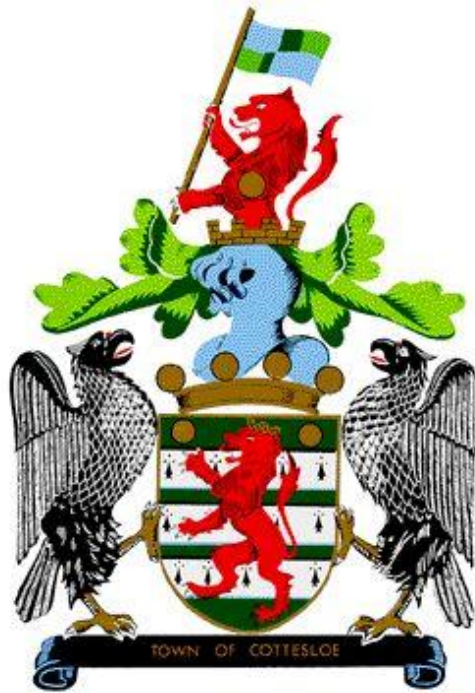


# TOWN OF COTTESLOE



## DELEGATED AUTHORITY REGISTER

2016/2017



# Delegated Authority Register 2016/2017

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## Statutory Delegations

### 1. Local Government Act 1995

<b>1.1 Administration and Enforcement of Local Laws</b>	
<b>Function Delegated</b>	Authority to administer and enforce the Town's Local Laws.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.18 Performing executive functions
	<p><b>3.18. Performing executive functions</b></p> <p>(1) <i>A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</i></p> <p>(2) <i>In performing its executive functions, a local government may provide services and facilities.</i></p> <p>(3) <i>A local government is to satisfy itself that services and facilities that it provides —</i></p> <p style="padding-left: 40px;">(a) <i>integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and</i></p> <p style="padding-left: 40px;">(b) <i>do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and</i></p> <p style="padding-left: 40px;">(c) <i>are managed efficiently and effectively.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.2 Performance of Executive Functions Relating to Land</b>	
<b>Function Delegated</b>	Authority to perform executive functions relating to land.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.21 Duties when performing functions
	<p><b>3.21. Duties when performing functions</b></p> <p>(1) <i>In performing its executive functions, a local government, so far as is reasonable and practicable, is to —</i></p> <p>(a) <i>ensure that —</i></p> <p>(i) <i>the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met; and</i></p> <p>(ii) <i>as little harm or inconvenience is caused and as little damage is done as is possible; and</i></p> <p>(iii) <i>danger to any person or property does not arise from anything done on land; and</i></p> <p>(iv) <i>anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there;</i></p> <p><i>and</i></p> <p>(b) <i>ensure that —</i></p> <p>(i) <i>buildings, fences, and other structures are not disturbed nor damaged; and</i></p> <p>(ii) <i>when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence; and</i></p> <p>(iii) <i>any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.</i></p> <p>(2) <i>Subsection (1)(b) does not apply to any land, premises or thing that is local government property.</i></p>
<b>Power Originally Assigned To</b>	The Local Government

<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.



<b>1.3 Powers to be Exercised by Authorised Persons in Relation to Land</b>	
<b>Function Delegated</b>	Authority to exercise powers by authorised persons in relation to land.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.24 Authorising persons under this Subdivision Section 3.25 Notices requiring certain things to be done by owner or occupier of land Section 3.26(3) Additional powers when notices given
	<p><b>3.24. Authorising persons under this Subdivision</b></p> <p><i>The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.</i></p> <p><b>3.25. Notices requiring certain things to be done by owner or occupier of land</b></p> <p>(1) <i>A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —</i></p> <p style="padding-left: 40px;">(a) <i>is prescribed in Schedule 3.1, Division 1; or</i></p> <p style="padding-left: 40px;">(b) <i>is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.</i></p> <p>(2) <i>Schedule 3.1 may be amended by regulations.</i></p> <p>(3) <i>If the notice is given to an occupier who is not the owner of the land, the owner is to be informed in writing that the notice was given.</i></p> <p>(4) <i>A person who is given a notice under subsection (1) is not prevented from complying with it because of the terms on which the land is held.</i></p> <p>(5) <i>A person who is given a notice under subsection (1) may apply to the State Administrative Tribunal for a review of the decision to give the notice.</i></p> <p>(6) <i>A person who fails to comply with a notice under subsection (1) commits an offence.</i></p> <p><b>3.26. Additional powers when notices given</b></p> <p>(3) <i>The local government may recover the cost of anything it does</i></p>

	<i>under subsection (2) as a debt due from the person who failed to comply with the notice.</i>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Engineering Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

