

ATTACHMENT 1

Delegation Title	Proposed Change
All delegations	<p>Addition of 'Conditions' and amendment of delegations where necessary to indicate whether the authorisation granted is subject to any restrictions, through either the Act or the Council.</p> <p>Tidying up of references.</p> <p>Deletion of "Power to Delegate" as this is unnecessary.</p> <p>Deletion of "Delegation To" as this is unnecessary.</p>
Closing Certain Thoroughfares to Vehicles	<p>Consolidation of the two delegations into one.</p> <p>It should be noted that section 3.50 of the LGA already provides conditions related to the periods of time that a thoroughfare may be closed, therefore this statement related to time is not considered necessary.</p>
Disposing of Property	Consolidation of the four delegations into one.
Acquiring of Land	Deletion as the acquisition of land under section 3.59 of the Act may only be undertaken by an Absolute Majority.
Choice of Tender	Consolidation of the two delegations into one.
Limitation may be Placed on who can Tender	Clarification that the authority which may be delegated by the Chief Executive Officer to employees is limited to the ability to seek expressions of interest only.
Payments of Accounts – Signatories to Bank Accounts	<p>In Category B Signatories, deletion of:</p> <ul style="list-style-type: none"> • Manager Human Resources • Manager Strategic and Sustainable Development <p>Payment under \$10,000 to read "Any one signatory".</p> <p>Payments of \$10,000 to \$250,000 to read "Any two signatories".</p>
Incurring of Liability and Making of Payments	Delegation to Manager Leisure and Cultural Services to be deleted from Category D – limited to \$25,000 and be included in Category C – limited to

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	<p>\$250,000.</p> <p>Position title for Principal Legal and Compliance Officer to be amended to read “Principal Legal Officer”.</p> <p>Position title for Team Leader – IM Service Desk to be amended to read “Team Leader – IT Service Desk”.</p>
<p>Authorisation to Sign Court Certificates</p>	<p>Deletion as this is a function of the Chief Executive Officer arising under the Act and not one for the Council to delegate.</p>
<p>Building Licence Applications and Building Approval Certificates</p>	<p>Delegations amended to align with new delegation procedure in the Miscellaneous Provisions Act and to reflect levels of authority for Building Surveyors inclusive of conditions applicable to building licence applications and building approval certificates only. Delegations related to certificates of classification and licences under various provisions of the Local Government (Miscellaneous Provisions) Act 1960 are removed and established in a new delegation to align with the delegation procedure in the LG Act</p>
<p>Certificates of Classification, Licences, Notices and Associated Functions under the Local Government (Miscellaneous Provisions) Act 1960</p>	<p>New delegation related to certificates of classification and licences under various provisions of the Local Government (Miscellaneous Provisions) Act 1960, previously contained within the delegation related to Building Licence Applications and Building Approval Certificates.</p>
<p>Town Planning Delegations - General</p>	<p>Removal of Part 4 - the Subdivision Delegation and established in a new delegation for ease of reference and to clarify the source of the delegation power.</p> <p>Further, section 16 of the Planning and Development Act 2005 does not provide for this matter to be delegated by the Council, but by the Western Australian Planning Commission (ie the Commission may delegate to a local government or an employee of a local government any function of the Commission under that Act or any other written law, except this power of delegation.</p>

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Subdivision Delegation	Existing within the current Town Planning Delegations – General, however, separated to create a new delegation pursuant to section 142 of the Planning and Development Act 2005, as detailed above.
Certificate of Local Government Required by Strata Titles Act 1985	Existing within the current Town Planning Delegations – General, however, separated to create a new delegation related to the issue of certificates pursuant to section 23 of the Strata Titles Act 1985.
Authority to Make Comment to the Media	Deletion – Section 5.41 of the Act provides that the Chief Executive Officer may speak on behalf of the local government if the Mayor agrees.
Authority to Enter into an Agreement with Synergy for Provision of Street Lighting	Consolidation of the two delegations into one. Reference to Regulations included.
Authority for Chief Executive Officer to Approve Amendments to the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy	Reference to Parking Local Law included.
Assessment – Community Funding	Delegation to Director withdrawn due to restructure of the Directorate. Reference to policy title included.
Art Collection and Advisory Committee	Reference to policy title included.
Art and Memorabilia Collection	Deletion - consolidated into the Art Collection and Advisory Committee Delegation.
Acquisition for the City's Art Collection	Deletion – duplication of delegation.



REGISTER OF DELEGATION OF AUTHORITY

Date of last review by Council:	16 June 2009 (CJ127-06/09)
Date of last review by CEO:	25 June 2009
Date of last review in accordance with District Planning Scheme No 2*	16 June 2009

INTRODUCTION

~~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. The Delegations of Authority contained herein are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act 1995 (the Act) and, where listed, some of these functions are hereby delegated by the Chief Executive Officer to City of Joondalup employees pursuant to Section 5.44 of that Act.~~ All delegations made by the Council must be by **absolute majority** decision.

