000 (Coordinators City Asset Team, Senior Civil Engineering Officers). f. Category F: Up to \$10,000 (Team Leaders, Coordinators, PA to Mayor and Councillors). g. Category G: Up to \$5,000 (Officers)
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Legislation:</p> <ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Financial Management) Regulations 1996 - refer specifically: _r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. • Local Government (Audit) Regulations 1996 <p>Guidelines: Department of Local Government, Sport and Cultural Industries:</p> <ul style="list-style-type: none"> • Operational Guideline No.11 – Use of Corporate Credit Cards • Accounting Manual
Policy	<p>Notes:</p> <ol style="list-style-type: none"> a. <i>Regulation 12 of the Local Government (Financial Management) Regulations 1996 contains provisions related to the making of payments by the local government. These payments are actual transfer of funds from the municipal fund and are distinct from agreeing to purchase.</i> b. <i>The procedures associated with this activity must be reviewed in accordance with Regulation 17 of the Local Government (Audit) Regulations 1996.</i>
Record keeping	<ul style="list-style-type: none"> ▪ Report to file. ▪ Report to Council Committee monthly. <p><i>Note: Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month, which is to be presented to the next ordinary meeting of Council.</i></p>
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.

Last reviewed	25 June 2024
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Delegation	LG4.06 (D009) Provision of Donations & Sponsorship and the Authority to Apply for Grant Funding and Apply for Subsidies (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995 _s5.42 Delegation of some powers or duties to the CEO _s5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 _s6.7. Municipal Fund (2). Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law. Local Government (Financial Management) Regulations 1996 _r.5 (CEO's duties as to financial management), _r.12 (Payments from municipal fund or trust fund, restrictions on making), _r.13 (Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.)
Function	Authority to: <ol style="list-style-type: none"> 1. Authorise donations, grants, and sponsorship. 2. Apply for subsidy applications on behalf of the City. 3. Apply for grants on behalf of the City. 4. Authorise persons or classes of persons to administer any or all of the listed functions.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. This delegation does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice. b. This delegation is subject to: <ol style="list-style-type: none"> i. Conditions contained in Council Policies. ii. Funding being allocated in the City's Annual Budget. iii. Donations / Sponsorship above \$10,000 (ex. GST) must have a dedicated budget line item. c. Authority to authorise persons or classes of persons to administer list functions in whole or in part.
Express power to subdelegate	Local Government Act 1995 _s5.44 CEO may delegate powers and duties to other employees.
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Subdelegate conditions	<ol style="list-style-type: none"> a. Subject to the conditions imposed on the CEO. b. Authorisation of persons or classes of persons to administer the listed functions, limited to subdelegates.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s5.74 and are required to provide Primary and Annual Returns.

Policy	<p>Policies:</p> <ul style="list-style-type: none"> • Community Funding Policy • Community Sports & Recreation Facilities (CSRFF) Small Grant Funding Policy • Sponsorship Policy & Guideline • Annual Budget <p>Guidelines: Link</p> <ul style="list-style-type: none"> • Community Event Grants • Regional Events Sponsorship Guidelines • Sponsorship Process - Revenue Development Officer (Intranet Only)
Record keeping	<p>Report to file. Report to Council Committee Meeting monthly.</p>
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG5.01 (D018) Expressions of Interest for Goods and Services (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995 : _s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 : _r.21 Limiting who can tender, procedure for _r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<ol style="list-style-type: none"> 1. Authority to: Determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to: Consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	CEO
Conditions	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express power to subdelegate	Local Government Act 1995 : _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Local Government Act 1995 : Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Notes:</i> _The Local Government (Functions and General) Regulations 1996 prescribes applicable statutory procedures. _WALGA Subscription Service.
Policy	Purchasing Policy (Tenders & Quotes): Link Buy Local (Regional Price Preference) Policy: Link _Employee Code of Conduct: Link (Attachment 2: Conflict of Interest Management)
Record keeping	Report to file. Report to Council Committee monthly.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152 (AMENDED)
Last reviewed	25 June 2024

Delegation	LG5.02 Panels of Pre-Qualified Suppliers for Goods and Services (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Functions and General) Regulation 1996: _r.24AB Local government may establish panels of pre-qualified suppliers _r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers _r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers _r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function	Authority to: <ol style="list-style-type: none"> 1. Determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Decline to accept any application [F&G r.24AH(5)]. 8. Enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Delegates	CEO
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is included in the adopted Annual Budget.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment

Subdelegate conditions	<p>a. Subject to the conditions on delegation to the CEO.</p> <p>b. Each sub-delegate may only use the sub-delegation in regards to contracts that are within the scope of the incumbent's position role and responsibilities.</p>
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Notes:</p> <p>_Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>_WALGA Subscription Service – Procurement Toolkit.</p>
Policy	<p>Purchasing Policy (Tenders & Quotes): Link</p> <p>_Buy Local (Regional Price Preference) Policy: Link</p> <p>Employee Code of Conduct: Link (<i>Attachment 2: Conflict of Interest Management</i>)</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (NEW)
Last reviewed	25 June 2024

Delegation	LG5.03 Procurement of Goods or Services required to address a State of Emergency (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: _Regulation 11 'When tenders have to be publicly invited' _Tender exemption under subregulation 11(2)(aa) _Associated definition under subregulation 11(3)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value > \$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	CEO
Conditions	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.
Express power to subdelegate	This authority cannot be sub-delegated.
Statutory framework	Local Government (Functions and General) Regulations 1996

Policy	<p>Policies:</p> <ul style="list-style-type: none"> • Purchasing Policy (Tenders & Quotes): Link • Buy Local (Regional Price Preference) Policy: Link • Employee Code of Conduct: Link (<i>Attachment 2: Conflict of Interest Management</i>)
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG5.04 Renewal or Extension of Contracts during a State of Emergency (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: _Regulation 11 (When tenders have to be publicly invited) _Tender exemption under subregulation 11(2)(ja)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is \$1 million or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under the resulting contract is \$1 million or less. f. The CEO cannot sub-delegate this authority. g. Proposed decisions made under this delegation are to be communicated to the Council before enactment.
Express power to subdelegate	Not applicable
Statutory framework	Local Government (Functions and General) Regulations 1996

Policy	<p>Policies:</p> <ul style="list-style-type: none"> • Purchasing Policy (Tenders & Quotes): Link • Buy Local (Regional Price Preference) Policy: Link • Employee Code of Conduct: Link (<i>Attachment 2: Conflict of Interest Management</i>)
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152,
Last reviewed	25 June 2024

Delegation	LG5.05 (D018) Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: _r.11(2)(j) Exercising contract extension options _r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders _r.20(1), (2), (3) Variation of requirements before entry into contract _r.21A Varying a contract for the supply of goods or services
Function	Authority to: <ol style="list-style-type: none"> 1. Determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. Which tender to accept that is most advantageous to accept [F&G r.18(4)]. 4. Decline to accept any tender [F&G r.18(5)]. 5. Accept the next most advantageous tender if, within 6 months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	CEO

