

POWERS AND DUTIES

The Act specifically refers to powers and duties when the subject of delegations is covered. However, the Act does not define these two terms so a dictionary definition of their meaning is required. In this regard, duty is defined as 'something which a person is bound to perform' while a power is an 'ability to act or do'. Consequently, when considering legislative provisions, when the mandatory term 'shall' or 'is to' is used, the related subject can be taken as a duty while, when the optional term 'may' is used, the related subject can be viewed as a power. The words 'shall' and 'may', or similar meaning terms, are used frequently throughout the Act and so many actions and processes can be subject to formal delegation if they are to be performed by others.

It should also be noted that the term 'power' is defined in the Interpretation Act (for the purposes of any written law including the Local Government Act) to include 'any privilege, authority or discretion'.

Attachment 2

LIMITATIONS ON DELEGATIONS

The Act's limitations cover accepting a tender, appointing an auditor, acquiring or disposing of property, borrowing money or hearing an objection. These are all major decision points in local government's operations and, as would be expected because of their significance, delegations cannot be made, or are limited, in these areas.

The regulations limit delegations in two specific circumstances. The first relates to several audit matters such as meeting with the auditor. The legislation limits delegation in this area because it was felt appropriate that council members be involved in this process. That is, council members should not abrogate their responsibility for understanding the audit.

The second limits delegation in relation to selection and performance reviews of the CEO. This provision was introduced because one Council delegated the performance review of the CEO to the CEO which was considered, for obvious reasons, inappropriate.

REVIEW OF DELEGATIONS AND PROPOSALS FOR CHANGE

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Alternative methods of filling office of Mayor/President	S.2.11	Changing method requires special majority	Local Government (LG)	No	Not delegatable	N/A
	S.2.12A	Process associated with change	LG	No	Act through	N/A
Local Laws	S.3.5, 3.12, 3.16	Making, repealing or amending local laws requires absolute majority	LG	No	Not delegatable	N/A
	S.3.5 – 3.16	Process associated with local law making or review	LG	Yes	Act through	Giving public notice or Gazetting laws are operational process matters which lend themselves to acting through
Performing Executive Functions	S.3.18	Providing facilities and services	LG	No	Not applicable	This is a general statement of power and should not be considered in relation to delegation or acting through
Performing functions outside district	S.3.20	Duty to obtain consent	LG	Yes	Act through	This is an operational task as part of a process which lends itself to acting through
Duties when performing function	S.3.21	Includes duties such as minimise inconvenience and do not endanger people	LG	Yes	Act through	These duties apply when operational functions are being performed and, consequently, they lend themselves to acting through
Compensation	S 3.22	A Local Government is to compensate a person if the person sustains damage when a Local Government performs its function	LG	No	Delegate if necessary	Compensation represents a major decision which could be delegated to a certain limit if compensation matters arise.
Provisions about land	S 3.24	Power of authorisation	LG	Yes	Act under authorisation	N/A

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
	S 3.24 – 3.33	Power to give notices and do certain things on lands	LG	Yes	Act under authorisation	Giving notices and enforcing action are operational processes which lend themselves to acting through by the person authorised to undertake these tasks.
Entry in an emergency	S 3.34	Power to enter and act	LG/CEO	Yes	Act through	Giving notice and acting are operational processes which lend themselves to acting through
Opening fences	S 3.36	Power to open fences and duty to provide a gate across such an opening	LG	No	Act through	These are operational matters which lend themselves to acting through
Impounding goods	S 3.39	Power of authorisation to remove and impound	LG	Yes	Act under authorisation	N/A
	S 3.40 – 3.48	Processes associated with impounding goods	LG	Yes	Act under authorisation	Giving notices, instituting prosecutions, disposing of confiscated goods and the recovery of impounding expenses are all operational processes as part of the impounding action which lend themselves to acting through
Closing thoroughfares	S 3.50 (1), (1a)	Power to close or partially close a thoroughfare	LG	Yes	Delegate	This is a significant decision which lends itself to delegation
	S 3.50, 3.50A	Process associated with closing thoroughfares	LG	Yes	Act through	These are operational tasks which lend themselves to acting through
Affected owners to be notified of certain proposals	S 3.51	Duty to give notice before fixing or altering the alignment of roads	LG	Yes	Act though	This is a process matter best suited to acting through
Road plans	S 3.52	Duty to keep plans of roads and make them available	LG	Yes	Act through	These are administrative processes best suited to acting through

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Controlling reserves	S 3.54	Power to do anything for the purpose of controlling and managing reserves	LG	No	Act through	The actions open to a Local Government are specified under the Parks and Reserves Act 1895 and, consequently, such management can be achieved by acting through
Disposing of property	S 3.58 (2) (a)	Power to dispose through auction	LG	Yes	Delegate	A significant matter which lends itself to delegation
	S 3.58 (2) (b)	Power to dispose by tender	LG	Yes	Delegate	A significant matter which lends itself to delegation
	S 3.58 (3)	Power to dispose by private treaty	LG	Yes	Delegate	A significant matter which lends itself to delegation
Commercial Enterprises	S 3.59	Duty to prepare business plans	LG	Yes	Act through	Business plans support the undertaking of certain executive functions under S.3.18. This is an operational task which lends itself to acting through
Register of Delegations	S 5.18	Duty of keep a register	LG	Yes	Act through	Keeping a register is an administrative function which lends itself to acting through
Local Government employees	S 5.36	Duty to employ people	LG	Yes	Act through	Appointments are made in accordance with budgets and staff structures. Appointments are operational matters best achieved by acting through
Senior employees	S 5.37 (1)	Power to designate employees as senior employees	LG	No	Not delegatable	This is a decision which the Council should make in conjunction with the CEO
	S 5.37 (3)	Advertising for senior employees	LG	Yes	Act through	This is a operational process which lends itself to acting through
Annual review of employees' performance	S 5.38	Requirement to undertake review	CEO	Yes	Act through	S 5.38 is a general statement requiring an operational action which lends itself to acting through