The Act provides that 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;
- the power under Section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- 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~~ Each instrument of delegation describes function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation, 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 to ~~for~~ the passage of vehicles wholly or partially. ~~for a period not exceeding four weeks.~~

Delegated By ~~Power or Duty Assigned:~~ Council ~~Local Government~~

~~Power to Delegate:~~ ~~Yes~~

~~Delegation Recommended:~~ ~~Yes~~

Conditions: Nil

~~Delegation to:~~ ~~Chief Executive Officer~~

~~Chief Executive Officer delegates to:~~ ~~Director Infrastructure Services
Manager Infrastructure Management Services~~

~~Reference:~~ ~~Sections 3.50 (1) and 3.50A 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 Services~~

~~Reference:~~ ~~Section 3.50 (1a) Local Government Act 1995~~

DISPOSING OF PROPERTY

(4) Function to be performed: A local government may dispose of property to the highest bidder:

- (1) At public auction; or
- (2) By public tender; or
- (3) By private treaty.

“Property” includes the whole or any part of the interest of a local government in property, but does not include money.

Delegated By Power or Duty Assigned:

Local Government Council

Power to Delegate:

Yes

Delegation Recommended:

Yes limit to \$500,000

Conditions:

Authority limited to property valued at less than \$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 in accordance with Section 3.58 of the Local Government Act 1995.

~~“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 Local Government Act 1995

~~(4) Function to be performed:~~ A local government may dispose of property that is classified as an exempt disposition under Regulation 30 of the Local Government (Functions and General) Regulations 1996.

~~“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(5)(d) Local Government Act 1995, Regulation 30 Local Government (Functions and General) Regulations 1996

ACQUIRING OF LAND

Function to be performed:	A local government may acquire land. “Acquire” means to sell, lease or otherwise acquire of, whether absolutely or not. “Land transaction” means an agreement, or several agreements for a common purpose, under which a local government is to— (a) acquire or dispose of an interest in land; or (b) develop land.
Power or duty assigned:	Local Government
Power to delegate:	Yes
Delegation recommended:	Yes. Limited to \$500,000
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	N/A
Reference:	Section 3.59 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. A Local Government may decline to accept any tender.

~~Delegated By Power or Duty Assigned:~~ Local Government Council

~~Power to Delegate:~~ Yes

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

Conditions: Authority limited to tenders valued at less than \$250,000

~~Delegation to:~~ Chief Executive Officer

~~Chief Executive Officer delegates to:~~ N/A

~~Reference:~~ Sections 3.57 and 5.43 Local Government Act 1995 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 <u>required</u> .
Delegated By Power or Duty Assigned:	Local Government <u>Council</u>
Power to Delegate:	Yes
Delegation Recommended:	Yes
<u>Conditions:</u>	<u>Authority which may be delegated by the Chief Executive Officer to employees is limited to the ability to seek expressions of interest only.</u>
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	Director Corporate Services Manager Financial Services
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.
Delegated By Power or Duty Assigned:	Local Government Council
Power to Delegate:	Yes
Delegation Recommended:	Yes
<u>Conditions:</u>	<u>Nil</u>
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	N/A
Reference:	Regulation 23 Local Government (Functions & General) Regulations 1996 CJ60-08/98 refers

AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS

Function to be performed: Authority to approve any contract extensions on tenders approved by the Council, within the original terms and conditions approved by the Council, subject to satisfactory performance.

~~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.~~

Delegated By Power or Duty Assigned: Council

Power to Delegate: Yes

Delegation Recommended: Yes

Conditions: Authority subject to the Chief Executive Officer reporting to the Audit Committee on a six monthly basis on the exercise of this delegation.

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Section 5.42 Local Government Act 1995.
Council meeting – 1 November 2005 – Item CJ231-11/05 refers.

AUTHORITY TO WAIVE FEES

Function to be performed: ~~Authority to waive fees for goods, services and charges. This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.~~

Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.

Delegated By Power or Duty Assigned: ~~Chief Executive Officer~~ Council

~~Power to delegate:~~ ~~Yes~~

~~Delegation recommended:~~ ~~Yes~~

Conditions: Nil

Delegation to: N/A Chief Executive Officer

Chief Executive Officer delegates to: All Directors

Reference: Section 6.12 (1) & (2) Local Government Act 1995
Council Policy - Setting Fees and Charges

AUTHORITY TO 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

Conditions: Subject to a report being provided to the Audit Committee on a six monthly basis on the exercise of this delegation

Delegation to: Chief Executive Officer - individual items to \$20,000.

