

LIST OF AMENDMENTS TO THE DELEGATIONS REGISTER

Item Ref	Authorisation/Delegation	Proposed Change or Action	Comments
1	Authorisation 1 from LG – Control of Vehicles (Off Road Areas) Act	Added Disposal of Vehicle delegation for Manager Regulatory Services, Ranger Services Coordinator and Senior Ranger in accordance with Section 42(2) of <i>Control of Vehicles (Off-Road Areas) Act 1978</i> .	No previous delegated authority for any staff to dispose of vehicles under this Act. Council only.
2	Authorisation 17 from LG – Authorised Officers and Service of Infringement Notices (Litter Act)	Repealed	Under section 26(c)(ii) of <i>Litter Act 1979</i> any person who is an employee of the local government is an 'authorised officer' and this does not require a specific delegation/authorisation from Council or CEO. Should officers be expected to use this authorisation as a function of their role, it should be outlined in the Position Description or via induction training from their Supervisor that this is the case as opposed to being listed in Delegation Register.
3	Authorisation 19 from LG – Cemeteries Act	Regulatory Services Administration Officer added in accordance with FER legislation as mentioned under section 4.7 of report. Removal of Works Supervisor and Operations Coordinator (Infrastructure) as having delegated authority to issue infringements.	FER requires anyone submitting to have authority under legislation to issue infringements. These roles have never issued an infringement and likely will not. As a risk control, number of roles that may issue infringements is reduced.
4	Authorisation 20 from LG – Withdrawal of infringements under Local Laws	All Local Law delegations/authorisations will be consolidated under a single entry in new Delegations Register as Local Laws 2.1 – Authorised Persons & Service of Infringements.	Nil
5	Authorisation 25 from LG – Requests to Minister for Lands	Remove Power to Authorise as being from s.9.10 of <i>Local Government Act 1995</i> . This is more in relation to who can sign documents on behalf of local government to Minister for Lands. Authorised under s.9.49A of <i>Local Government Act 1995</i> and reference to Execution of Documents Policy CG-10.	This is more an instruction or internal policy as to who can ultimately write to Minister for Lands on behalf of the City of Karratha seeking approval for Minister to exercise his various powers. Minister's Office will still require necessary supporting evidence of Council/CEO/Staff approval where relevant.
6	Authorisation 26 - Liquor Control Act Certification	Replace Power to Authorise as being from s.9.49A of <i>Local Government Act 1995</i> , able to sign documents on behalf of local government. Added Building Coordinator due to provisions under <i>Building Act 2011</i> .	Consistent with legislation and Execution of Documents Policy.
7	Authorisation 27 – Gaming and Wagering Act Certification	Replace Power to Authorise as being from s.9.49A of <i>Local Government Act</i> , able to sign documents on behalf of local government.	Consistent with legislation and Execution of Documents Policy.

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8	Authorisation 28 from LG – Authority to issue Visitor Permits - Tidepole Island Local Law	Repealed	To be removed as Local Law is being removed and this Authorisation will no longer be relevant.
9	Authorisation 1 from CEO – Authorised Officers – Bush Fires Act	Consolidate with current Delegations 23 & 24 regarding Bush Fire Act. Listed within new Delegations Register under 6 – Bush Fires Act.	Nil
10	Authorisation 5 from CEO – Animal Welfare Act Authorised Persons	Change delegation of Authorised Person to Director Development only as this relates to withdrawal of infringements.	Other powers under this Act are for ‘Inspectors’ and this is provided to Rangers by external agencies not local government and will not be on our Delegation Register.
11	Authorisation 6 from CEO – Service of Infringements under Local Laws	All Local Law delegations/authorisations will be consolidated under a single entry in new Delegations Register as Local Laws 2.1 – Authorised Persons & Service of Infringements.	Nil
12	Authorisation 7 from CEO – Withdrawal of infringements under Local Laws	All delegations surrounding the withdrawal of infringements will be consolidated within new Delegations Register under Heading 3 – Withdrawal/Modify Infringements.	Recent amendments to the <i>Local Government Act 1995</i> ¹ change ‘authorised person’ to ‘the CEO of the local government’ in an effort to clarify the intent of the legislation which can be confusing at times.
13	Authorisation 8 from CEO – Power to remove and impound goods	To be consolidated with current Delegation 21 within the new Delegations Register under Heading 1.11 – Power to Remove and Impound Goods.	Essentially a double up with Delegation 21.
14	Delegation 1 – Appointment of Acting CEO	Repealed	This is not a delegation under any legislation.
15	Delegation 2 – Legal Advice	Repealed. Recommend that the instruction that approval of expenditure for legal advice or opinion be a condition of purchasing delegation or an instruction listed under Purchasing Policy / Guidelines /Promapp rather than a legal delegation.	This does not appear to be a delegation as such. It is more a condition or instruction from the CEO that Directors need to give approval prior to committing expenditure for a service from a supplier. There is no power being executed or duty of CEO being delegated down the line. This relates to Purchasing Authority currently delegated under Delegation 5.
16	Delegation 3 – Legal Representation for Staff	Repealed	This is based on Policy CG04 – Legal Representation & Cost Indemnification and is again a reference to expenditure as opposed to a power or duty being delegated. This is already sufficiently addressed within the Policy and as such does not require a delegation as there is nothing to delegate.
17	Delegation 4 – Payments from Municipal & Trust Funds and	Delegation to include the transfer to and from the trust fund in accordance with trusts affected referencing Section 6.9(2) of <i>Local Government Act 1995</i> .	Manager Finance requested minor change to allow for better clarification surrounding trusts.