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Contracts	S 5.39	Requires contracts for CEO's and senior employees	LG	Yes	Act through	Contracts are an administrative arrangement which lend themselves to acting through
Functions of the CEO	S 5.41	Imposes a range of functions on the CEO	CEO	Yes	Act through	These are all administrative functions which lend themselves to acting through. It would be difficult to record all instances of where these functions are carried out should they be delegated
Superannuation for employees	S 5.47	Duty to provide superannuation	LG	Yes	Act through	This is an administrative employment process which lends itself to acting through
Long Service leave benefits for employees	S 5.48	Duty to provide long service leave benefits	LG	Yes	Act through	This is an administrative employment process which lends itself to acting through
Annual Reports	S 5.53	Duty to prepare an annual report	LG	Yes	Act through	This is an administrative task which lends itself to acting through. The annual report must be accepted by the Council.
Planning for the future	S 5.56	Duty to plan for the future	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Register of financial interests	S 5.88	Duty of CEO to keep register	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Copies of information to be available	S 5.96	Duty to provide copies of information	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Refunding expenses before actually incurred	S 5.102	Power to provide cash advances when the expense can be reimbursed	LG	Yes	Act through	This is a financial administration matter which lends itself to acting through

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Code of Conduct	S 5.103	Duty to prepare the Code of Conduct	LG	No	Act through	Preparation of a Code is an administrative matter which lends itself to acting through while the adoption of the Code is a significant decision which should not be delegated
Annual Budget	S 6.2	Duty to prepare and adopt budget	LG	No	Not delegatable	N/A
Financial Report	S 6.4	Duty to prepare and submit financial report	LG	Yes	Act through	This is a financial administration matter which lends itself to acting through
Accounts and Records	S 6.5	CEO duty to keep accounts and records	LG	Yes	Act through	This duty covers ongoing operational matters and does not relate to specific decisions. Consequently, it lends itself to acting through.
Municipal Fund	S 6.7	Duty to hold money in municipal fund and power to expend monies on the performance of functions	LG	Yes	Act through	These are financial administration matters which lend themselves to acting through
Trust Fund	S 6.9	Duty to hold certain monies in trust fund and to apply the monies in accordance with the trust	LG	Yes	Act through	These are financial administration matters which lend themselves to acting through
Reserve Accounts	S 6.11	Process to change the purpose of reserves accounts	LG	No	Act through	These are financial administration and process matters best dealt with by acting through
Discounting or waiving debts	S 6.12	Power to discount or write-off monies owed	LG	Yes	Delegate	Decisions about discounts or write-offs reflect specific decision points which lend themselves to delegation
Power to invest	S 6.14	Power to invest	LG	Yes	Delegate	Investment decisions are significant decision points which lend themselves to delegation

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Giving notice of fees and charges outside the budget process	S 6.19	Public notice process required before imposition	LG	Yes	Act through	This is an operational process which lends itself to acting through
Borrowings	S 6.20	Power to borrow money and advertising process associated with its implementation	LG	No	Act through	Public notice is a process matter which lends itself to acting through
Giving notice of certain rates	S 6.36	Duty to give local public notice before imposing certain rates	LG	Yes	Act through	This is an operational process which lends itself to acting through
Specified area rates	S 6.37	Duty in relation to the use of money obtained from specified area rating	LG	Yes	Act through	This is a financial administration matter which lends itself to acting through
Services charges	S 6.38	Duties in relation to monies raised from service charges	LG	Yes	Act through	This is a financial administration matter which lends itself to acting through
Rate record	S 6.39	Powers and duties in relation to the rate record	LG	Yes	Act through and act in accordance with policy	These are financial administration matters which lend themselves to acting through. The power to amend the rate record for a period of up to five years could be delegated but it would be preferable if officers acted in accordance with policy on this matter.
Service of rate notice	S 6.41	Duty to serve rate notice	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Agreement to pay rates and service charges	S 6.49	Power to accept payment in accordance with an agreement	LG	Yes	Act in accordance with policy	Establish policy in relation to agreements which officers comply with

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Rates recoverable in court	S 6.56	Power to recover unpaid rates or service charges	LG	Yes	Act through and act in accordance with policy	The decision as to whether rates are recovered to be determined in accordance with established policy while actions associated with the process of recovery are operational matters achieved by acting through
Requiring lessee to pay rent	S 6.60	Powers and duties in relation to the payment of rent by lessee	LG	Yes	Act through	Giving notice and undertaking recovery action are process matters best suited to acting through
Actions against land where rates are unpaid	S 6.63 – 6.75	Power to take action and duty to follow process	LG	No	Act through	These are principally process matters, such as the giving of notice under S 6.64 (2), which lend themselves to acting through
Objection to the rate record	S 6.76 (4)	Power to extend the time for making an objection	LG	Yes	Act in accordance with policy	This is a process decision best made by officers acting in accordance with policy
	S 6.76 (5)	Power to allow or disallow objection	LG	Yes	Delegate	This is a significant decision point which can be delegated
	S 6.76 (6)	Duty to provide written notice of decision	LG	Yes	Act through	This is a process matter which lends itself to acting through
Referral of appeal to tribunal	S 6.79	This section has been amended and delegation is no longer relevant	LG	Yes		
Minister or Executive Director may require information	S 8.2	Duty to provide information	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Appointment of authorised person	S 9.10	Power to appoint authorised persons	LG	Yes	Act under authorisation	N/A
Representing the local government in court	S 9.29	Power of CEO to appoint employee to represent the local government in court or tribunal proceedings	CEO	Yes	Formal appointment	The Act talks about the appointment of employees in writing to undertake such tasks. Consequently, no formal delegation is needed.
Evidence in legal proceedings	S 9.31	CEO may authorise an employee to certify documents	CEO	Yes	Act under authorisation	Authorisation does not require a further delegation