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)(e) 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.
Delegated By Power or Duty Assigned:	Local Government Council
Power to Delegate:	Yes
Delegation Recommended:	Yes
<u>Conditions:</u>	(1) <u>Authority to Chief Executive Officer is unlimited.</u> (2) <u>Authority which may be delegated by the Chief Executive Officer to employees is subject to the following maximum individual amounts:</u> (i) Unlimited - Director Corporate Services (ii) Up to \$3 million - Manager Financial Services (iii) Up to \$1.5 million - Senior Management Accountant and Senior Financial Accountant
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	<u>Director Corporate Services</u> <u>Manager Financial Services</u> <u>Senior Management Accountant</u> <u>Senior Financial Accountant</u>
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.

Delegated By Power or Duty Assigned: ~~Local Government~~ Council

~~Power to Delegate:~~ ~~Yes~~

~~Delegation Recommended:~~ ~~Yes~~

Conditions: Nil

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

PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND – SIGNATORIES TO BANK ACCOUNTS

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.

Delegated By Power or Duty Assigned: Chief Executive Officer Council

Power to Delegate: Yes

Delegation Recommended: Yes

Conditions: Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:

Cheques or EFT Payment Amounts	Combination of Signatories
Payments under \$10,000	Any 1 of Category A or B signatories <u>Any one signatory</u>
Payments of \$10,000 and over to payments under \$250,000	Any two Category A or B signatories <u>Any two signatories</u>
Payments of \$250,000 and over	Any 1 of Category A and 1 of B signatories; or any 2 Category A signatories

Category A Signatories	Category B Signatories
Chief Executive Officer	Senior Management Accountant
Director Planning and Development	Senior Financial Accountant
Director Corporate Services	Manager Human Resources
Director Infrastructure Services	Manager Strategic and Organisational Development
Director Governance and Strategy	
Manager Financial Services	

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: All Directors
Manager Financial Services
Senior Financial Accountant

Senior Management Accountant
~~Manager Human Resources~~

Reference:

Sections 6.7 and 6.9 Local Government Act 1995
Regulation 12 Local Government (Financial Management)
Regulations 1996
~~Delegation "Payment of Accounts - Signatories to Bank
Accounts"~~

INCURRING OF LIABILITY AND MAKING OF PAYMENTS

Function to be performed: 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.

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.

Delegated By-Power or Duty Assigned: Chief Executive Officer

Power to Delegate: Yes

Delegation Recommended: Yes

Conditions: (1) Authority to Chief Executive Officer is unlimited subject to annual budget limitations.

(2) Authority which may be delegated by the Chief Executive Officer to employees is subject to the following maximum individual amounts Authority subject to limits on payments defined by categories A, B, C, D and E as follows:

- (i) Category A – unlimited amount subject to annual budget limitations:
- (ii) Category B – limited to \$2 million
- (iii) Category C – limited to \$250,000
- (iv) Category D – limited to \$25,000
- (v) Category E – limited to \$5,000

Delegation to: N/A

Chief Executive Officer delegates to: **Category A**

- Director Corporate Services

Category B

- City Projects Administrator
- Director Infrastructure Services
- Director Planning and Development
- Director Governance and Strategy

Category C

- Manager Financial Services
- Manager Information Technology
- Manager Infrastructure Management Services

- Manager Operations Services
- Manager, Asset Management
- Manager Rangers Parking and Community Safety
- Manager Leisure and Cultural Services
- Building Coordinator
- Team Leader Civil Projects Services
- Operations Coordinator – Engineering
- Operations Coordinator – Natural Areas and Parks
- Parks Technical Officer
- Executive Officer, Office of the CEO

Category D

- Manager Strategic & Organisational Development
- Manager Governance and Marketing
- ~~Manager Leisure and Cultural Services~~
- Manager Human Resources
- Manager Planning, Approvals and Environmental Services
- Manager Community Development and Library Services
- Fleet Coordinator
- Coordinator Business Systems
- Coordinator Network Services
- Administration Coordinator, Infrastructure Services
- Coordinator Conservation and Landscaping
- Coordinator Rangers & City Watch
- Coordinator, Traffic and Projects Engineering
- Coordinator Capital Works Programming Services
- Team Leader Landscaping and Conservation
- Coordinator Civil Projects
- Coordinator Waste Management and Environmental Services
- Building Maintenance Supervisor
- Coordinator Community Services
- Coordinator Leisure Centre
- Coordinator Recreation Services
- Coordinator Cultural Services
- Coordinator Urban Design
- Principal Environmental Health Officer
- Principal Legal and Compliance Officer
- Coordinator Parking Services
- Coordinator Community Safety
- Property Coordinator
- Waste Operations Coordinator

Category E

- Executive Assistant to the Mayor
- Executive Assistant to the CEO
- Executive Research Officer
- Senior Financial Accountant
- Senior Management Accountant
- Team Leader Rating Services