Conditions	<p>a. A tender may only be accepted under delegation where the total consideration under the resulting contract is:</p> <ul style="list-style-type: none"> • For the purposes of s 5.43(b), \$1,000,000 or less; and • Included in the adopted Annual Budget. <p>b. A decision to vary a tendered contract before entry into the contract must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>c. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Community Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Finance
Subdelegate conditions	<p>a. Subject to the conditions on delegation to the CEO.</p> <p>b. Each sub-delegate may only use the sub-delegation concerning contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>c. Sub-delegates may award and vary a contract based on the following limitations:</p> <ol style="list-style-type: none"> i. Executive Directors (Award up to \$500,000), Vary up to \$100,000. ii. Manager Finance: (Award up to \$250,000). iii. Manager Engineering & Sustainability (Vary up to \$50,000) and authorise persons, vary up to \$10,000). <p>d. Only Executive Directors, Manager Finance and Manager Engineering & Sustainability may vary contracts.</p> <p>Note*: Only contracts that are of a value greater than \$30,000 are administered by this delegation.</p>
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	<p>Purchasing Policy (Tenders & Quotes): Link</p> <p>Buy Local (Regional Price Preference) Policy: Link</p> <p>Employee Code of Conduct: Link (Attachment 2: Conflict of Interest Management)</p> <p>Resources:</p> <ul style="list-style-type: none"> _The Local Government (Functions and General) Regulations 1996 prescribe applicable statutory procedures. _WALGA Subscription Service.
Record keeping	Report to file. Report to Council Committee Monthly.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG5.06 Appoint Persons (other than employees) to Open Tenders (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Functions and Genera) Regulations 1996: _r.16(3) Receiving and opening tenders, procedure for
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend the tender opening [F&G r.16(3)]. <i>(Note: persons other than employees, for example: a designated independent observer. This observer ensures transparency, fairness, and adherence to the established procedures. They are not directly employed by the local government but play a crucial role in verifying the integrity of the tender process. Their presence helps maintain public trust and confidence in the tender evaluation process. (i.e. Committee member).</i>
Delegates	Executive Director Corporate & Commercial Services Manager Finance
Conditions	When exercising authority to authorise persons under F&G.r.16(3): a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised for this purpose. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express power to subdelegate	Nil
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Purchasing Policy (Tenders & Quotes); Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG5.07 (D018) Tenders for Goods and Services – Call Tenders (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: _r.11(1), (2) When tenders have to be publicly invited _r.13 Requirements when local government invites tenders though not required to do so _r.14 Publicly inviting tenders, requirements for
Function	Authority to: <ol style="list-style-type: none"> 1. Call tenders [F&G r.11(1)]. 2. Invite tenders although not required to do so [F&G r.13]. 3. Determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Delegates	CEO
Conditions	Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> a. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or b. a current supply contract expiry is imminent; and c. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and\ d. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	<ol style="list-style-type: none"> a. Subject to the conditions imposed on the CEO. b. Each sub-delegate may only use the sub-delegation with contracts that are within the scope of the incumbent's position role and responsibilities.

Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Notes:</p> <ul style="list-style-type: none"> _ The Local Government (Functions and General) Regulations 1996 prescribes applicable statutory procedures. _ WALGA Subscription Service.
Policy	<p>Purchasing Policy (Tenders & Quotes): Link</p> <p>_ Buy Local (Regional Price Preference) Policy: Link</p> <p>Employee Code of Conduct: Link (<i>Attachment 2: Conflict of Interest Management</i>)</p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG6.01 (D012) Determine Due Date for Rates or Service Charges (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.50(2) Rates or service charges due and payable
Function	Authority to determine the date on which rates or service charges become due and payable to the City of Albany [s.6.50].
Delegates	CEO
Conditions	This delegation may only be used to correct a financial administrative error.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Rates Financial Hardship Policy: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG6.02 (D012) Rate Record - Amendment (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.39(2)(b) Rate record
Function	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	CEO
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act. b. Only to be used to correct a financial administrative error.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Return: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. <i>(Note: Decisions under this delegation may be referred for review by the State Administration Tribunal).</i>
Record keeping	Report to file. The full details of the determination are to be recorded in the appropriate rate record.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG6.03 (D021) Rate Record – Objections (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.76 Grounds of objection
Function	Authority to: <ol style="list-style-type: none"> 1. Extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. b. An extension of time [s.6.76(4)] will only be granted for a maximum period of 30 days.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>(Note: Decisions under this delegation may be referred for review by the State Administration Tribunal.)</i>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG6.04 (D012)(D022) Recovery of Rates Debts - Actions to Take Possession of the Land (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.64(1) Actions to be taken _s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings _s.6.71 Power to transfer land to Crown or local government _s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	Authority: 1. Take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the City of Albany [s.6.71]. 2. Agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegates	CEO
Conditions	a. Decisions under this delegation must comply with Council Policy: Rates Financial Hardship Policy: Link . b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u> , within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services
Subdelegate conditions	Subject to the conditions imposed on the CEO.

Statutory framework	<p>Local Government Act 1995: Part 6, Division 6 Subdivision 6 and Schedule 6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996: Regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Annual & Primary Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
Policy	Rates Financial Hardship Policy: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG6.05 Recovery of Rates Debts – Require Lessee to Pay Rent (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.60 Local Government may require lessee to pay rent
Function	<ol style="list-style-type: none"> 1. Authority to: 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 City of Albany [s.6.60(2)]. 2. Authority to: Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy. b. Rates to be unpaid for at least 3 years.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance
Subdelegate conditions	Subject to the conditions imposed on the CEO.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 : _Refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to the exercise of authority under s.6.60.
Policy	Rates Financial Hardship Policy: Link
Record keeping	Report to file. The full details of the determination to be recorded in the appropriate rate record.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (NEW).
Last reviewed	25 June 2024

Delegation	LG6.06 (D012)(D022) Recovery of Rates or Service Charges (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.6.56 Rates or service charges recoverable in court _s.6.64(3) Actions to be taken
Function	<ol style="list-style-type: none"> 1. Authority to: Recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to: Lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 3. Authority to: Write off any amount of money, including rate debts 'penalty interest' where the cost of recovering the debt will be greater than the actual debt.
Delegates	CEO
Conditions	Decisions under this delegation must comply with Council Policy.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> _s.5.44 CEO may delegate some powers and duties to other employees.</p> <p><i>Subdelegates are authorised to Write off any amount of money, including rate debts 'penalty interest' where the cost of recovering the debt will be greater than the actual debt.</i></p>
Subdelegates	Executive Director Corporate & Commercial Services Manager Finance Rates Coordinator
Subdelegate conditions	<ol style="list-style-type: none"> a. Subject to the conditions imposed on the CEO. b. Authority to: Lodge a caveat on a property to preclude dealings regarding the land and may withdraw caveats so lodged. c. Authority to: Withdraw a caveat lodged on a property, where the purpose for which the caveat was lodged has been satisfied, or the temporary withdrawal and re-lodging of the caveat will allow dealings on a title. d. Authority to: Authorise classes of persons to administer any or all of the above functions. *Note: The Rates Coordinator is authorised to write-off small balances of under \$10.00 dollars.
Statutory framework	Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Rates Financial Hardship Policy: Link

Record keeping	Report to file. The full details of the determination to be recorded in the appropriate rate record.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG7.01 (D047) (D019) Disposing of Property (selling, leasing, transferring property) (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.58(2) & (3) Disposing of Property Local Government (Functions and General) Regulations 1996: _r.30 Dispositions of property excluded from Act s.3.58 Land Administrations Act 1997: _Part 6 (Sales, leases, license, etc. of Crown Land)
Function	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s.3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58.
Delegates	CEO

<p>Conditions</p>	<p>A. Limitation on Disposal:</p> <ul style="list-style-type: none"> I. Any lease, except Lotteries House leases, a Council resolution is required. II. According to section 5.43, the disposal of property—whether for a single project or as part of a single transaction—must not exceed a value of \$250,000 per year. <p>B. Methods of Disposal:</p> <ul style="list-style-type: none"> I. Public Auction: The reserve price for auctioned properties is determined by an independent valuation. If the reserve price is not met at auction, negotiation may be pursued to achieve a sale at up to a 10% variation from the set reserve price. II. Public Tender: If a reasonable price is not obtained through tender, the CEO evaluates whether an alternative disposal method could yield better value. If so, the tender is rejected, and an alternative method is used. III. Private Treaty (as per section 3.58(3)): The authority to negotiate the sale of the property lies with a variance of up to 20% from the valuation. Public submissions are considered, and the decision to proceed with disposal is documented. <p>C. Best Value Outcome and Equitability:</p> <ul style="list-style-type: none"> I. For disposals under Functions and General Regulations 30(2)(a), (f), (2A), or (3) (a), the chosen method must achieve the best value outcome for the Local Government. II. Disposals under Functions and General Regulations 30(2)(d) must be assessed equitably in the context of other employee disposals. <p>D. Environmental Considerations: Disposal methodologies should prioritise environmentally responsible outcomes wherever feasible.</p> <p>E. Authority for Property Management: Authorisation to designate classes of persons to administer “Property Management”.</p>
<p>Express power to subdelegate</p>	<p>Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Subdelegates</p>	<p>Executive Director Corporate & Commercial Services</p>