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Permission for a gate across a public thoroughfare	R 9 – Uniform Local Provisions	LG required to keep a register of gates and other devices constructed across public thoroughfares	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Dangerous excavation in or near public thoroughfare	R 11(1) – Uniform Local Provisions	If deemed unsafe, LG may request owner or occupier to fill in or securely fence an excavation site adjoining a public thoroughfare.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Crossing from public thoroughfare to private land or vice versa	R 12(1) – Uniform Local Provisions	LG may give approval for the construction of a crossing	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Construct and repair crossing	R 13(1) – Uniform Local Provisions	LG may direct owner or occupier of private land to construct or repair a crossing from a public thoroughfare	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Private works on, over or under public places	R 17(2) – Uniform Local Provisions	Permission may be granted for construction of anything on, over or under public thoroughfare if owned by LG	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Public notice of Council or Committee Meetings	R 12(1) – Administration	Public notice of ordinary Council and Committee meetings held throughout the year is to be given at least once each year.	LG	Yes – the giving of notice	Act through	This is an administrative matter which lends itself to acting through
	R 12(2) - Administration	Public notice of any change of date, time or place of any public meeting	LG	Yes – the giving of notice	Act through	This is an administrative matter which lends itself to acting through
	R 12(3) - Administration	LG to provide public notice of any special meeting open to the public, including date, time place and purpose of meeting	LG	Yes – the giving of notice	Act through	This is an administrative matter which lends itself to acting through
Public inspection of unconfirmed minutes of Council or Committee meetings	R 13 - Administration	Ensure that unconfirmed minutes of Council and Committee meetings are available for public inspection	LG	Yes	Act through	This is an administrative matter which lends itself to acting through

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Public inspection of documents relating to Council or Committee meetings	R 14(1) - Administration	Ensure notice papers and agendas for Council or Committee meetings are available to members of the public at the time they are available to Council or Committee members	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Tenders to be invited for certain contracts	R 11(1) – Functions & General	Public tenders to be invited for goods or services exceeding \$50,000 before entering into a contract	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
	R 11(2)(f) – Functions & General	Tenders need not be publicly invited if the nature of the goods or services is unlikely to attract more than one supplier	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Requirement for publicly invited tenders	R 14 – Functions & General	Statewide public notice must be given to seek tenders	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Receiving and opening tenders	R 16 – Functions & General	Tenders to be kept confidential until the closing date and time	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Tender Register	R 17 – Functions & General	Tender register to be available for public inspection	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Choice of tender	R 18(1) to 18(7) – Functions & General	Tenders failing to comply with specified requirements, although being received within specified time may be rejected without consideration.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
		Valid tenders are assessed via a written evaluation against the specified criteria.	LG	Yes	Delegate	A significant matter which lends itself to delegation
	R 18(5) – Functions & General	Council may decline to accept any tender.	LG	Yes	Delegate	A significant matter which lends itself to delegation
Tenderers to be notified of outcome	R19 – Functions & General	CEO to advise in writing the successful tenderer's particulars or advising that no tender was accepted.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Limitation may be placed on who can tender	R 21 - Functions & General	Council may seek expressions of interest with respect to the supply of the goods or services.	LG	Yes	Act through	This is an administrative matter which lends itself to acting through

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Choice of acceptable tenders from an expression of interest	R 23 - Functions & General	Council may choose acceptable tenderers from expressions of interest received.	LG	Yes	Delegate	A significant matter which lends itself to delegation
Persons expressing an interest to be notified of outcome	R 24 – Functions & General	CEO to advise in writing of his decision to each person who submitted an expression of interest.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Payment of Accounts – Signatories to bank accounts	R 5(1)(e) – Financial Management	Authority for payment of cheques or by way of authorising electronic funds transfers.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Financial Management duties of the CEO	R 5(1) – Financial Management	CEO to establish efficient systems and procedures to ensure safe custody and security of all money collected, financial records and budgets.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	R 5(2)(a) – Financial Management	CEO to ensure resources are effectively and efficiently managed.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	R 5(2)(c) – Financial Management	CEO to review financial management procedures and processes (not less than once every 4 financial years) and report the results.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Payment of accounts	R 11(1) – Financial Management	Procedure to be developed for the authorisation and payment of accounts.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
	R 11(2) – Financial Management	Procedure to be developed for the approval of accounts.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Payment from the municipal fund and trust fund	R 12 – Financial Management	Payment may be made from the municipal fund or the trust fund if exercising power has been delegated to CEO.	CEO	Yes	Delegate	If this power is delegated to the CEO, the CEO will need to on-delegate the power as it has been specifically delegated.