- Contracts and Purchasing Coordinator
- Team Leader – ~~IM~~ IT Service Desk
- Administration Officer Leisure Centres
- Administration Officer Leisure and Cultural Services
- Principal Building Surveyor
- Coordinator Library Services
- Coordinator Library Operations
- Senior Librarian – Joondalup
- Senior Librarian – Whitford
- Senior Librarian – Woodvale
- Senior Librarian – Duncraig / Sorrento
- Senior Ranger
- Recreation Development Officer

Reference:

Section ~~6.10~~ 6.5 Local Government Act 1995
Regulations 5, 8, 11 and 12 Local Government (Finance)
Regulations 1996

~~AUTHORISATION TO SIGN COURT CERTIFICATES~~

- ~~(1) **Function to be performed:** Evidence as to whether anything:~~
- ~~(a) is within a local government's district;~~
 - ~~(b) belongs to a local government; or~~
 - ~~(c) is vested in, or is under the care, control or management of, a local government;~~
- ~~may be given by tendering a certificate signed by the CEO of the local government, or an employee of the local government who purports to be authorised by the CEO to so sign, and containing a statement as to the matter about which evidence is sought to be given.~~
- ~~**Power or Duty Assigned:** Local Government~~
- ~~**Power to Delegate:** Yes~~
- ~~**Delegation Recommended:** Yes~~
- ~~**Delegation to:** Chief Executive Officer~~
- ~~**Chief Executive Officer delegates to:** Director Planning and Development
Manager Planning Approvals and Environmental Services~~
- ~~**Reference:** Section 9.41(3) Local Government Act 1995~~

BUILDING LICENCE APPLICATIONS AND BUILDING APPROVAL CERTIFICATES

<u>Function to be performed:</u>	<u>Authority to approve or refuse building licence applications and building approval certificates.</u>
<u>Delegated By:</u>	<u>Council</u>
<u>Conditions:</u>	<u>As described in the attached Schedule.</u>
<u>Delegation to:</u>	<u>Persons as described in the attached Schedule.</u>
<u>Reference:</u>	<u>Section 374AAB Local Government (Miscellaneous Provisions) Act 1960</u>

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

<u>DELEGATION TO</u>	<u>DESCRIPTION OF AUTHORITY BEING DELEGATED</u>	<u>POWER BEING DELEGATED</u>	<u>CONDITIONS</u>
<u>PRINCIPAL BUILDING SURVEYOR</u> <u>and</u> <u>BUILDING SURVEYOR Level 1</u>	<u>BUILDING LICENCE APPLICATION/BUILDING APPROVAL CERTIFICATE</u> <u>Approve building licence applications or building approval certificates</u>	<u>Sections 374 and 374AA</u>	<u>Unrestricted assessment and certification.</u>
<u>BUILDING SURVEYOR Level 2</u>	<u>BUILDING LICENCE APPLICATION/BUILDING APPROVAL CERTIFICATE</u> <u>Approve building licence applications or building approval certificates</u>	<u>Sections 374 and 374AA</u>	<u>Building Code of Australia Part B1 Policy Manual – Building</u> <u>Restricted to assessing and certifying compliance of buildings that are no more than three storeys and 2000m² in total floor area.</u>
<u>BUILDING SURVEYOR Technician</u>	<u>BUILDING LICENCE APPLICATION/BUILDING APPROVAL CERTIFICATE</u> <u>Approve (or refuse) building licence applications or building approval certificates</u>	<u>Sections 374 and 374AA</u>	<u>Restricted to approve building applications for buildings not greater than 500m² and not more than two storeys.</u>

**CERTIFICATES OF CLASSIFICATION, LICENCES, NOTICES AND
ASSOCIATED FUNCTIONS UNDER THE LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1960**

<u>Function to be performed:</u>	<u>Authority to issue certificate of classification of building, make survey of dangerous building, inspect swimming pool enclosures, grant licences, issue directions and notices and perform associated functions of a local government pursuant to the Local Government (Miscellaneous Provisions) Act 1960.</u>
<u>Delegated By:</u>	<u>Council</u>
<u>Conditions:</u>	<u>Advise Council upon issue of notices.</u>
<u>Delegation to:</u>	<u>Chief Executive Officer</u>
<u>Chief Executive Officer delegates to:</u>	<u>Principal Building Surveyor</u>
<u>Reference:</u>	<u>Local Government (Miscellaneous Provisions) Act 1960</u>

TOWN PLANNING DELEGATIONS - GENERAL

1 DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the employees of the City who occupy ~~from time to time~~ the positions of Director Planning and Development, and the Manager Planning, Approvals and Environmental Services, 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 development relates only to patio, shade sail or outbuilding additions to an existing development, and a variation is proposed to the setback or landscaping requirements for the development site, of up to 100% of that standard or requirement; or
 - (iii) for developments other than patios, shade sails and outbuilding additions to an existing development, 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;
- (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 and 8.10 of the Scheme and Sections 214 and 215 of the Planning and Development Act 2005.