Subdelegate conditions	<p>Delegation Guidelines for Property Management</p> <ol style="list-style-type: none"> 1. Authorisation: <ol style="list-style-type: none"> a. Persons authorised to administer “Property Management” are subject to the conditions set by the CEO. b. Their responsibilities include: <ol style="list-style-type: none"> i. Processing requests related to leases and licenses. ii. Negotiating terms, conditions, and rent for leases and licenses. 2. Approvals: <ol style="list-style-type: none"> a. These authorized individuals have the authority to: <ul style="list-style-type: none"> • Renew existing leases and licenses with community groups (charitable, benevolent, religious, cultural, educational, recreational, sporting, or similar nature groups), airport hangar sites, government agencies, or telecommunication entities. • Approve new leases for Lotteries House based on recommendations from the Lotteries House Tenant Management Committee. • Consider requests to extend the term of current leases or licenses (with no variation to principal terms) and when all accounts are paid in full. • Approve variations to existing leases or licenses. • Renegotiate rental agreements with current lessees or sub-lessees. • Approve assignments of existing leases or subleases (with no variation to principal terms). • Approve subleases or sub-licenses where a current lease or license is in place. • Process the surrender of a lease or license for any property, provided the outstanding balance does not exceed \$30,000 and all accounts are settled. 3. Equitable Assessment: Disposals under Functions and General Regulations 30(2)(d) must be assessed equitably in the context of other employee disposals. 4. Environmental Considerations: Disposal methodologies should prioritize environmentally responsible outcomes whenever feasible.
Statutory framework	<p>Primary & Annual Returns: Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 _s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 _r.30 Dispositions of property excluded from Act s. 3.58</p>
Policy	<p>Property Management (Leases and Licences) Policy: Link</p> <p>_Risk & Opportunity Management Framework and Risk & Opportunity Management Policy: Link</p> <p><i>Note: (The City of Albany has not established a policy position that outlines the requirements for setting the conditions relating to the sale of Real Property).</i></p>
Record keeping	<p>Report to file.</p>
Date adopted	<p>25 June 2024</p>
Adoption references	<p>OCM 25/06/2024 Resolution AR152.</p>
Last reviewed	<p>25 June 2024</p>

Delegation	LG8.01 (D041) Close Thoroughfares to Vehicles (Temporary Road Closures)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.50 Closing certain thoroughfares to vehicles _s.3.50A Partial closure of thoroughfare for repairs or maintenance _s.3.51 Affected owners to be notified of certain proposals
Function	<p>Authority:</p> <ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or specific vehicle classes for up to 4 weeks [s.3.50(1)]. 2. Decide on closing a thoroughfare for more than 4 weeks, including: <ul style="list-style-type: none"> _Providing public notice, _Sending written notice to the Commissioner of Main Roads and relevant persons or landowners, _Reviewing relevant submissions regarding proposed road closures [s.3.50(1a), (2), and (4)]. 3. Revoke a thoroughfare closure order [s.3.50(6)]. 4. Partially and temporarily close a thoroughfare without public notice for repair or maintenance, if it won't significantly affect thoroughfare users [s.3.50A]. 5. Define and impose conditions for road use. 6. Authorise road usage requests. 7. Authorise classes of persons to administer the listed functions. 8. Before any action covered by section 3.51: <ul style="list-style-type: none"> _Notify affected owners, _Provide public notice allowing reasonable time for submissions, _Consider any submissions before deciding to adjust the level or alignment of a thoroughfare or drain water from it to private land [s.3.51].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a metropolitan area or a Townsite only). <p><i>Note: This authority also applies to the closing of roads due to weather conditions.</i></p>
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Engineering & Sustainability Manager Operations Senior Planning and Development Compliance Officer
Subdelegate conditions	<p>a. Subject to the conditions imposed on the CEO.</p> <p>b. The following classes of persons are authorised to determine road closures in an emergency, where it is determined that there is a reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management:</p> <ul style="list-style-type: none"> _Rangers _Emergency Management Officers _Coordinators & Supervisors of Works, Construction and Road Maintenance _Engineering & Sustainability Senior Administrators _Asset Technical Officers _Development Compliance Officers
Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Local Laws:</p> <ul style="list-style-type: none"> ▪ Activities on Thoroughfares and Public Places and Trading Local Law 2011.
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Wet Weather Road Closure Policy - Link. <p><i>Note: This delegation does not cover permanent road closures which are governed by the Land Administration Act 1997.</i></p>
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.02 Control Reserves and Certain Unvested Facilities
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _s.3.53(3) Control of certain unvested facilities _s.3.54(1) Reserves under control of local government
Function	Authority to: <ol style="list-style-type: none"> 1. Agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Do anything for the purpose of controlling and managing land under the control and management of the City of Albany that the City could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Delegates	CEO
Conditions	Restricted to matters where the financial impact falls within the confines of an allocated budget and does not generate future financial obligations.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Engineering & Sustainability
Subdelegate conditions	a. Subject to the conditions imposed on the CEO. <i>(Note: If a local government is given control of land reserved under the Land Administration Act 1997, it has the authority to manage and control that land as if it were a Board appointed under the Parks and Reserves Act 1895. The local government can take actions specified in section 5 of the Parks and Reserves Act 1895, with references to "by-law" understood as "local law." This authority is limited if there are specific provisions in an order under the Land Administration Act 1997 related to the land.)</i>
Statutory framework	Primary & Annual Returns: <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Policies: <ul style="list-style-type: none"> ▪ Naming of City Facilities, Roads, Parks, Reserves, Buildings, other Assets, and Awards Policy, Link
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.03 (D041) Crossing – Construction, Repair and Removal (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) _r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	CEO
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	<i>Local Government Act 1995:</i> _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Building Services Development Engineer Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Senior Planning and Development Compliance Officer
Subdelegate conditions	Subject to the conditions imposed on the CEO.

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p><i>Notes:</i> _The Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. _Penalties under the Uniform Local Provisions Regulations are administered under Part 9, Division 2 of the Local Government Act 1995 _Refer also to Delegation LG3.1 - Activities in Thoroughfares and Public Places and Trading Local Law.</p>
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Subdivision and Development Guidelines Policy: Link
Record keeping	Report to file.
Date adopted	28 March 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.04 (D041) Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	<p>1. When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority LG2.6:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. <p>2. Authority to authorise persons to administer these functions.</p> <p>3. Activities allowed with a permit are to be administered using the local law.</p>
Delegates	Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority LG2.6 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	Nil
Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Legislation:</p> <ul style="list-style-type: none"> • Local Government (Uniform Local Provisions) Regulations 1996 • _Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.

Policy	Local Law: <ul style="list-style-type: none">▪ Activities on Thoroughfares and Public Places and Trading Local Law 2011: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.05 (D044) Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. 4. Authority to authorise persons to administer the listed functions.
Delegates	Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	Authority is subject to consultation with the City's Engineering and Sustainability Team.
Statutory framework	Associated Delegated Authority: <ul style="list-style-type: none"> ▪ This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. Legislation: <ul style="list-style-type: none"> • Local Government (Uniform Local Provisions) Regulations 1996 • Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

Policy	Local Laws: <ul style="list-style-type: none"> ▪ City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011: Link ▪ City of Albany Local Government Property Local Law 2011: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.06 (D044) (D042) Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)]. <p>CEO assigned functions delegated to classes of persons: Authority to:</p> <ul style="list-style-type: none"> • Authority C1. Grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations, or individuals, including the approval of applications to protect verges. • Authority C2. Serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission. • Authority C3. Upgrade Existing Street Lights and Underground Power: <ol style="list-style-type: none"> a. Assess street lighting requests and designs, in relation to the functional road hierarchy, throughout the municipality; b. Approve the installation of additional or higher rated lamps for streetlight upgrading if considered appropriate; c. Approve the issuing of works orders to Western Power for the undergrounding or other modifications to power supplies; d. Approve the upgrading of street lighting; and e. Approve the consequential increased tariff, associated with approved Council projects. • Authority C4. Authorise persons to administer any or all of the above functions.
Delegates	Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations

Conditions	<p>Same conditions as imposed on CEO.</p> <p>Conditions of delegations assigned by CEO:</p> <p>(a)Authority C1: Grant approval and impose conditions: _That the proposed works are legal and do not adversely affect the safety, functionality, and aesthetics of the street or adjoining properties to an unacceptable degree. _The owners and occupiers of adjoining properties should be consulted as appropriate prior to approval being determined. _If there are objections to the proposal, it be referred to the Council for determination.</p> <p>(b)Authority C2: Serve notices: Chief Executive Officer to sign any Notices.</p> <p>(c)Authority C3: Existing street lights and underground power: That the works are associated with projects that has obtained the approval of the Council as necessary and is within the approved budget allocation.</p> <p>Specific conditions:</p> <p>(i) Authorise classes of persons limited to CEO and Executive Director. (ii) Conditions: _Chief Executive Officer (Authority – All) _Executive Director Infrastructure, Development & Environment (Authority – All) _Manager Engineering & Sustainability (Limited to enact Authority C1, C2 & C4 only) _Manager Operations (Limited to enact Authority C1 & C2 only)</p>
Subdelegates	<p>Development Compliance Officer Development Engineer Manager City Reserves Manager Development Services Senior Planning and Development Compliance Officer</p>
Subdelegate conditions	<p>The following positions (Subdelegates) are limited to enact Authority 1 only: _Manager City Reserves _Manager Development Services _Development Engineer _Senior Planning & Development Compliance Officer _Development Compliance Officer</p>
Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p><i>Note: This delegated authority is effective only in alignment with Delegated Authority LG8.9 Private Works on, over or under Public Places.</i></p>
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.07 (D041) Gates Across Public Thoroughfares (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	Authority to: <ol style="list-style-type: none"> 1. Provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Impose conditions on granting permission [ULP r.9(4)]. 4. Renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the City's statutory Register of Gates in accordance with <i>Uniform Local Provisions Regulation 8</i>.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Engineering & Sustainability Manager Operations
Subdelegate conditions	Subject to the conditions imposed on the CEO. <i>(Note: A person who is the owner or occupier of the land commits an offence if any fence or gate that separates the land from a public thoroughfare is not kept in good repair. A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.)</i>

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Notes: _The Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. _Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p>
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.08 (D040) Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Uniform Local Provisions) 1996: _r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12 Sand Drift Prevention and Abatement Local Law 2009
Function	Authority to give notice to a landowner/occupier if it is considered that clearing the owner/occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	CEO
Conditions	a. Authority to issue a permit or enforce the local law is to be limited by assigned functions. b. Classes of Persons authorised to administer and enforce this function can be approved by the listed Executive Directors.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Coordinator Building Services Coordinator Health Services Development Compliance Officer Development Engineer Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Engineering & Sustainability Manager Operations Manager Public Health and Safety Senior Environmental Health Officer Senior Planning and Development Compliance Officer
Statutory framework	Primary & Annual Returns: _Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. _Authorised classes of persons appointed to administer the local law are not required to provide a return. <i>Notes:</i> _The Local Government (Uniform Local Provisions) Regulations 1996 prescribes applicable statutory procedures. _Penalties under the Uniform Local Provisions Regulations are administered under Part 9, Division 2 of the Local Government Act 1995 .
Policy	Local Laws: Sand Drift Prevention and Abatement Local Law 2009: Link
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.09 (D041) Private Works on, over or under Public Places (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government Act 1995: _r.17 Private works on, over, or under public places – Sch.9.1 cl.
Function	Authority to: <ol style="list-style-type: none"> 1. Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17 (5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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 private 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 place 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.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Building Services Development Compliance Officer Development Engineer Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Development Services Manager Engineering & Sustainability Manager Public Health and Safety Senior Planning and Development Compliance Officer
Subdelegate conditions	Subject to the conditions imposed on the CEO.

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Notes:</p> <p>_The Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>_Determination of Bond Value and Conditions. Refer to the CEO Delegation LG8.6 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places.</p> <p>_Penalties under the Uniform Local Provisions Regulations are administered under Part 9, Division 2 of the Local Government Act 1995.</p>
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	LG8.10 (D041) Public Thoroughfare – Dangerous Excavations (LG Act)
Category	PART 1 - DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995
Head of power	Local Government Act 1995
Delegator	Local Government
Express 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
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: _r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	Authority to: <ol style="list-style-type: none"> 1. 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. 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. Impose conditions on granting permission [ULP r.11(6)]. 4. Renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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.
Express power to subdelegate	Local Government Act 1995: _s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Executive Director Infrastructure, Development & Environment Manager Development Services Manager Engineering & Sustainability Senior Planning and Development Compliance Officer
Subdelegate conditions	<ol style="list-style-type: none"> a. Subject to the conditions on delegation to the CEO. b. Authority subject to consultation with the Engineering and Sustainability Team.

Statutory framework	<p>Primary & Annual Returns:</p> <ul style="list-style-type: none"> ▪ Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <p>Local Law:</p> <ul style="list-style-type: none"> • City of Albany Local Government Property Local Law: Link • Clause 3.13 Activities needing a permit. (1) A person shall not without a permit - (n) make any excavation on or erect or remove any fence on local government property. <p><i>Note:</i> <i>_Determination of Bond Value and Conditions. Refer to CEO Delegation LG8.5 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.</i> <i>_The Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</i> <i>_Penalties under the Uniform Local Provisions Regulations are administered under Part 9, Division 2 of the Local Government Act 1995.</i></p>
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

LG Act 1995 - Council to Committees of Council

Delegation	LG9.01 Audit and Risk Committee
Category	PART 4 - DELEGATIONS TO COMMITTEES
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995: _s.5.16 Delegation of some powers and duties to certain committees _s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	Local Government Act 1995: _s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	Authority to: <ol style="list-style-type: none"> 1. Meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Examine the report of the Auditor and determine matters that require action to be taken by the City; and 3. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)] 4. Review and endorse the City's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council. b. Council decides the conditions / limitations that apply when using delegated powers or duties
Express power to subdelegate	Nil. Note: Sub-delegation is prohibited by s.7.1B of the Act.
Statutory framework	Local Government Act 1995 _Part 6 of the Act (Financial Management) _Part 7 of the Act and the Local Government (Audit) Regulations 1996 (Audit Requirements for Local Governments)
Policy	Resources: <ul style="list-style-type: none"> ▪ Local Government Operational Guidelines: Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees ▪ _Audit and Risk Committee Terms of Reference
Record keeping	<ul style="list-style-type: none"> • Report to file. • Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of <i>Administration Regulation 19</i>.
Date adopted	25 June 2024

Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Litter Act 1979 - CEO to Employees

Delegation	EH1.04.1 (D033) Appointment of Authorised Officers (Litter Act 1979)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	CEO
Express power to delegate	Litter Act 1979 : _s.26(1)(c) (Authorised officers, appointment and jurisdiction of etc.
Express power or duty delegated	Litter Act 1979 : _s.26(1)(c) (Authorised officers, appointment and jurisdiction of etc.
Function	<p>1. Authority to: Appoint Authorised Officers to exercise the powers and duties set out in the Litter Act 1979.</p> <p>2. Authority to: Enforce the Litter Act 1979 and withdrawal infringements issued under s30(4) of the Litter Act 1979, being:</p> <ul style="list-style-type: none"> a. s23 Littering — cigarette butt; b. s23 Littering — any other litter; c. s24 Breaking glass, metal or earthenware; d. s24A(1) Bill posting; e. s24A(2) Bill posting on a vehicle; f. Litter Regulations 1981, r.6 Deposit of domestic or commercial waste in a public litter receptacle, r.8 Transporting load inadequately secured.
Delegates	<p>Chief Executive Officer (CEO)</p> <p>Coordinator Waste Operations</p> <p>Executive Director Corporate & Commercial Services</p> <p>Executive Director Infrastructure, Development & Environment</p>
Conditions	<p>Withdrawal of infringement notices limited to the following classes of persons:</p> <ul style="list-style-type: none"> _Executive Directors; _Manager Public Health & Safety; _Manager Operations; _Coordinator Waste Operations.
Subdelegates	<p>Coordinator Health Services</p> <p>Coordinator Ranger Services</p> <p>Environmental Health Officer</p> <p>Manager Public Health and Safety</p> <p>Ranger</p> <p>Senior Environmental Health Officer</p> <p>Senior Ranger</p>
Subdelegate conditions	<i>Note: Classes of persons authorised to administer and enforce this function are listed as "Subdelegates".</i>
Statutory framework	Litter Act 1979
Policy	Regulatory Compliance Policy & Guidelines
Record keeping	Report to file.

Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Permit Authority (Dangerous Goods Regulations - CEO to Employees

Delegation	LG1.20 (D036) Authority to Approve Blasting and Fire Works (Dangerous Goods Act 2004)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995: _s.5.42 "Acting Through" Dangerous Goods Safety Act 2004: _In accordance with section 131 of the Dangerous Goods Safety (Explosive) Regulations 2007, a person who wishes to use an explosive in a town site to blast rock or similar solid material, must obtain a written permit to do so from the local authority.
Express power or duty delegated	Council designates the following classes of persons to administer and discharge the City of Albany duties under the Dangerous Goods Safety Act 2004, subject to conditions: _Chief Executive Officer _Executive Director Infrastructure, Development & Environment
Function	Authority to: <ol style="list-style-type: none"> 1. Grant permission of the local government to allow blasting within a town site in accordance with the Dangerous Goods Safety (Explosives) Regulations 2007, Part 12, Division 4. 2. Approve a Fire Works Application. 3. Authorise persons to administer any or all of the above functions.
Delegates	Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment
Conditions	<ol style="list-style-type: none"> a. Consultation must be conducted with DFES (FRS district) and the Chief Bush Fire Control Officer (All other areas in the municipality), prior to any approval being given. b. The fireworks notice must be in an approved form and contain the following information: <ol style="list-style-type: none"> 1. the details of the fireworks operator licence that the person holds; 2. the required details of the fireworks that will be used; 3. the date and time when the firework will be used; 4. where the fireworks will be used; 5. the purpose of using the firework; and 6. must be a licensed operator. c. In accordance with r.131 (6), on receipt of an application for blasting operations within a town site, the local authority may: <ol style="list-style-type: none"> 1. Issue a notice that prohibits the explosion; 2. Issue a permit for the explosion; or 3. Issue a permit for the explosion that contains reasonable conditions to ensure the safety of people and or property, to ensure such people are notified of the proposed explosion and to reduce the potential disturbance. d. Regulation 131(7) states that a local government shall not grant a permit unless it is satisfied that public risk insurance is in place of at least \$5,000,000 or such higher amount as the local government decides is reasonable. e. Albany Airport must be notified of all approvals for fireworks.

Express power to subdelegate	Delegates are authorised to designate classes of persons to administer this function.
Statutory framework	Dangerous Goods Safety Act 2004
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Permit Authority (Liquor Control Act) - CEO to Employees

Delegation	EH1.08 (D037) Liquor Licensing & Control (Liquor Control Act 1988)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Liquor Licensing Act 1988 and Liquor Control Act 1988 _pursuant to s39 and s40 of the Liquor Control Act 1988;
Express power or duty delegated	Liquor Licensing Act 1988 and Liquor Control Act 1988 _Issue a s39 (Certificate of local government as to whether premises comply with laws) certificate; and/or _Issue a s40 (Certificate of planning authority as to whether use of premises complies with planning laws) certificate.
Function	Authority to: <ol style="list-style-type: none"> 1. Enforce all local authority responsibilities under the Liquor Licensing Act 1988 and Liquor Control Act 1988 pursuant to s39 and s40 of the Liquor Control Act 1988; 2. Issue a s39 (Certificate of local government as to whether premises comply with laws) certificate; and/or 3. Issue a s40 (Certificate of planning authority as to whether use of premises complies with planning laws) certificate.
Delegates	Chief Executive Officer (CEO) Coordinator Health Services Coordinator Planning Services Executive Director Corporate & Commercial Services Executive Director Infrastructure, Development & Environment Manager Development Services Manager Public Health and Safety
Conditions	Enforcement: Subject to compliance with the Local Planning Scheme.
Express power to subdelegate	Nil. The Liquor Control Act 1988 does not contain a head of power to delegate the appointment of authorised persons to the CEO.
Statutory framework	Legislation: <ul style="list-style-type: none"> • Liquor Licensing Act 1988 • Liquor Control Act 1988
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Planning and Development Act 2005

Delegations under the Planning and Development Act 2005.

Planning & Development Act - CEO to Employees

Delegation	PD1.01 (D039) Appointment of Authorised Persons to administer the Planning & Development Act 2005 (PD Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Planning & Development Act 2005 _s234 (Designated persons, appointment of) Local Government Act 1995 _s5.42 (Delegation of some powers and duties to CEO), _s9.10 (1) (Appointment of authorised persons)
Express power or duty delegated	Heritage Act 2018: _Part 8 (Local heritage surveys) Planning and Development Act 2005: _s234 (Designated persons, appointment of) _s257C (<i>Noting from 1 July 2024, the determination of development applications for single houses or any development associated with a single house, excluding development of or associated with a heritage protected place, must be made by the CEO of the local government or employees authorised by the CEO. This cannot be determined by Council.</i>) Planning and Development (Local Planning Schemes) Regulations 2015 _Part 3 (Heritage protection)

Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. <u>Authorised Persons</u>: Appoint persons to administer the Planning & Development Act 2005, including: The authorisation of persons to enter premises. 2. <u>Local Development Plans (LDPs)</u>: Approve or Refuse LDPs after appropriate consultation and where it is unlikely to have an adverse impact on the local area; 3. <u>Heritage</u>: <ol style="list-style-type: none"> a. Make minor administrative amendments to the entry of a place in the heritage list after appropriate consultation. b. Make minor administrative amendments to the entry of a place in the local heritage survey after appropriate consultation. 4. <u>Issue & Vary Infringement Notices</u>: Pursuant to s234 of the Planning and Development Act 2005, appoint designated persons to enforce the following sections: <ol style="list-style-type: none"> a. 228 (Giving of infringement notice) b. 230 (Extension of time) c. 231 (Withdrawal of infringement notice) 5. <u>Determine Development Applications</u>: <ol style="list-style-type: none"> a. Level 1: Applications which include a variance from a Local Planning Scheme (LPS) Policy, Guidelines & Design Codes. b. Level 2/3: Applications with minor variations to LPS Policies, Guidelines & Design Codes. c. Level 4: Applications under the LPS with no variations. 6. <u>State Administrative Appeals Tribunal (SAT)</u>: Exercise discretion and to respond to appeals lodged with the SAT for: <ol style="list-style-type: none"> a. The determination of planning application appeals under Part 14 of the Planning and Development Act 2005, and the LPS; b. The determination of 'without prejudice' conditions; and c. Mediate matters before the State Administrative Tribunal (SAT).
Delegates	CEO
Conditions	<p>Function authority limits:</p> <ol style="list-style-type: none"> a. Authority 1: Limited to the CEO & Executive Director. b. Authority 2: Limited to the Manager Development Services & above. c. Authority 3: Limited to the Coordinator Planning Services & above. d. Authority 4: <ul style="list-style-type: none"> _4a: 228 (Giving of infringement notice) - All authorised persons (Planning Officers & Compliance Officers) _4b: 230 (Extension of time) - Manager & above. _4c: 231 (Withdrawal of infringement notice) - Manager & above. e. Authority 5: <ul style="list-style-type: none"> _5a: Coordinator Planning Services & above. _5b: Senior Planning Officer & above. _5c: Prescribed Limits for Determining Development Applications: <ul style="list-style-type: none"> Level 1: No limit (<i>Includes authority to: Approve & Refuse applications, approve non-conforming land use, permit changes in land use, approve Bushfire Management Plans</i>): CEO, Executive Director, Manager & Coordinator. Level 2: Up to: \$3 million (<i>Includes authority to: Approve applications, permit changes in land use,, approve Bushfire Management Plans; Excludes authority to: Refuse applications, approve non-conforming land use</i>): Senior Planning Officers & Above. Level 3: Up to: \$2 million (<i>Includes authority to: Approve applications, permit changes in land use, Excludes authority to Refuse applications, approve non-conforming land use</i>): Planning Officers. Level 4: Up to: \$500 thousand (<i>Includes authority to: Approve applications, permit changes in land use, Excludes authority to Refuse applications, approve non-conforming land use</i>): Designated Technical Officers. f. Authority 6: Limited to Senior Planning Officers & above.