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Lists of Accounts	R 13 – Financial Management	If delegated authority has been provided to the CEO to make payments from the Municipal or trust funds, each payment must be noted on a list, compiled and presented to the next ordinary meeting of Council.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Management of Investments	R 19(1) – Financial Management	Internal control procedures to ensure control over investments must be established and documented.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Financial reports to be prepared	R 34(1) to (3) – Financial Management S 6.4	Monthly statement of financial activity to be prepared.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
	R 34(4) – Financial Management S 6.4	Monthly statement of financial activity to be presented to Council at the next ordinary meeting of Council following the end of the month to which the statement relates.	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Occupational Safety and Health	City Policy	Implement the Health & Safety Policy of the City	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Staff Uniforms	City Policy	Authority to issue approved corporate uniforms	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Payment of Fees, Allowances and Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors	City Policy	Authorisation for Elected Members to attend conferences and training, and to nominate a suitable proxy to attend in lieu of the Mayor.	CEO	Yes	Act through	Attendance will have been budgeted and, consequently, authorisation is an administrative matter which lends itself to acting through
	City Policy	Authorisation to arrange registration, travel and accommodation for Elected Members attending approved conferences and study tours.	CEO	Yes	Act through	Elected members have received approval and, consequently, authorisation is an administrative matter which lends itself to acting through
	City Policy	Determines most appropriate arrangements for issue of interstate and overseas travel allowances.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through

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	City Policy	Authority to process claim forms for reimbursement of expenses.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Elected Members Advertising	City Policy	Elected Members wishing to advertise Ward Councillors' availability at various locations.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Nomenclature – Public Facilities	City Policy	Authority to name streets and reserves, and the allocation of house numbers.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Uniform Fencing – Subdivision	City Policy	Approve or refuse all applications for uniform fencing.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Developer to submit a landscaping plan along with the uniform fencing plans if WAPC has imposed the uniform fencing condition.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Approve or refuse the standard and style of uniform fencing	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Retaining Walls	City Policy	Approval to issue a building licence for a retaining wall.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Authority to Waive Fees	S 6.12(1) & (2) City Policy	Waive fees for goods, services and charges, excluding statutory charges, the municipal rate or services charges incorporated within the Rate Notice.	CEO	Yes	Act through	This is an operational matter which should occur in accordance with a set policy.
Emergency Closure of Public Libraries	City Policy	In an emergency, one or more public libraries may be closed for business.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Council Owned Stock – Public Libraries	City Policy	Allows donations of any books and other materials to Council stock.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Allows the disposal of books or other materials, other than a Council book sale.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Assessment – Community Funding	City Policy	Authority to approve community funding submissions, not exceeding \$2,500.	CEO	Yes	Delegate	A significant matter which lends itself to delegation

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Consumption of Alcohol within Council Recreation Facilities, Libraries or on Reserves	City Policy	Authority to approve or reject applications to consume alcohol on Council property.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Authority to approve applications for restricted liquor licences.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Acquisition for the City's Art Collection	City Policy	Authority to purchase artworks not exceeding \$1,000	CEO	Yes	Delegate	A significant matter which lends itself to delegation
Procurement of Council Buildings	City Policy	Procurement of Council buildings required due to changing accommodation needs.	CEO	Yes	Act through	Budget decisions will be required for such procurement and consequently, the actual procurement becomes an operational matter which lends itself to acting through.
	City Policy	Alter or add to Council buildings due to changing accommodation needs.	CEO	Yes	Act through	Budget decisions will be required for such procurement and consequently, the actual procurement becomes an operational matter which lends itself to acting through.
Access to Information for People with Disabilities	City Policy	Provide all printed community information in alternative formats upon request.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Domestic Waste Collection and Recycling Service	City Policy	Procedures for the collection and disposal of domestic waste and recycling service in line with OH&S, community service obligations and efficiency.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Verge Treatments – Protective Devices	City Policy	Approve installation of verge treatments and protective devices in residential and commercial or industrial zoned properties.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Sand Drift Control	City Policy	Determination of necessary control of sand drift from vacant residential properties.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through

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	City Policy	Reinstatement of landscape road verges and private gardens adversely affected by sand drift resulting from Council works.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Subsidy – Vehicle Crossing	City Policy	Payment of half the cost of a standard 2.8m wide vehicle crossing if in compliance and first constructed to that lot.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Roadworks – Opening Up	City Policy	Issue permits for opening up roadworks.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Acknowledgement of Service – Elected Members	City Policy	Purchase of a gift for retiring elected members	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Memorial Plaques	City Policy	Approval of individual tree memorials.	LG	Yes	Act through	This is an administrative matter which lends itself to acting through
Freedom of Information	Section 100(1) – Freedom of Information Act	Decision making authority regarding applications submitted under the FOI Act	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	Section 41 – Freedom of Information Act	Deal with an application for an internal review made under the FOI Act.	No person who is subordinate to the primary decision maker	Yes	Act through	This is an operational matter which lends itself to acting through
Corporate Logo	City Policy	Grant approval for the use of the City's corporate logo for Council business.	Council	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Grant approval for the use of the City's corporate logo for non-Council business.	Council	Yes	Act through	This is an operational matter which lends itself to acting through
Use of Common Seal & Signatories for Contract Execution	City Policy S 9.49	Sign contract documents. Land transfer deeds or contract for procurement of goods or services exceeding \$250,000 to be executed under Common Seal.	LG	Yes	Act through	Council is involved in approving many contracts; others are indirectly approved through budget allocations. Consequently, the use of the seal becomes an operational matter which lends itself to acting through