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

Pursuant to clause 8.6 of the Scheme, the Council delegates to the employees of the City who occupy ~~from time to time~~ the positions of the Coordinator Planning Approvals and the Senior Planning Officer (Planning Approvals) the powers specified in paragraph 1 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 6.2.3 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 6.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 15% of those requirements;
 - (vi) the requirements of clause 6.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
 - (vii) the proposed development exceeds the Building Height Envelope set out in City Policy ~~3.2.~~ – Height and Scale of Buildings Within Residential Areas.
- (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;do not satisfy the minimum requirement of the Scheme;
- (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 4.2.1 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 and 8.10 of the Scheme and Sections 214 and 215 of the Planning and Development Act 2005.

3 PERIOD OF DELEGATION

The delegations made in paragraphs 1 and 2 above are to have effect for a period of 2 years from and including the date of this decision.

4 ~~SUBDIVISION FUNCTIONS~~

~~The Council specifies the following functions:~~

- ~~(a) the local government's functions under Section 142 of the Planning and Development Act 2005; 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;~~
- ~~(c) the local government's functions under section 25 of the Strata Titles Act 1985, as delegated by the Western Australian Planning Commission under Section 16 of the Planning and Development Act 2005 on 9 June 2009;~~

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

- ~~(i) the Director Planning and Development;~~
- ~~(ii) the Manager Planning, Approvals and Environmental Services;~~

~~(iii) — the Coordinator Urban Design and Policy;~~

~~(iv) — the Senior Planning Officers (Urban Design and Policy);~~

~~(v) — the Coordinator Planning Approvals;~~

54 REPORTING TO COUNCIL

The Chief Executive Officer is to cause a report of the exercise of powers and functions referred to in paragraph 1 and 2 ~~and~~ 4 above, to be prepared and presented to ~~an~~ each ordinary meeting of the Council.

SUBDIVISION AND DEVELOPMENT CONTROL: PART 10 - PLANNING & DEVELOPMENT ACT 2005

Function to be performed: Authority to object to or make recommendations in response to a plan of subdivision which, in the opinion of the Western Australian Planning Commission, may affect the functions of a local government, pursuant to section 142 of the Planning & Development Act 2005.

Delegated By: Council

Conditions: The Chief Executive Officer is to prepare and present a report to the Council, on a monthly basis, where the exercise of powers and functions related to this delegation has been undertaken.

Delegation to: Director Planning and Development.
Manager Planning, Approvals and Environmental Services.
Coordinator Urban Design and Policy.
Coordinator Planning Approvals.
Senior Planning Officer.

Reference: Section 142 Planning & Development Act 2005.

AUTHORITY TO DETERMINE FUTURE APPLICATIONS FOR RENEWAL OF HOME BUSINESS

Function to be performed: Authority to determine future applications for renewal of the Home Business Category 2 (Music/Drum School) at 6 (Lot 397) Melrose Crest, Kinross. ~~provided that no changes to the operation of the business are made.~~

Delegated By Power or Duty Assigned: ~~District Planning Scheme No 2 Council~~

~~Power to Delegate:~~ Yes

~~Delegation Recommended:~~ Yes

Conditions: Authority subject to no changes to the operation of the business being made.

Delegation to: Manager Planning Approvals and Environmental Services

Chief Executive Officer delegates to: N/A

Reference: Clause 8.6 of the District Planning Scheme No 2 Council meeting – 15 September 2009 – Item CJ198-09/09 refers.

**CERTIFICATE OF LOCAL GOVERNMENT REQUIRED BY
STRATA TITLES ACT 1985**

Function to be performed: Authority to issue certificate of local government required by section 5B of the Strata Titles Act 1985.

Delegated By: Council

Conditions: Nil

Delegation to: Manager Planning, Approvals and Environmental Services
Coordinator Planning Approvals
Principal Building Surveyor

Chief Executive Officer delegates to: N/A

Reference: Section 23 Strata Titles Act 1985

The Common Seal of the City of Joondalup was affixed by the authority of a resolution of Council in the presence of:

~~AUTHORITY TO MAKE COMMENT TO THE MEDIA~~

Function to be performed:	Authority to make comment to the media or act as spokesperson on matters: <ol style="list-style-type: none">1. relating to the day to day operations of the City. <u>And</u>2. matters relating to the 2005 Panel Inquiry."
Power or Duty Assigned:	Council
Power to Delegate:	Yes
Delegation Recommended:	Yes
Delegation to:	Chief Executive Officer
Chief Executive Officer delegates to:	N/A
Reference:	Notice issued by Chairman of Commissioners, Cmr John Paterson to the Chief Executive Officer on 16 August 2005.

AUTHORITY TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER

Function to be performed: Authority 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~~ per Section 5.37 of 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.