Express power to subdelegate	<p>Council conditions:</p> <p>a. Subdelegates (Authorised Persons) are appointed by the CEO.</p> <p>b. Authorised Persons must be:</p> <p>_selected based on experience and qualifications held; and</p> <p>_appointed in writing (correspondence to be filed on an appropriate record and a copy of the appointment placed on the person's record).</p>
Subdelegates	<p>Coordinator Planning Services Development Compliance Officer Development Engineer Executive Director Infrastructure, Development & Environment Manager Development Services Planning Officer Senior Planning and Development Compliance Officer Senior Planning Officer</p>
Statutory framework	<p>Primary & Annual Returns: In accordance with sections 5.75 and 5.76 of the Act, the delegation of a power or duty to an employee under the Act or section 214 of the Planning and Development Act 2005 triggers the requirement to make disclosures in primary and annual returns. An employee to whom a duty or power is delegated under the Local Government Act 1995 is considered a 'designated employee' under section 5.74(1) of the Act.</p> <p>Planning & Development Act 2005 _s214 (Illegal development, responsible authority's powers as to)</p>
Policy	<p>Policies - Local Planning Policies: Link</p>
Record keeping	<p>_Report to Council. _Report to Council Committee monthly.</p>
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Delegation	PD1.02 (D028)(D038) Development Control (Authority to enforce compliance, development control and take legal action) (PD Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Planning and Development Act 2005
Delegator	Local Government
Express power to delegate	Planning & Development Act 2005 _Part 13 — Enforcement and legal proceedings
Express power or duty delegated	Planning & Development Act 2005 _Authority to: Deal with unauthorised development. Give written direction regarding unauthorised development and remove or alter unauthorised development pursuant to s214 and s215 of the Planning & Development Act 2005.
Function	<p>Authority to:</p> <ol style="list-style-type: none"> 1. Deal with unauthorised development. Give <u>written direction</u> regarding unauthorised development and remove or alter unauthorised development pursuant to s214 & s215 of the Planning & Development Act 2005. 2. Enter and inspect in accordance with s79 of the Planning and Development (Local Planning Schemes) Regulations 2015; 3. Implement matters delegated to the City of Albany under the Planning and Development Act 2005; 4. Exercise discretion when issuing, withdrawing, amending notices and requisitions pursuant to Part 13 of the Planning and Development Act 2005 and the provisions the LPS; 5. Exercise discretion and to respond to appeals lodged with the State Administrative Tribunal (SAT) for: <ol style="list-style-type: none"> a. The determination of planning application appeals under Part 14 of the Planning and Development Act 2005, and the City's Local Planning Scheme (LPS); b. The determination of <u>building</u> application appeals; c. The determination of 'without prejudice' conditions; d. Prosecute under the Planning and Development Act 2005, Part 13; e. Make recommendations for appointment of consultants/legal representatives for SAT Matters; and f. Mediate matters before the State Administrative Tribunal (SAT). 6. Take action for departure from the requirements and provisions of the LPS, including the Planning and Development Act 2005, Part 13. 7. Authorise persons to administer any or all of the above functions.
Delegates	Executive Director Infrastructure, Development & Environment
Conditions	<ol style="list-style-type: none"> a. Development Control, Enforcement and Legal Action (including Appeals and SAT Matters): <ol style="list-style-type: none"> i. The Executive Director shall sign any Prosecution Notices. ii. Quotations are to be obtained and a recommendation is to be provided to the CEO for approval of consultants for all matters which are appealed to the SAT. b. Without Prejudice" conditions and amended plans for matters mediated in the SAT are to be reported to the Council for consideration and determination. c. Representation is only exercised after consultation with the Executive Director (or in their absence), the approval of the CEO. d. Any third-party action against the City must be reported to the City's insurer.

Express power to subdelegate	Local Government Act 1995 _s.5.42(b) Delegation of some powers or duties to the CEO
Subdelegates	Coordinator Planning Services Development Compliance Officer Development Engineer Executive Director Corporate & Commercial Services Manager Development Services Planning Officer Senior Planning and Development Compliance Officer Senior Planning Officer
Subdelegate conditions	<p>a. Classes of persons authorised to administer this function with conditions are listed as "Subdelegates".</p> <p>b. Subdelegates are appointed by the CEO.</p> <p>c. The classes of persons and limitations are assigned by the CEO as follows;</p> <ul style="list-style-type: none"> ▪ Executive Director (All) ▪ Manager Development Services (Authority 1, 2, 3, 4, 5 a, c, d, e & f only, 6) ▪ Coordinator Planning Services (Authority 2, 3, 4, 5 a, c, d, e & f only, 6) ▪ Senior Planning Officer(s) (Authority 2, 3, 5 a, c, & f only, 6) ▪ Development Engineer (Authority 2, 3, 5 a, c, & f only, 6) ▪ Planning Officer (s) (Authority 2, 3, 5 a, c, & f only) ▪ Senior Planning & Development Compliance Officer (Authority 1, 2, 3, 4, 5 a, c, d, e & f only, 6) ▪ Development Compliance Officer (Authority 1, 2, 3, 4, 5 a, c, d, e & f only, 6)
Statutory framework	Planning & Development Act 2005 : _Part 13 — Enforcement and legal proceedings _s214(Illegal development, responsible authority's powers as to) _s215 (Illegal development, responsible authority's powers to remove etc.),
Policy	Local Planning Scheme Regulatory Compliance Policy & Guideline
Record keeping	_Report to file. _Report to Council Committee monthly.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Planning & Development Act - Minister of Lands to CEO

Delegation	SI_2.01 Sign Development Applications for Crown Land as Owner (PD Act)
Category	PART 3 - STATUTORY DELEGATIONS ASSIGNED TO LOCAL GOVERNMENT
Head of power	Planning and Development Act 2005
Delegator	Minister for Lands
Express power to delegate	Planning and Development Act 2005 _Section 267A Planning and Development Act 2005
Express power or duty delegated	<u>Instrument of delegation:</u> <i>I, Donald Terrence Redman MLA, Minister for Lands, a body corporate continued by section 7(1) of the Land Administration Act 1997, under section 267A of the Planning and Development Act 2005, HEREBY authorise, in respect of each local government established under the Local Government Act 1995 and listed in Column 2 of the Schedule, the person from time to time or holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule. Dated the 2nd day of June 2016</i>

<p>Function</p>	<p>1. The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a. a reserve managed by the local government pursuant to section 46 of the Land Administration Act 1997 and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or b. the land is a road of which the local government has the care, control and management under section 55(2) of the Land Administration Act 1997 and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of: <ul style="list-style-type: none"> i. a "<u>minor encroachment</u>" in the Building Regulations 2012 (Regulation 45A), ii. or is an "awning, verandah or thing" (Regulation 458), or is a ground anchor, iii. and where the development is consistent with the use of the land as a road, <p>2. In respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> a. (section 99(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a regional Interim development order (as that term, is defined in that Act); b. section 103(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a local interim development order (as that term, is defined in that Act); c. section 115 of the Planning and Development Act 2005 in respect of development within a planning control area (as that term, is defined in that Act); d. section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act); e. section 162 of the Planning and Development Act 2005 in respect of developments for which approval is required under a Planning scheme or Interim development order (as those terms are defined in that Act); f. section 163 of the Planning and Development Act 2005 in respect of development on land which is comprised within a place entered in the Register maintained by Heritage Council under the Heritage of Western Australia Act 1990, or which such a place forms part; g. section 171A of the Planning and Development Act 2005 in respect of a prescribed development application (as that term is defined in that section of the Act).
<p>Delegates</p>	<p>CEO</p>
<p>Conditions</p>	<p>Refer to Column 3 of the Schedule. <i>Extract:</i></p> <ul style="list-style-type: none"> a. In accordance with and subject to approved Government. Land policies. b. Any signature subject to the following endorsement: <ul style="list-style-type: none"> i. Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown Land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provisions of the Planning and Development Act 2005 (including any planning scheme). ii. The signature does not represent approval or consent for planning purposes. iii. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.
<p>Statutory framework</p>	<p>Planning & Development Act 2005 Land Administration Act 1997</p>

Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Planning & Development Act 2005 - Western Australia Planning Commission to CEO