¹ *Local Government Legislation Amendment Act 2016 (WA)* – s.20 & 21

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	Transfer To / From Reserve Accounts		
18	Delegation 7 & 8 – Payments of Debt / Write Off Monies	Consolidate into new delegation.	These both relate to s.6.12(1) of <i>Local Government Act 1995</i> and can be consolidated into one delegation.
19	Delegation 10 – Payments to City of Karratha Employees	Repealed	<p>Similar to Delegation 2, This is more an instruction from Council that only CEO & Director Corporate Services are authorised to expend municipal funds in relation to payments to employees. Relates to things such as residential service charges, education expense, relocation expenses etc.</p> <p>This is more in line with employment contracts and Council Policies.</p> <p>Delegation currently incorrectly refers to Section 5.50 of <i>Local Government Act 1995</i> which relates to finishing employees.</p>
20	Delegation 11 & 12 – Waive Fees	<p>Consolidate both together.</p> <p>Add that all members of EMT may provide concessions for fees or services within their respective Directorate subject to conditions provided by Council.</p>	As per recommendation 17.
21	Delegation 13 & 14 – Tenders	Consolidate with current Delegations 13, 14 and 45. To be listed within new Delegations Register under Heading 1.1 – Tenders & Expressions of Interest.	Along with Delegation 45 (since consolidated into Delegation 14), these may be consolidated under the one delegation as all the current separate delegations for tenders refer to the same part of local government legislation. ²
22	Delegation 16 & 17 – Local Laws	<p>All Local Law delegations/authorisations will be consolidated under a single entry with new number allocated.</p> <p>Local Laws updated after several were repealed by Council following recommendations by Manager Regulatory Services.</p>	Nil
23	Delegation 18 & 19 – Local Government Act Powers	<p>To be consolidated.</p> <p>Planning staff removed from this delegation as they utilise the provisions within <i>Planning and Development Act 2005</i> which is more relevant to their role and provides more suitable powers of entry.</p>	Refers to same area of legislation aimed at same delegates.
24	Delegation 20 & 21 – Impounded Goods	To be consolidated with Authorisation 8 from CEO.	Same legislation for both the Delegation and the Authorisation. Consolidated to ease confusion and reduce number of entries in Register.

² *Local Government Act 1995 (WA) – s3.57*

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		<p>Under Delegation 21 Authorisation 1, added '...the goods are located in a place contrary to any local law or regulation.' in line with Regulation 29 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>Manager Regulatory Services added.</p> <p>Definition of 'abandoned vehicle wreck' added also.</p> <p>Now listed within new Delegations Register under Heading 1.11 – Power to Remove and Impound Goods.</p>	
25	Delegation 22	<p>Section 49 reference removed. Now states '...powers of local government under s.46 – s.48 of the <i>Emergency Management Act 2005</i>'.</p> <p>To be listed within new Delegations Register under Heading 12.1 – Emergency Management Direction Powers.</p>	Section 49 is not a power or duty to be delegated.
26	Delegations 23 & 24 – Bush Fires Act	<p>To be consolidated with Authorisation 1 from CEO under Bush Fires Act delegations.</p> <p>In new delegation 5.1 have inserted condition relating to provisions of 'Acting Through' in relation to Bush Fire Brigades Local Law.</p>	Nil
27	Delegations 25 & 26 – Road Closures & Events on Roads	<p>To be consolidated into one delegation within new Register under Heading 1.15 - Road Management.</p> <p>Manager Regulatory Services added to replace Emergency Management Coordinator.</p>	Same legislation refers for both current delegations. Consolidated to alleviate confusion and simplify Register.
28	Delegations 27, 28 & 29 – Building Act	<p>All delegations consolidated into one surrounding granting and refusing permits.</p> <p>To be listed within new Delegations Register under Heading 5.2 – Grant/Refuse Permits.</p>	Consolidated to simplify Register.
29	Delegations 31, 32 & 33 – Food Act	<p>All delegations consolidated into one under same legislation.</p> <p>To be listed within new Delegations Register under Heading 13 – Food Act.</p>	Consolidated to alleviate confusion and simplify Register.
30	Delegation 34 – Town Planning Approvals	<p>Amend final Power/Authority delegated to read: 'Determine ... amendments to plans of planning approvals where made under delegation.'</p> <p>Amend first condition so that any objection is referred to Council for approval.</p> <p>Remove last two conditions as these are definitive requirements, not conditions. i.e. if CEO requests for matter to go to Council for consideration, it will go to Council.</p>	As requested by Planning staff based on effectiveness of delegation.