~~NOTE: 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.~~

~~**Delegated By Power or Duty Assigned:**~~ Council

~~**Power to Delegate:**~~ Yes

~~**Delegation Recommended:**~~ Yes

Conditions: ~~NOTE: Authority subject to the Chief Executive Officer will to advising Elected Members when a senior employee is to be designated Acting Chief Executive Officer, when circumstances require, for the following three month period.~~

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Section 5.42 Local Government Act 1995.
Council meeting – 11 October 2005 - Item CJ220 - 10/05 refers.

AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO ENTER INTO AN AGREEMENT WITH SYNERGY FOR PROVISION OF STREET LIGHTING

- (1) **Function to be performed:** Authority to:
- (1) Enter into an agreement with Synergy for the provision of street lighting to the City.
 - (2) Approve the annual extension to the existing agreement with Synergy for the provision of street lighting to the City.

~~Delegated By Power or Duty Assigned:~~ Council

~~Power to Delegate:~~ Yes

~~Delegation Recommended:~~ Yes

Conditions: Nil

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Sections 3.57 and 5.42 Local Government Act 1995.
Council meeting – 20 November 2007 – Item CJ240-11/07 refers

- (2) **Function to be performed:** ~~Authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City.~~

~~Power or Duty Assigned:~~ Council

~~Power to Delegate:~~ Yes

~~Delegation Recommended:~~ Yes

~~Delegation to:~~ Chief Executive Officer

~~Chief Executive Officer delegates to:~~ N/A

~~Reference:~~ ~~Council meeting – 20 November 2007 – Item CJ240-11/07 refers~~

**~~AUTHORITY FOR CHIEF EXECUTIVE OFFICER
TO ALTER SUBURBS - DISTRIBUTION OF COMMUNITY NEWSPAPER~~**

Function to be performed: Authority to add or subtract suburbs upon written request by the Community Newspaper Group in accordance with the approval.

**~~Delegated By~~ ~~Power or~~
~~Duty Assigned:~~** Council

~~Power to Delegate:~~ Yes

**~~Delegation~~
~~Recommended:~~** Yes

Conditions: Nil

Delegation to: Chief Executive Officer

**Chief Executive Officer
delegates to:** N/A

Reference: Council meeting – 18 August 2009 – Item CJ174-08/09
refers

**AUTHORITY FOR CHIEF EXECUTIVE OFFICER
TO APPROVE AMENDMENTS TO THE PARKING SCHEME**

Function to be performed: Authority to approve amendments to the Parking Scheme to implement and change time limits in streets and parking stations and the designation of visitor and authorised vehicle parking.

**Delegated By ~~Power or~~
~~Duty Assigned:~~** Council

~~Power to Delegate:~~ Yes

**Delegation
Recommended:** Yes

Conditions: Nil

Delegation to: Chief Executive Officer

**Chief Executive Officer
delegates to:** N/A

Reference: Council meeting – 13 May 2008 – Item CJ073-05/08 refers.

**~~AUTHORITY FOR CHIEF EXECUTIVE OFFICER
TO APPROVE AMENDMENTS TO THE PARKING SCHEMES FOR SUBURBAN
AREAS OUTSIDE OF THE JOONDALUP CITY CENTRE POLICY~~**

Function to be performed: Authority to approve amendments to parking schemes adopted by Council under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre policy in relation to:

- ~~the authority to implement and change~~ time limits and prohibitions in streets and parking stations;
- the designation of visitor and authorised vehicle parking.

**~~Delegated By Power or
Duty Assigned:~~** Council

~~Power to Delegate:~~ Yes

**~~Delegation
Recommended:~~** Yes

Conditions: Authority to be exercised consistently with the provisions of the City of Joondalup Parking Local Law 1998.

Delegation to: Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: City Policy 7-25 – Parking Schemes for Suburban Areas outside of the Joondalup City Centre.
City of Joondalup Parking Local Law 1998.
Council meeting – 18 August 2009 – Item CJ183-08/09 refers.

ASSESSMENT – COMMUNITY FUNDING

Function to be performed: Authority to approve community funding submissions, not exceeding an amount of \$10,000.

~~**Delegated By Power or Duty Assigned:** Chief Executive Officer Council~~

~~**Power to Delegate:** Yes~~

~~**Delegation Recommended:** Yes~~

Conditions: Authority to be exercised consistently with the provisions of City Policy – Community Funding.

Delegation to: N/A Chief Executive Officer

Chief Executive Officer delegates to: Director Planning and Community Development (Limit to \$10,000) N/A

Reference: City Policy 5-2 – Community Funding

ART COLLECTION AND ADVISORY COMMITTEE

Function to be performed: Authority to approve acquisitions for artworks within the available adopted budget funds.