1.4 Powers of Entry to Land	
<b>Function Delegated</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Enter on to land to perform any function of the local government under the Act (s.3.28)</li> <li>2. Give notice of entry (s.3.32)</li> <li>3. Seek and execute an entry under warrant (s.3.33)</li> <li>4. Execute entry in an emergency (s.3.34)</li> </ol>
<b>Statutory Power Delegated</b>	<p>Local Government Act 1995  Section 3.28 When this Subdivision Applies  Section 3.29 Powers of entry are additional  Section 3.31 General procedure for entering property  Section 3.33 Entry under warrant  Section 3.34 Entry in emergency</p>
	<p><b>3.28. When this Subdivision applies</b></p> <p><i>The powers of entry conferred by this Subdivision may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law.</i></p> <p><b>3.29. Powers of entry are additional</b></p> <p><i>The powers of entry upon land conferred by this Subdivision are in addition to and not in derogation of any power of entry conferred by any other law.</i></p> <p><b>3.31. General procedure for entering property</b></p> <p>(1) <i>Except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of a local government on to any land, premises or thing is not lawful unless —</i></p> <ol style="list-style-type: none"> <li>(a) <i>the consent of the owner or occupier has been obtained; or</i></li> <li>(b) <i>notice has been given under section 3.32.</i></li> </ol> <p>(2) <i>If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.</i></p> <p>(3) <i>The powers conferred on a local government under this</i></p>

*section may be exercised instead of the powers conferred under the Public Works Act 1902 and are not subject to any qualification or restriction by any provision of that Act.*

**3.33. Entry under warrant**

- (1) *In the circumstances described in subsection (2), a justice may by warrant authorise a local government by its employees, together with such other persons as are named or described in the warrant, or a police officer, to enter any land, premises or thing using such force as is necessary.*
- (2) *A warrant may be granted under subsection (1) where a justice is satisfied that the entry is reasonably required by a local government for the purpose of performing any of its functions, but —*
  - (a) *entry has been refused or is opposed or prevented; or*
  - (b) *entry cannot be obtained; or*
  - (c) *notice cannot be given under section 3.32 without unreasonable difficulty or without unreasonably delaying entry.*
- (3) *A warrant granted under subsection (1) —*
  - (a) *is to be in the prescribed form; and*
  - (b) *is to specify the purpose for which the land, premises or thing may be entered; and*
  - (c) *continues to have effect until the purpose for which it was granted has been satisfied.*

**3.34. Entry in emergency**

- (1) *In an emergency a local government may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency.*
- (2) *For the purposes of this section, an emergency exists where the local government or its CEO is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under this section would be impractical or unreasonable because of, or because of the imminent risk of —*
  - (a) *injury or illness to any person; or*
  - (b) *a natural or other disaster or emergency; or*

	<p><i>(c) such other occurrence as is prescribed for the purposes of this section.</i></p> <p><i>(3) A local government may use reasonable force to exercise the power of entry given by subsection (1).</i></p> <p><i>(4) A local government may exercise the power of entry given by subsection (1) at any time while the emergency exists and for so long subsequently as is reasonably required.</i></p> <p><i>(5) Although notice of an intended entry under this section is not generally required, a local government is to give notice of an intended entry of land under this section to the owner or occupier of the land where it is practicable to do so.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Engineering Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.5 Opening of Fences</b>	
<b>Function Delegated</b>	Authority to give notice and effect entry by opening a fence.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.36 Opening Fences
	<p><b>3.36. Opening fences</b></p> <p>(1) <i>This section applies only if it is expressly stated in Schedule 3.2.</i></p> <p>(2) <i>Subsection (1) does not prevent regulations amending Schedule 3.2 from stating that this section applies, or excluding the application of this section, in relation to a particular matter.</i></p> <p>(3) <i>If this section applies and it is not practicable to enter land that is fenced through the existing and usual openings in the fence, the local government may, on giving 3 days' notice in writing to the owner or occupier of the land that it intends to do so, open the fence.</i></p> <p>(4) <i>If it opens the fence the local government is to provide at the opening an effective gate or, if the owner of the land agrees, a device across the gap in the fence that enables motor traffic to pass through the gap and prevents the straying of livestock through the gap.</i></p> <p>(5) <i>If a gate is provided a person who, without the occupier's consent, leaves the gate open when it is not in use commits an offence.</i></p> <p>(6) <i>If a gate is provided, when the local government no longer requires the opening, it is to immediately remove the gate and make good the fence unless the owner agrees to its retention.</i></p> <p>(7) <i>The owner and occupier may, in a particular case, relieve the local government of any obligation that it has under this section.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive</b>	Manager Engineering Services