Delegation	SI_2.02 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)
Category	PART 3 - STATUTORY DELEGATIONS ASSIGNED TO LOCAL GOVERNMENT
Head of power	Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power to delegate	Planning and Development Act 2005 _Section 16 Planning and Development Act 2005
Express power or duty delegated	<i>Instrument of Delegation:</i> Government Gazette 29 January 2021 DEL 2020/01 (Pg. 449). The Western Australian Planning Commission (the WAPC) may delegate any function to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government. Extract: <i>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the Strata Titles Act 1985.</i> <i>Preamble: Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government. In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</i>
Function	On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED – A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1; B. To delegate to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the <i>Strata Titles Act 1985</i> as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1; C. To amend “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.
Delegates	CEO
Conditions	The following conditions pertain to the Schedules listed: Schedule 1 <u>1. Applications made under section 15 of the Strata Titles Act 1985:</u> _Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that – (a)propose the creation of a vacant lot; (b)propose vacant air stratas in multi-tiered strata scheme developments; (c)propose the creation or postponement of a leasehold scheme; (d)propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985); (e)in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to –

- i. a type of development; and/or
- ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined 1s otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the Strata Titles Act 1985:

Power to determine applications under –

- (a) section 21 of the Strata Titles Act 1985;
- (b) section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

RE: INSTRUMENT OF DELEGATION – STRATA TITLE SCHEME APPLICATIONS

The Western Australian Planning Commission (WAPC) advises that the Instrument of Delegation (DEL 2020/01 – Powers of Local Government (Strata Titles Act) (the Delegation) has been updated. These changes are appropriate following the 1 May 2020 amendments to the Strata Titles Act 1985 (STA).

Two amendments have been made.

(1) The first is to grant power to local governments to determine applications relating to restrictive use conditions or bylaws.

(2) The second is to restrict the power of local governments to determine type 1A and type 2 subdivision applications.

Lastly, the letter provides advice on process matters relating to applications to terminate a strata scheme.

Restrictive use conditions or by-laws for strata schemes

Where restricted use or planning (scheme by-laws) conditions have been applied to a strata plan (survey-strata or strata) approval is required from the WAPC to impose, amend or remove the condition or by-law (section 21 and 22 of STA). Given these restrictions are often applicable to, or have effect at, the development stage rather than at the subdivision stage, it was considered appropriate to delegate this power to local government.

Type subdivisions that effect an amendment to a strata scheme plan

Prior to the STA amendments coming into effect on 1 May 2020 proposals to add land to or remove land from an existing strata scheme, or to consolidate or re-subdivide the strata schemes, were approved by Landgate. The amendments to the STA have resulted in these proposals being considered types of amendments to a strata scheme, under section 11, and now require subdivision approval from the WAPC.

It is considered appropriate for these applications to be delegated to local government to determine applications to amend a strata scheme where only the internal scheme boundaries are impacted (consolidation or re-subdivision, now referred to as type 1B, type 3 or type 4 amendments) and vacant lots aren't created.

However, applications that result in the addition or removal of land from a strata scheme (type 1A or type 2 amendments) will be determined by the WAPC as the determining authority. This is because often an adjacent green title lot is impacted and, in some cases, independent vacant green title lots may be created. As such, the Delegation has been amended to exclude the power to determine type 1A and type 2 subdivision applications.

Advice on Termination processes

Termination of strata schemes

When the termination process is undertaken, the land ceases to be subdivided by a strata scheme (be it survey-strata, strata, leasehold (strata) or leasehold (survey-strata)). The scheme notice and associated documents are also terminated while the strata company is dissolved. This process includes an application for subdivision, made under the Planning and Development Act 2005 (PD Act), to remove the strata scheme to create a single green title lot. In some instance, there may be a concurrent application to create new strata or green title lots from the subject site.

Given the termination process outlined in Part 12 of the STA, it is recommended that, where further subdivision is proposed, a subdivision application for that proposal is also lodged with the termination proposal to enable the outline of termination report and full termination report (as applicable) to identify the ultimate intent for the subject land.

	The termination process provided for under section 177 and 184 of the STA involves a subdivision application under the PD Act. Subdivision applications under the PD Act are not delegated to local government and are to be lodged with the WAPC for determination, (i.e. including where the proposal concerns for strata (built) schemes).
Statutory framework	Planning and Development Act 2005 <i>Instrument of Delegation: DEL2020/01 Powers of Local Governments: Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the Strata Titles Act 1985.</i>
Record keeping	_Report to file. _Report to Council Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152 (AMENDED)
Last reviewed	25 June 2024

Public Health Act 2016

Delegations under the Public Health Act 2016.

Public Health Act - Council to CEO & CEO to Employees

Delegation	EH2.01 Appoint Authorised Officer or Approved Officer under (Public Health Act 2016, Asbestos Regs)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	Health (Asbestos) Regulations 1992: _r.15D(7) Infringement Notices
Express power or duty delegated	Health (Asbestos) Regulations 1992: _r.15D(5) Infringement Notices
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Delegates	CEO Executive Director Corporate & Commercial Services Manager Public Health and Safety
Conditions	<p>a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].</p> <p>b. Classes of persons authorised to be appointed and administer this function are listed as "sub-delegates".</p>
Express power to subdelegate	Nil. (<i>The Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.</i>)
Subdelegates	Coordinator Health Services Development Compliance Officer Environmental Health Officer Senior Environmental Health Officer Senior Planning and Development Compliance Officer
Subdelegate conditions	<i>Note: Classes of persons who are authorised to administer this function are listed as Subdelegates.</i>
Statutory framework	<p>Legislation:</p> <ul style="list-style-type: none"> • Public Health Act 2016 • Health (Asbestos) Regulations 1992 • Criminal Procedure Act 2004 – Part 2

Policy	Resources: <ul style="list-style-type: none"> • City of Albany Environmental Guidelines: Link • City of Albany Building Services Guidelines: Building Services Demolition Work • City of Albany Transfer Station User Guides: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	EH2.02 (D033) Enforcement Agency Reports to the Chief Health Officer (Public Health Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	Public Health Act 2016: _s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 _s.22 Reports by and about enforcement agencies
Function	Authority to: <ol style="list-style-type: none"> 1. Prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City [s.22(1)] 2. Prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Executive Director Corporate & Commercial Services Manager Public Health and Safety
Subdelegate conditions	Nil.
Statutory framework	Public Health Act 2016 _s.20 Conditions on performance of functions by enforcement agencies.
Policy	Nil.
Record keeping	<ul style="list-style-type: none"> • Report to file. • Report to Council Committee annually.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	EH2.03 (D033) Designate Authorised Officers under (Public Health Act 2016 & Others)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	<p>Public Health Act 2016: _s.21 Enforcement agency may delegate</p> <p>Health (Miscellaneous Provisions) Act 1911: _s349 enter premises and administer the provisions in the regulations _s35 service of notices, repairs to businesses, shops and dwellings</p> <p>Litter Act 1979: _s26(1)(c) (Authorised officers, appointment and jurisdiction of etc.), _s27 (Authorised officers, powers of); _s27AA (Honorary inspectors, appointment of), s30 (Infringement notices)</p>
Express power or duty delegated	<p>Public Health Act 2016 _s.24(1) and (3) Designation of authorised officers</p>
Function	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> a. The Public Health Act 2016 or other specified Act. b. Specified provisions of the Public Health Act 2016 or other specified Act. 2. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act, including: <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; or b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, or c. a mixture of the two. [s.24(1) and (3)].
Delegates	<p>CEO Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer</p>

<p>Conditions</p>	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> ◦ Appropriately qualified and experienced [s.25(1)(a)]; and ◦ Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained under s.27. <p>Authorisation conditions specific to the Act: _Only the Chief Executive Officer and/or Executive Director Corporate & Commercial Services may institute legal proceedings.</p> <p>Health (Miscellaneous Provisions) Act 1911: _Environmental Health Officer conditions under the Health (Miscellaneous Provisions) Act 1911:</p> <ul style="list-style-type: none"> a. Part IV (Sanitary provisions), Divisions 4 (Sanitary conveniences) & 7 (Pollution of water): Authority is limited to the forming of opinions and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting of works, or the provision of sanitary conveniences. b. Part V (Dwellings) Division 1 (Houses unfit for occupation): Authority is limited to the forming of opinions and issuing notices and directions and does not include carrying out, or arranging for the carrying out, of works in default of duly served notices. c. Part VII (Nuisances and offensive trades) Division 1 (Nuisances): Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done. <p>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974: _Authorisation condition specific to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974: includes the approval of applications for effluent disposal systems as described in Regulation 4 and issuing permits to use effluent disposal systems as described in Regulation 10.</p>
<p>Express power to subdelegate</p>	<p><i>Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].</i></p>