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Media Contact	City Policy	Approval of media releases.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Council Meetings – Electronic Sound Recording	City Policy	Allow a member of the public to listen to recorded proceedings of a Council meeting.	CEO	Yes	Act through	This is an administrative matter which lends itself to acting through
Use of Council Vehicles	City Policy	Vary the use of Council vehicles.	CEO	No	Act through	This is an operational matter which lends itself to acting through
Height and Scale of Buildings within Residential Area	City Policy	Estimation on natural ground level where land has been disturbed and no accurate record has been kept.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Online Services Provision	City Policy	Approval of requests for online services (email/internet access for internal and external business communications) for elected members, employees and the public.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Council Reserves and Parks	City Policy	Develop and maintain minor passive POS with an area less than 4ha as non-reticulated or dry parks.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
	City Policy	Approval of passive reticulated parks.	CEO	Yes	Act through	This is an operational matter which lends itself to acting through
Variation of Requirements Before Entry Into Contract	R 20 – Functions & General	To make minor variation in the goods or services required without again inviting tenders.	LG	Yes	Act through	This is an operational matter which lends itself to acting through
<i>Town Planning Delegations to be considered separately.</i>						
Caravan Parks & Camping Grounds Act Appointments	Caravan Parks & Camping Grounds Act	Appointment of authorised person.	LG	Yes	Act under authorisation	Authorisatation does not require a further delegation.
Justices Act Appointments	Justices Act	Appointment of authorised person.	LG	Yes	Act under authorisation	Authorisatation does not require a further delegation.
Health Act Appointments	Health Act	Appointment of people as authorised persons.	LG	Yes	Act under authorisation	Authorisatation does not require a further delegation.
<i>Building Delegations under the Local Government (Miscellaneous Provisions) Act to be considered separately with Town Planning Delegations.</i>						

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Library Charges	S 6.12(1) & (2) and City Policy	Waive, reduce or cancel library charges or grant extension of time to pay library accounts.	LG	Yes	Act through	This is an operational matter which should occur in accordance with a set policy.
Animals Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Animals Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Parking Local Law – Issuing of Licences, Approval and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Parking Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Sign Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Signs Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Bushfire Prevention and Control Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Bushfire Prevention & Control Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Local Government & Public Property Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Local Government & Public Property Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Private Property Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Private Property Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Extractive Industries Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Extractive Industries Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Trading in Public Places Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Trading in Public Places Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Health Local Law – Issuing of Licences, Approvals and Permits	S 9.10	Appointment of persons or classes of persons authorised to issue licences, approvals and permits relating to the Health Local Law.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Local Laws – Receiving, Receipt and Accounting for Money	S 9.10	Appointment of persons or classes of persons authorised to receive and receipt all monies generated through local laws.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
	S 9.10	Appointment of persons or classes of persons authorised to receive and issue interim receipts for poundage, fees and charges relating to local laws.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Local Laws – Issue of Notices, Cautions and Infringements	S 9.10	Appointment of persons or classes of persons authorised to issue notices, cautions and infringements relating to local laws.	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Local Laws – Extension of Payment time, Waiver or Reduction of Penalties, Withdrawal of Infringement Notices	S6.12 & 9.10	Appointment of “authorised persons” to grant extension of time to pay, waive or reduce penalties and withdraw infringements.	LG	Yes	Act under authorisation	Appointments do not require delegation.

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Local Laws – Appointment of Prosecution Officers	S 16 & 22 of Fines Enforcement Act	Appointment of persons as “prosecution officers” to recover unpaid infringements through the Fines Enforcement Scheme	LG	Yes	Appointments	Appointments do not require delegation.
Appointment of Honorary Parking Inspectors	S 5.42	Appointment and cancellation of honorary parking inspectors	LG	Yes	Appointments	Appointments do not require delegation.
Local Laws – Appointment of Beach Inspectors	S 5.42	Appointment of beach inspectors and surf life saving club members to enforce Part 7 of the Public Property Local Law	LG	Yes	Appointments	Appointments do not require delegation.
Authorisation of Officers	S 5.42 & Justices Act 1902	Authorisation of officers to enforce various Acts and Regulations	LG	Yes	Act under authorisation	Authorisation does not require a further delegation
Alterations and Additions to Council Premises	City Policy	Approval for alterations or additions to Council premises by lessee	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Strata Title Certificate of Local Government	Div 3 Sec 23 (4) & (5) Strata Titles Act	Approval to issue certificate under the Strata Titles Act 1985	LG	Yes	Act through	This is an operational matter which lends itself to acting through
Determination of Development Applications	Item CJ018-02/05	Determine a limited number of development applications.	LG	Yes	Delegate	Council specifically delegated this function
Purchase of Goods or Services Under Common Use Contracts	R 11(2)(b) & 11(2)(e) – Functions & General	Authority to purchase goods or services through WALGA or State or Commonwealth Government.	LG	Yes	Act through	The establishment of common use contracts is designed to assist local government efficiency. Because the supply is coming from the Government or the common use contract, operational efficiencies are achieved by acting through.
Authority to Make Comment to the Media	S 2.8 and 5.41	Make comment to the media.	LG	Yes	Delegate	Council specifically delegated this function
Delegation of Authority – Option to Extend a Contract	Item CJ189-09/05	Extend a contract	LG	Yes	Delegate	Council specifically delegated this function

ISSUE	LEGISLATIVE PROVISION	POWER OR DUTY	ASSIGNED TO WHOM	CURRENTLY DELEGATED	PROPOSAL	REASON FOR CHANGE FROM CURRENT DELEGATION
Delegation of Authority – Option to Extend a Contract	Item CJ190-09/05	Extend a contract	LG	Yes	Delegate	Council specifically delegated this function
Delegation of Authority – Option to Extend a Contract	Item CJ191-09/05	Extend a contract	LG	Yes	Delegate	Council specifically delegated this function
Authority to Appoint an Acting Chief Executive Officer	Item CJ220-10/05	Appoint an Acting CEO	LG	Yes	Delegate	Council specifically delegated this function
Authority for Chief Executive Officer to Extend Contracts	Item CJ231-11/05	Extend a contract	LG	Yes	Delegate	Council specifically delegated this function
Authority for Chief Executive Officer to Enter into Contract	Item CJ052 – 04/06	Enter a contract	LG	Yes	Delegate	Council specifically delegated this function
Delegation of Authority – Option to Extend a Contract	Item CJ161 – 09/06	Extend a contract	LG	Yes	Delegate	Council specifically delegated this function

PROPOSED DELEGATED AUTHORITY MANUAL



REGISTER OF DELEGATION OF AUTHORITY

Date of last review by Council:
Date of last review by CEO:
Date of last review in accordance with
District Planning Scheme No 2*

28 June 2005
9 December 2005

13 December 2005 – to remain effective
until 30 June 2007.

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. All delegations made by the Council must be by **absolute majority** decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of the delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

The manual details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council. This enables easier cross-referencing.