~~Delegated By Power or Duty Assigned:~~ Council

~~Power to Delegate:~~ Yes

~~Delegation Recommended:~~ Yes

Conditions:

- (1) Committee authority to be exercised in accordance with City Policy – The City’s Art and Memorabilia Collections.
- (2) Chief Executive Officer authorised to approve acquisitions for artworks up to \$7,500, approval for which is to be based on the written advice of the City’s Art Consultant.

Delegation to: The Art Collection and Advisory Committee
Chief Executive Officer

Chief Executive Officer delegates to: N/A

Reference: Council meeting — 17 November 2009 — Item CJ246-11/09 refers

Sections 5.16 and 5.42 Local Government Act 1995
City Policy - The City’s Art and Memorabilia Collections

~~ART AND MEMORABILIA COLLECTION~~

~~**Function to be performed:** Authority to approve acquisitions for artworks up to \$7,500 within the available adopted budget funds.~~

~~Acquisitions by the Chief Executive Officer to be based on written advice from 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:** Council meeting — 17 November 2009 — Item CJ246-11/09 refers~~

~~ACQUISITION FOR THE CITY'S ART COLLECTION~~

~~Function to be performed:~~ Authority to purchase artworks, not exceeding \$7,500 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



Protocol Name	<u>Use Execution of the Common Seal</u>
Keywords	Common Seal, Attestation Clause, Transfer of Land, Withdrawal of Caveat, Restrictive Covenant, Grant of Easement, deed of variation, legal documents
Protocol	<p>This protocol provides guidance on the process procedures for the use of affixing the Common Seal to legal documents.</p> <p>Enquiries regarding the <u>affixing</u> of the Common Seal should be referred to the Chief Executive Officer's Executive Assistant on Ext 4345.</p>
Related Policies (Council/City)	N/A
Related Documentation (Plans/Legislative Authority)	Local Government Act 1995 Sections <u>2.5 and 9.49A</u>
Protocol/Procedure Owner	Chief Executive Officer
Last Reviewed	May 20 <u>10</u> 08
Flowchart	N/A



PROTOCOL PROCEDURE

Protocol Name Use Execution of the Common Seal

~~The City enters into various agreements or deed of variations by affixing the Common Seal. The Local Government Act 1995 Under sSection 2.5 of the Local Government Act 1995 the City of Joondalup is established as states that the City is a body corporate with perpetual succession and a Ccommon Sseal. From time to time the City is required to enter into particular legal arrangements which may need to be evidenced by the affixing of the City's common seal.- Section 9.49A of the Act requires that a local government is to authorise the affixing of the common seal. A local government does this by a resolution of its council.~~

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~~At its ordinary meeting on 25-May 22 June 2010, Council resolved to authorise the affixing of the common seal in accordance with the procedures set out in this protocol.~~

~~Council Support reports to Council on all documents which have been executed by affixing the Common Seal.~~

DOCUMENTS WHICH MAY REQUIREING AFFIXING OF THE COMMON SEAL

~~DEEDS— Officers should check with the City's solicitors to identify which documents are required to be in the form of a deed and which are not.~~

~~LANDGATE DOCUMENTS— Transfer of Land, Withdrawal of Caveat, Restrictive Covenant, Grant of Easement~~

~~Not all documents which are executed by City officers require the affixing of the common seal. Generally speaking, documents involving property or property transactions will need to be sealed. These may include documents for the transfer of land, easements, restrictive covenants, section 70A notifications, mortgages, caveats, leases and deeds. If in doubt, officers should check with the City's legal advisers.~~

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IS THERE AUTHORITY TO ENTER INTO THE AGREEMENT?

~~Before presenting a document to the Office of the CEO for execution, officers must ask the following questions should ensure that either:~~

- ~~• Has Council has authorised the agreement or transaction; or to be entered into?~~
- ~~• Does the Chief Executive Officer hasve delegated authority from Council to enter into the agreement or transaction?~~

~~If the answer to the above is 'No', then further enquiries need to be made with the Principal Legal and Compliance Officer on Ext 4399 on whether a formal resolution or delegation from Council is necessary.~~

IS THE WORDING OF THE COMMON SEAL CLAUSE CORRECT? ATTESTATION CLAUSE



Section 9.49A stipulates that the seal is to be affixed in the presence of the Mayor and the Chief Executive Officer (or a senior employee authorised by the Chief Executive Officer).

The text of the attestation clause is as follows

Refer to CJ098 – 06/06 Council resolution 27 June 2006.

Dated ed the _____ day of _____ (month)/(year)

The Common Seal of the City of Joondalup was ~~hereunto~~ affixed by the authority of a resolution of Council in the presence of:

Mayor

Chief Executive Officer

presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

If wording is not correct, officers either need to send the document back to the originator for amendments or amend the clause themselves.

CUSTODY OF THE COMMON SEAL

The Chief Executive Officer is responsible for the safe custody and proper use of the common seal.