Statutory framework	<p>Legislation:</p> <ul style="list-style-type: none"> • Public Health Act 2016 <p>_s.20 Conditions on performance of functions by enforcement agencies. _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</p> <ul style="list-style-type: none"> ▪ Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016 ▪ The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016 <p>Local Laws:</p> <ul style="list-style-type: none"> ▪ Health Local Laws 2001 ▪ Health (Eating–Houses and Itinerant Food Vendors) Local Laws 2001 ▪ Waste Local Law 2017 (As amended)
Policy	<p>Policies:</p> <ul style="list-style-type: none"> ▪ Regulatory Compliance Policy & Guideline
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (AMENDED)
Last reviewed	25 June 2024

Delegation	EH2.04 Dealing with Seized Items under the Public Health Act
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	Public Health Act 2016: _s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 _s.260 Return of seized item _s.262 Cost of destruction or disposal of forfeited items _s.263 Return of forfeited items _s.264 Compensation
Function	Authority to: <ol style="list-style-type: none"> 1. Determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Recover the cost of destruction or disposal of forfeited items [s.262]. 3. In response to an application for compensation, Determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	Compensation is limited to a maximum value of \$1000 , with any proposal for compensation above this value to be referred for Council's determination.
Express power to subdelegate	<i>Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].</i>
Subdelegates	Coordinator Health Services Executive Director Corporate & Commercial Services Manager Public Health and Safety
Statutory framework	Public Health Act 2016 _s.20 Conditions on performance of functions by enforcement agencies. <i>Note – Decisions about compensation may be referred for review by the State Administration Tribunal [s.265]</i>
Policy	Resources: <ul style="list-style-type: none"> ▪ Guidelines: Powers and entry inspection and seizure - Public Health Act - Link
Record keeping	<ul style="list-style-type: none"> • Report to file. • Report to Council Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)

Last reviewed	25 June 2024
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Delegation	EH2.05 Appoint Designated Officer – Public Health Information Sharing
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	Public Health Act 2016: _s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 _s.299 Information Sharing
Function	Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Delegates	CEO Coordinator Health Services Environmental Health Officer Executive Director Corporate & Commercial Services Manager Public Health and Safety Senior Environmental Health Officer
Conditions	Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline , prepared in accordance with s.300.
Express power to subdelegate	<i>Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].</i>
Statutory framework	Public Health Act 2016 _s.300 Guidelines relating to information sharing. (Note – Decisions under this delegation may be referred for review by the State Administration Tribunal).
Policy	Guidelines: <ul style="list-style-type: none"> ▪ Chief Health Officer - Information Sharing - Guidelines (For the purposes of sections 299 and 300 of the Public Health Act 2016): Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152.
Last reviewed	25 June 2024

Road Traffic (Vehicles) Act 2012

State Government Authorisation and Delegation to Local Governments.

Road Traffic Act - CEO to Employees

Delegation	V1.01 Approval for Certain Local Government Vehicles as Special Use Vehicles (Vehicles Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Road Traffic (Vehicles) Act 2012
Delegator	Department of Transport
Express power to delegate	Road Traffic (Vehicles) Regulations 2014 _Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014</i>
Express power or duty delegated	Approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under: <ul style="list-style-type: none"> a. the <i>Local Government Act 1995</i>; b. regulations made under the <i>Local Government Act 1995</i>; c. a local law; d. any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1 976</i>); or e. any combination of the above paragraphs (a) to (d);
Function	To perform functions on its behalf under: <ul style="list-style-type: none"> a. the <i>Local Government Act 1995</i>; b. regulations made under the <i>Local Government Act 1995</i>; c. a local law; d. any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1 976</i>); or e. any combination of the above paragraphs (a) to (d); <p>As special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the Regulations, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the Regulations,</p>
Delegates	CEO

Conditions	<ol style="list-style-type: none"> 1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light. 2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction. 3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position. 4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles. 5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat. 6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle. 7. Any vehicle fitted with flashing lights for the purposes of this approval must: <ol style="list-style-type: none"> a. have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and b. where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle. <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p>
Subdelegates	Executive Director Infrastructure, Development & Environment Manager Operations
Subdelegate conditions	<ol style="list-style-type: none"> a. Classes of persons authorised to administer this function on behalf of the CEO are listed as "Subdelegates". b. City employees responsible for "Fleet Management" are authorised this function on behalf of the "Subdelegates".
Statutory framework	Road Traffic Authority Delegation: Link
Policy	Policies: <ul style="list-style-type: none"> ▪ City of Albany Fleet Management Policy & Guidelines: Link
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	V1.02 (D045) Traffic Management - Events on Roads (Vehicles Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Road Traffic (Vehicles) Act 2012
Delegator	Commissioner of Main Roads
Express power to delegate	Road Traffic Code 2000 _Regulation 297(2) <i>Road Traffic Code 2000</i>
Express power or duty delegated	Reference: Instrument of Delegation - Traffic Management for Events - Code of Practice Authorised Bodies (City of Albany): Link Extract: Express Power or Duty Authorised: Erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction.
Function	Local Government ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated [in the Instrument of Authorisation], erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any: <ul style="list-style-type: none"> i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>; ii. race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>; or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction.
Delegates	CEO
Conditions	Conditions of Authorisation: At all times, the "Authorised Body", being the Local Government (City of Albany): <ul style="list-style-type: none"> a. Shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone; b. Shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and c. Shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

Express power to subdelegate	Positions Authorised: The Local Government itself, its employees, consultants, agents and contractors.
Subdelegates	Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Engineering & Sustainability Manager Operations
Subdelegate conditions	<p>a. Classes of persons authorised to administer this function designated as "Subdelegates".</p> <p>b. Authorised classes of person to administer this function on behalf of the "Subdelegates":</p> <p><i>_Persons employed in the City's Asset Management Team.</i></p>
Statutory framework	Authorised Bodies: Authorised Bodies (City of Albany): Link Code of Practice: Traffic Management for Events Code of Practice
Policy	Resources: Main Roads Western Australia: Planning and Technical Services Directorate Road Safety Branch February 2021: Link
Record keeping	Report to file. Report to Council Committee.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

Delegation	V1.03 (D045) Traffic Management – Road Works (Vehicle Act)
Category	PART 2 - DELEGATIONS UNDER OTHER LEGISLATION
Head of power	Road Traffic (Vehicles) Act 2012
Delegator	Commissioner of Main Roads
Express power to delegate	Road Traffic Code 2000 _Regulation 297(2) of the <i>Road Traffic Code 2000</i>
Express power or duty delegated	Instrument of Delegation - Traffic Management for Works on Roads - Code of Practice; Local Government ('Authorised Body') by itself, its employees, consultants, agents and contractors (together 'Representatives') to, from the date indicated [in the Instrument of Authorisation], erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction.
Function	Authority to: Erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction.
Delegates	CEO
Conditions	Terms & Conditions; Authorised Bodies (Local Government), being the City of Albany: <ul style="list-style-type: none"> a. Shall at all times observe, perform and comply with the provisions of the 'Traffic Management for Works on Roads Code of Practice' (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ('the Code') referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone; b. Shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and c. Shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.
Subdelegates	Executive Director Infrastructure, Development & Environment Manager City Reserves Manager Engineering & Sustainability Manager Operations
Subdelegate conditions	<ul style="list-style-type: none"> a. Same conditions imposed on the CEO. b. Classes of persons authorised to administer this function are designated as "Subdelegates":

Statutory framework	Legislation: <ul style="list-style-type: none">• Road Traffic (Vehicles) Act 2012
Policy	Nil.
Record keeping	Report to file.
Date adopted	25 June 2024
Adoption references	OCM 25/06/2024 Resolution AR152. (NEW)
Last reviewed	25 June 2024

AMENDMENTS

There are no amendments to display