This delegated authority manual will be reviewed in accordance with the Act on an annual basis. The coordination of the review will be performed by Council Support Services.

CLOSING CERTAIN THOROUGHFARES TO VEHICLES

- (1) **Function to be performed:** A local government may close any thoroughfare that it manages for the passage of vehicles wholly or partially for a period not exceeding four weeks.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Infrastructure Services
Manager Infrastructure Management & Ranger Services
- Reference:** Section 3.50(1) Local Government Act 1995
-
- (2) **Function to be performed:** A local government may order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** Director Infrastructure Services
Manager Infrastructure Management & Ranger Services
- Reference:** Section 3.50(1a) Local Government Act 1995

DISPOSING OF PROPERTY

- (1) **Function to be performed:** A local government may dispose of property to the highest bidder at public auction.
- “Property” includes the whole or any part of the interest of a local government in property, but does not include money.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$500,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 3.58(2)(a) Local Government Act 1995
-
- (2) **Function to be performed:** A local government may dispose of property by accepting the public tender of the person who makes, what is in the opinion of the local government, the most acceptable tender.
- “Property” includes the whole or any part of the interest of a local government in property, but does not include money.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$500,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 3.58(2)(b) Local Government Act 1995

- (3) Function to be performed:** A local government may dispose of property by private treaty after giving local notice and considering submissions.

“Property” includes the whole or any part of the interest of a local government in property, but does not include money.
- Power or Duty Assigned:** Local Government
- Power to Delegate:** Yes
- Delegation Recommended:** Yes, limit to \$500,000
- Delegation to:** Chief Executive Officer
- Chief Executive Officer delegates to:** N/A
- Reference:** Section 3.58(3) Local Government Act 1995

WRITE OFF OF MONIES

Function to be performed: Authority to write off monies.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: Chief Executive Officer - individual items to \$20,000 -subject to a report being provided to the Audit Committee on a six monthly basis on the exercise of this delegation.

Chief Executive Officer delegates to: Director Corporate Services - individual items to \$20,000
Manager Financial Services - individual items to \$5,000
Team Leader Rating Services - individual items to \$50.

Reference: Section 6.12(1)(c) Local Government Act 1995
CJ78-03/99 REFERS

POWER TO INVEST

Function to be performed:	Money held in the municipal fund or the trust fund of the local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.	
Power or Duty Assigned:	Local Government	
Power to Delegate:	Yes	
Delegation Recommended:	Yes	
Delegation to:	Chief Executive Officer	
Chief Executive Officer delegates to:	Up to \$1.5 million	Director Corporate Services Manager Financial Services Senior Management Accountant Statutory Accountant
	\$1.5 to \$3 million	Director Corporate Services Manager Financial Services
	Over \$3 million	Director Corporate Services
Reference:	Section 6.14 Local Government Act 1995	

OBJECTION TO THE RATE RECORD

Function to be performed: The local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: Director Corporate Services.
Manager Financial Services
Team Leader Rating Services

Reference: Section 6.76(5) Local Government Act 1995

CHOICE OF TENDER

(1) **Function to be performed:** Valid tenders are to be assessed by the local government before deciding which tender to accept.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes, limit to \$250,000

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Regulation 18(1) to 18(7) Local Government (Functions & General) Regulations 1996

(2) **Function to be performed:** A local government may decline to accept any tender.

Power or Duty Assigned: Local Government

Power to Delegate: Yes

Delegation Recommended: Yes, limit to \$250,000

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Regulation 18(5) Local Government (Functions & General) Regulations 1996

LIMITATION MAY BE PLACED ON WHO CAN TENDER

Function to be performed:	If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	Director Corporate Services Manager Assets and Commissioning
Reference:	Regulation 21 Local Government (Functions & General) Regulations 1996

CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST

Function to be performed:	A local government is to choose acceptable tenderers from expressions of interest received.
Power or Duty Assigned:	Local Government
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	N/A
Reference:	Regulation 23 Local Government (Functions & General) Regulations 1996 <i>CJ60-08/98 refers</i>

PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

Function to be performed:	A payment may be made from the Municipal Fund or the trust fund if the local government has delegated to the CEO the exercising of its power to make payments from those funds.
Power or Duty Assigned:	Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	N/A
Chief Executive Officer delegates to:	All Directors Manager Financial Services Senior Financial Accountant Senior Management Accountant
Reference:	Regulation 12 Local Government (Financial Management) Regulations 1996 Delegation "Payment of Accounts - Signatories to Bank Accounts"

ASSESSMENT – COMMUNITY FUNDING

Function to be performed:	Authority to approve community funding submissions, not exceeding an amount of \$10,000.
Power or Duty Assigned:	Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	N/A
Chief Executive Officer delegates to:	Director Planning and Community Development (Limit to \$10,000)
Reference:	Policy 5.2

ACQUISITION FOR THE CITY'S ART COLLECTION

Function to be performed:	Authority to purchase artworks, not exceeding \$5,000 that meet the collection profile on the recommendation of the City's Art Consultant.
Power or Duty Assigned:	Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	No
Delegation to:	N/A
Chief Executive Officer delegates to:	N/A
Reference:	Policy 5.3

TOWN PLANNING DELEGATIONS

1 APPOINTMENT OF DELEGATES

For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 (“the Scheme”), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:

- (a) the Director Planning and Community Development;
- (b) the Manager Approvals, Planning and Environmental Services;
- (c) the Coordinator Planning Approvals;
- (d) the Senior Planning Officers (Planning Approvals);

2 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
 - (i) the development complies with the standards and requirements of the Scheme; or
 - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
 - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);
- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a “D” use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;

- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

3 MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(c) and 1(d) above the powers specified in paragraph 2 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
 - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
 - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or
 - (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;

- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
 - (i) the setbacks of the proposed development; or
 - (ii) the number of on-site car parking bays to be provided; or
 - (iii) the area of the development site to be developed as landscaping;is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
 - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
 - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
 - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
 - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 10, 10AA and 10AB of the Town Planning and Development Act relating to matters of non-conformity with District Planning Scheme No 2.