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REGISTER OF USE/REPORT TO COUNCIL

The Chief Executive Officer is responsible for maintaining a register of the use of the common seal which is to record –

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- (i) The date the common seal was affixed;
- (ii) The nature of the document; and
- (iii) The parties described in the document.

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The Chief Executive Officer is to ensure that a report of the use of the common seal is made to each ordinary meeting of Council.



FORWARDING DOCUMENTS FOR SIGNING AND SEALING

1. Complete the Chief Executive Officer Sign-off Sheet ensuring the following information is supplied either on the Sheet or in an attached memorandum.
 - File Reference;
 - Type of document (Withdrawal of Caveat, Deed of Agreement, ...);
 - Purpose of document;
 - Parties to document;
 - Property address;
 - Deadline/timeline (eg settlement date)
 - Attachment list including number of documents to be signed/sealed;
 - Documents to be tagged on page requiring signature and seal.

Where a field detail is not appropriate (eg settlement date), N/A (not applicable) is to be indicated rather than removing the field.

2. Documents with covering Chief Executive Officer Sign-off Sheet to be referred and signed by Director as being approved for referral to Chief Executive Officer.
3. Documents to be received by Chief Executive Officer by COB on a Friday for scheduled execution by Mayor and Chief Executive Officer for the following Tuesday afternoon.

Please check with your Director's Personal Assistant on the deadline for receipt of documents for approval and referral to Chief Executive Officer.

4. Providing the documentation is in order and approved by the Chief Executive Officer, the documents are generally taken to the Mayor's Office for execution on a Tuesday afternoon during the Mayor/CEO briefing appointment.

Should this weekly meeting not occur and if deadlines are recorded on the documentation, every effort will be made to find an alternative time for execution of documents.



Protocol Name	Use of the Common Seal
Keywords	Common Seal, Attestation Clause, Transfer of Land, Withdrawal of Caveat, Restrictive Covenant, Grant of Easement
Protocol	<p>This protocol provides guidance on procedures for the use of the Common Seal.</p> <p>Enquiries regarding the affixing of the Common Seal should be referred to the Chief Executive Officer's Executive Assistant on Ext 4345.</p>
Related Policies (Council/City)	N/A
Related Documentation (Plans/Legislative Authority)	Local Government Act 1995 Sections 2.5 and 9.49A
Protocol/Procedure Owner	Chief Executive Officer
Last Reviewed	May 2010
Flowchart	N/A



PROTOCOL PROCEDURE	
Protocol Name	Use of the Common Seal

Under section 2.5 of the *Local Government Act 1995* the City of Joondalup is established as a body corporate with perpetual succession and a common seal. From time to time the City is required to enter into particular legal arrangements which may need to be evidenced by the affixing of the City's common seal. Section 9.49A of the Act requires that a local government is to authorise the affixing of the common seal. A local government does this by a resolution of its council.

At its ordinary meeting on 22 June 2010, Council resolved to authorise the affixing of the common seal in accordance with the procedures set out in this protocol.

DOCUMENTS WHICH MAY REQUIRE AFFIXING OF THE COMMON SEAL

Not all documents which are executed by City officers require the affixing of the common seal. Generally, documents involving property or property transactions will need to be sealed. These may include documents for the transfer of land, easements, restrictive covenants, section 70A notifications, mortgages, caveats, leases and deeds. If in doubt, officers should check with the City's legal advisers.

AUTHORITY TO ENTER INTO THE AGREEMENT

Before presenting a document to the Office of the CEO for execution, officers should ensure that either:

- Council has authorised the agreement or transaction; or
- the Chief Executive Officer has delegated authority from Council to enter into the agreement or transaction

ATTESTATION CLAUSE

Section 9.49A stipulates that the seal is to be affixed in the presence of the Mayor and the Chief Executive Officer (or a senior employee authorised by the Chief Executive Officer).

The text of the attestation clause is as follows

Dated

The Common Seal of the City of Joondalup was affixed by the authority of a resolution of Council in the presence of:

Mayor

Chief Executive Officer



CUSTODY OF THE COMMON SEAL

The Chief Executive Officer is responsible for the safe custody and proper use of the common seal.

REGISTER OF USE/REPORT TO COUNCIL

The Chief Executive Officer is responsible for maintaining a register of the use of the common seal which is to record –

- (i) The date the common seal was affixed;
- (ii) The nature of the document; and
- (iii) The parties described in the document.

The Chief Executive Officer is to ensure that a report of the use of the common seal is made to each ordinary meeting of Council.

FORWARDING DOCUMENTS FOR SIGNING AND SEALING

1. Complete the Chief Executive Officer Sign-off Sheet ensuring the following information is supplied either on the Sheet or in an attached memorandum.

- File Reference;
- Type of document (Withdrawal of Caveat, Deed of Agreement, ...);
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- Parties to document;
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