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31	Delegation 35 – Town Planning - Extension of Period for Approval	Will be combined into Delegation 34 surrounding Town Planning Approvals. To be listed within new Delegations Register under Planning and Development Act Heading 20.2 - Approvals	This can be rolled into delegation surrounding Town Planning Approvals as it refers to same authority under same legislation.
32	Delegation 36 – Town Planning – Subdivisions	Under first condition, amend 'policy and/or development plan' to read ' structure plan '. To be listed under Heading 20.3 – Subdivisions.	As requested by Planning staff.
33	Delegation 37 – Town Planning – Making Submissions on behalf of Council	Under Power/Authority Delegated, combine all agencies to be referred to as ' State Departments, State Authorities or Other Service Authorities ' as opposed to naming all individually. Remove first condition due to large number of State Agreements to reduce administrative burden on Council. Remove Senior Strategic Planner as delegate. To be listed under 20.4 – Make Submissions on Behalf of Council.	As requested by Planning staff based on effectiveness of delegation.
34	Delegation 39 – Town Planning – Appeals lodged with State Administrative Tribunal	Add two conditions of sub-delegation: ' CEO to endorse outcome of mediated decision if not within usual delegation scope of delegate '. <i>'Where a decision on a planning application which is the subject of appeal has been determined by Council, any written or verbal submission on the appeal shall be endorsed by CEO if it changes the intent of Council decision.'</i> Changed to 'CEO' from 'Council' due to the strict timeframes surrounding appeals. Senior Statutory Planners and Senior Strategic Planners removed as delegates. To be listed under 20.6 – State Administrative Tribunal.	As requested by Planning staff based on effectiveness of delegation.
35	Delegation 41 – Town Planning – Structure Plans	To combine with Delegation 42. To be listed under 20.8 – Structure Plans and Local Development Plans.	As requested by Planning staff.
36	Delegation 42 – Town Planning – Local Development Plans	To combine with Delegation 41 as above.	As requested by Planning staff.
37	Delegation 45 – Inviting Expression of Interest and Evaluation Criteria	Recommended to consolidate into the single delegation. Will be listed within new Delegations Register under Heading 1.1 – Tenders and Expressions of Interest.	This is a delegation from Council to CEO only similar to Delegation 14 Inviting Tenders and Evaluation Criteria.

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38	Delegation 47 – Acknowledging Receipt of Financial Returns	Repealed	(Acting Through) Delegation not required.
39	Delegation 48 – Tenders & Expressions of Interest - Notice of Outcome	Repealed	(Acting Through) Delegation not required.
40	Withdrawal of Infringements	All delegations to withdraw, modify or extend time to pay any infringements will be consolidated under a single delegation and listed within new Delegations Register under Heading 3 – Modify & Withdrawal Infringements.	This will make the delegation easier to locate, read and understand whilst reducing the number of delegations in the Register.

Since presentation to the Audit and Organisational Risk Committee (AORC) on 21 February 2017, and upon consultation with Director Development Services, further changes to the proposed Delegations Register were requested. Several town planning related delegations have been removed or amended as described in the following table:

Item Ref	Authorisation/Delegation	Proposed Change or Action	Comments
1	Delegation 20.3 – Subdivisions	Repealed	This is a recommendation as opposed to a legal power or duty to be delegated under legislation and can be managed via internal procedures.
2	Delegation 20.4 – Make submissions on behalf of Council	Repealed	(Acting Through) Delegation not required.
3	Delegation 20.5 – Development and Performance Bonds	Repealed	This is not a legal power or duty to be delegated under legislation and can be managed via internal procedures.
4	Delegation 20.6 – State Administrative Tribunal	Repealed	This is not a legal power or duty to be delegated under legislation and can be managed via internal procedures.
5	Delegation 20.10 – Commence Legal Action	Repealed	This is incorporated within the Unauthorised Development delegation ³ and does not require a further stand-alone delegation.

³ Planning and Development Act 2005 (WA) – s.214