4 PERIOD OF DELEGATION

The delegations made in paragraphs 2 and 3 above are to have effect for a period of 2 years from and including the date of this decision.

5 SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- (a) the local government's functions under section 24 of the Town Planning and Development Act 1928; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

6 REPORTING TO COUNCIL

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph 2, 3 and 5 above, to be prepared and presented to an ordinary meeting of the Council.

DETERMINATION OF DEVELOPMENT APPLICATIONS

At its Meeting held on 22 February 2005, Council delegated authority to the Manager Approvals, Planning & Environmental Services under Clause 8.6 of the District Planning Scheme No 2 to determine development applications for the proposed purpose built special care facility on the Reserve 35844 (15) Chessell Drive, Duncraig that are generally in accordance with the plans attached to Report CJ018-02/05.

Item CJ018-02/05 refers.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT

DELEGATE TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	LEGISLATIVE POWER BEING DELEGATED	AUTHORITY TO DELEGATE	DELEGATION SUBJECT TO
BUILDING SURVEYOR	BUILDING LICENCE APPLICATION approve building licence applications which conform to Council policy, and the building Code of Australia	Section 374(1), Section 374(1a)	Section 374(1b) Section 157A.	Building Code of Australia Residential Planning Codes Building Regulations 1989 Policy Manual - Building
BUILDING SURVEYOR	RETAINING WALLS (Refer Policy 3.1.7) (a) approval for retaining walls up to 2m in height above ground level where it is necessary to protect buildings or adjoining properties and the ground contours warrant the concession in the Building Surveyor's opinion. Retaining walls in excess of 2m in height above ground level are to be referred to Council for approval.	Section 374(1), Section 374(1a)	Section 374(1b), Section 157A	Building Code of Australia Part B1 Policy Manual - Building
PRINCIPAL BUILDING SURVEYOR	All relevant sections relating to Part XV of the Local Government (Miscellaneous Provisions) Act 1960.			Council being advised following action that required the service of a notice.

DELEGATE TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	LEGISLATIVE POWER BEING DELEGATED	AUTHORITY TO DELEGATE	DELEGATION SUBJECT TO
BUILDING SURVEYOR	CERTIFICATE OF CLASSIFICATION Issue Certificate of Classification upon completion of buildings	Section 374	Section 157A	Building Regulations 1989 Part 5-20
BUILDING SURVEYOR	DEMOLITION LICENCE Approve a demolition licence other than for buildings classified by the National Trust and Council's Heritage Register	Section 374A	Section 157A	Building Regulations 1989 Form 7-13(2) & 30

AUTHORITY TO MAKE COMMENT TO THE MEDIA

The Chairman of Commissioners, Cmr John Paterson, issued the following notice to the Chief Executive Officer on 16 August 2005:

“I, John Paterson, Chairman of Commissioners, pursuant to Section 2.8 of the Local Government Act 1995 and in accordance with functions outlined under Section 5.41(f) of the Act, hereby delegate to the Chief Executive Officer, Garry Hunt, authority to make comment to the media or act as my spokesperson on matters relating to:

- 1 the day to day operations of the City, and
- 2 matters relating to the 2005 Panel Inquiry.”

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED CMR ANDERSON, SECONDED CMR CLOUGH THAT COUNCIL IN RELATION TO TENDER NUMBER 001-05/06 FOR THE SWEEPING OF PAVEMENTS, CAR PARKS AND PATHWAYS IN JOONDALUP CITY CENTRE:

- 1 CHOOSES Asteranch Pty Ltd trading as Clean Sweep as the successful tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre in accordance with Tender Number 001-05/06 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre and the Schedule of Rates included as Attachment 1 to Report CJ189-09/05;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Asteranch Pty Ltd trading as Clean Sweep in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Asteranch Pty Ltd trading as Clean Sweep;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Asteranch Pty Ltd trading as Clean Sweep under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and CARRIED BY AN

ABSOLUTE MAJORITY (5/0)

Item CJ189-09/05 refers.

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED CMR CLOUGH, SECONDED CMR SMITH THAT COUNCIL IN RELATION TO TENDER NUMBER 003-05/06:

- 1 CHOOSES RW & JA Olsen trading as Joondalup Plumbing Services as the successful tenderer for the Supply of Plumbing Maintenance Services in accordance with Tender Number 003-05/06 Supply of Plumbing Services and the Schedule of Rates included as Attachment 1 to Report CJ190-09/05;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with RW & JA Olsen trading as Joondalup Plumbing Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and RW & JA Olsen trading as Joondalup Plumbing Services;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of RW & JA Olsen trading as Joondalup Plumbing Services under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

CARRIED BY AN

ABSOLUTE MAJORITY (5/0)

Item CJ190 - 09/05 refers.

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 20 September 2005, Council resolved as follows:

MOVED CMR CLOUGH, SECONDED CMR FOX THAT COUNCIL, IN RELATION TO TENDER NUMBER 008-05/06 FOR THE SUPPLY OF GRAFFITI CONTROL SERVICES:

- 1 CHOOSES Graffiti Systems Australia as the successful tenderer for the Supply of Graffiti Control Services in accordance with Tender Number 001-05/06 Supply of Graffiti Control Services and the Schedule of Rates included as Attachment 1 to Report CJ191-09/05;
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Graffiti Systems Australia in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Graffiti Systems Australia;
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Graffiti Systems Australia under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

CARRIED BY AN

ABSOLUTE MAJORITY (5/0)

Item CJ191 - 09/05 refers.

AUTHORITY TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER

At its meeting held on 11 October 2005, Council resolved as follows:

MOVED CMR SMITH SECONDED CMR ANDERSON THAT COUNCIL:

- 1 DELEGATES to the Chief Executive Officer the power to make appointments to the position of Acting Chief Executive Officer based on:
 - (a) the City employee holding the substantive position of 'Director' and is designated a 'Senior Employee' as required by the Local Government Act 1995;
 - (b) Appointments being for no longer than thirty-five (35) days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination;
- 2 NOTES that the Chief Executive Officer will advise elected members when a senior employee is to be designated Acting CEO, when circumstances require, for the following three (3) month period.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (5/0)

Item CJ220 - 10/05 refers.

AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS

At its meeting held on 1 November 2005, Council resolved as follows:

MOVED CMR ANDERSON, SECONDED CMR SMITH THAT:

- 1 Council APPROVES the Delegated Authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance;
- 2 a condition of this delegation is that the Chief Executive Officer reports to the Audit Committee on a six monthly basis on the exercising of this delegation.

The Motion was Put and CARRIED BY AN

ABSOLUTE MAJORITY (5/0)

Item CJ231-11/05 refers.

AUTHORITY TO ACCEPT TENDERS

At its meeting held on 4 April 2006, Council resolved, in part, as follows:

- “4 DELEGATES to the Chief Executive Officer in accordance with Section 5.42 of the Local Government Act 1995 the authority to accept tenders for the construction of the works depot subject to the price of the tenders being within budget.”

Item CJ052-04/06 refers.

DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT

At its meeting held on 19 September 2006, Council resolved as follows:

MOVED CR MCLEAN, SECONDED CR HOLLYWOOD THAT COUNCIL:

- 1 ACCEPTS the tender submitted by High Speed Electrics on a sole provider basis for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka in accordance with the requirements in Tender 004-05/06 at the rates as set out in the schedule at Attachment 1 to Report CJ161-09/06 for an initial period of twelve (12) months with two (2) further twelve-month optional extensions at the absolute discretion of the City;
- 2 DELEGATES to the Chief Executive Officer Authority to approve if considered each of the twelve-month optional extensions and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 004-05/06 by High Speed Electrics.

The Motion was Put and

CARRIED BY AN
ABSOLUTE MAJORITY (12/0)

Item CJ161-09/06 refers.

INCURRING OF LIABILITY AND MAKING OF PAYMENTS

Function to be performed:	<p>The Chief Executive Officer is to ensure efficient systems and procedures are established to ensure proper authorisation for the incurring of liabilities and the making of payments.</p> <p>The authority to approve requisitions and purchase orders and for the supply of goods and services and subsequent certification of services for which funds have been provided for in the Annual Budget.</p>
Power or Duty Assigned:	Chief Executive Officer
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	N/A
Chief Executive Officer delegates to:	<p>Category A – unlimited amount subject to annual budget limitations</p> <ul style="list-style-type: none">• Chief Executive Officer• Director Corporate Services <p>Category B – limited to \$2 million</p> <ul style="list-style-type: none">• Director Infrastructure Services• Director Planning and Community Development• Director Governance and Strategy <p>Category C – limited to \$250,000</p> <ul style="list-style-type: none">• Manager Financial Services• Manager Information Management• Manager Infrastructure Management Services• Manager Operations Services• Manager, Assets Management• Coordinator, Building Services• Team Leader Civil Projects Services• Operations Services Coordinator• Technical Officer- Horticulture <p>Category D – limited to \$25,000</p> <ul style="list-style-type: none">• Manager Strategic & Sustainable Development• Manager Marketing, Communication & Council Support• Manager Community Development• Manager Human Resources• Manager Approvals Planning and Environmental Services• Manager, Library and Information Services• Manager, Organisation Development• Assets Controller• Coordinator Business Systems• Coordinator Network Services• Administration Coordinator, Infrastructure Management Services• Conservation Coordinator

- Coordinator Rangers & City Watch
- Coordinator, Projects & Traffic Engineering
- Senior Engineering Projects Officer
- Coordinator Infrastructure Assets Management
- Coordinator Parks & Landscaping
- Coordinator Civil Projects/Subdivisions
- Coordinator Waste Management
- Building Coordinator - Operation
- Coordinator Community Services
- Manager- Craigie Leisure Centre
- Coordinator Recreation Services
- Coordinator Cultural Development
- Coordinator Urban Design
- Principal Environmental Health

Category E – limited to \$5,000

- Executive Assistant to the Mayor
- Executive Assistant to the CEO
- Executive Research Officer
- Senior Financial Accountant
- Senior Management Accountant
- Team Leader Rating Services
- Contracts Coordinator
- Team Leader – IM Service Desk
- Senior Administration Officer, Community Development Services
- Administration Coordinator Leisure Centres
- Principal Building Surveyor
- Coordinator Library Services
- Coordinator Library Operations
- Senior Librarian

Reference:

Section 6.10 Local Government Act 1995
 Regulations 5, 8, 11 and 12 Local Government (Finance)
 Regulations 1996