<b>Officer's Sub Delegation to</b>	
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.6 Authorising Employees to Impound Goods</b>	
<b>Function Delegated</b>	Authority to authorise employees to impound goods.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.39 Power to Remove and Impound
	<p><b>3.39. Power to remove and impound</b></p> <p>(1) <i>An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.</i></p> <p>(2) <i>A person may use reasonable force to exercise the power given by subsection (1).</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Disposal of Abandoned Vehicles Policy



<b>1.7 Withholding of Goods</b>	
<b>Function Delegated</b>	Authority to withhold goods.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.46 Goods may be withheld until costs paid
	<p><b>3.46. Goods may be withheld until costs paid</b></p> <p>(1) <i>A local government may refuse to allow goods impounded under section 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government.</i></p> <p>(2) <i>A local government may refuse to allow goods removed under section 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid to the local government.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Disposal of Abandoned Vehicles Policy

1.8 Disposal of Impounded Goods	
<b>Function Delegated</b>	Authority to dispose of impounded goods.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.47 Confiscated or uncollected goods, disposal of
	<p><b>3.47. Confiscated or uncollected goods, disposal of</b></p> <p>(1) <i>The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.</i></p> <p>(2) <i>The local government may sell or otherwise dispose of any vehicle that has not been collected within —</i></p> <p style="padding-left: 40px;">(a) <i>2 months of a notice having been given under section 3.40(3); or</i></p> <p style="padding-left: 40px;">(b) <i>7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.</i></p> <p>(2a) <i>The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —</i></p> <p style="padding-left: 40px;">(a) <i>a notice having been given under section 3.42(1)(b) or 3.44; or</i></p> <p style="padding-left: 40px;">(b) <i>being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.</i></p> <p>(2b) <i>The period after which goods may be sold or otherwise disposed of under subsection (2a) is —</i></p> <p style="padding-left: 40px;">(a) <i>for perishable goods — 3 days;</i></p> <p style="padding-left: 40px;">(b) <i>for animals — 7 days;</i></p> <p style="padding-left: 40px;">(ca) <i>for prescribed non-perishable goods — one month;</i></p> <p style="padding-left: 40px;">(c) <i>for other non-perishable goods — 2 months.</i></p> <p>(3) <i>Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.</i></p> <p>(4) <i>Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.</i></p>

	<p>(5) <i>Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.</i></p> <p>(6) <i>Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Disposal of Abandoned Vehicles Policy

<b>1.9 Disposal of Sick or Injured Animals</b>	
<b>Function Delegated</b>	Authority to destroy and dispose of an animal that is determined to be too sick or injured to treat.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.47A Sick or injured animals, disposal of
	<p><b>3.47A. Sick or injured animals, disposal of</b></p> <p>(1) <i>If an impounded animal is ill or injured to such an extent that treating it is not practicable the local government may humanely destroy the animal and dispose of the carcass.</i></p> <p>(2) <i>A local government must not destroy an animal under subsection (1) unless —</i></p> <p style="padding-left: 40px;">(a) <i>because of the state of the animal, destroying it is urgent; or</i></p> <p style="padding-left: 40px;">(b) <i>the local government has —</i></p> <p style="padding-left: 80px;">(i) <i>taken reasonable steps to notify the owner; and</i></p> <p style="padding-left: 80px;">(ii) <i>whether or not notice has been given under subparagraph (i), allowed the owner a reasonable opportunity to collect the animal.</i></p> <p>(3) <i>Subsection (2)(b) does not justify the destruction of an animal before it has been impounded for at least 7 days.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.10 Recovery of Costs Associated with Impounded Goods</b>	
<b>Function Delegated</b>	Authority to recover costs associated with impounded goods.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.48 Impounded expenses, recovery of
	<p><b>3.48. Impounding expenses, recovery of</b></p> <p><i>If goods are removed and impounded under section 3.39 and the alleged offender is convicted, the local government may, by action in a court of competent jurisdiction, recover from the alleged offender —</i></p> <ul style="list-style-type: none"> <li><i>(a) if the goods are not sold under section 3.47, the expenses incurred by the local government in removing and impounding them and in disposing of them if they are disposed of under section 3.47; and</i></li> <li><i>(b) if the goods are confiscated and sold under section 3.47, the amount, if any, by which the money received from the sale and credited to the municipal fund under section 3.47(6) is insufficient to meet expenses incurred by the local government in removing, impounding, and selling them; and</i></li> <li><i>(c) if the goods are not confiscated but are sold under section 3.47, the amount, if any, by which the money received from the sale is insufficient to meet the costs and expenses referred to in section 3.47(4) or (5), as the case requires.</i></li> </ul>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Disposal of Abandoned Vehicles Policy

<b>1.11 Closure of Certain Thoroughfares to Vehicles</b>	
<b>Function Delegated</b>	The authority to close certain thoroughfares to vehicles.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.50 Closing of certain thoroughfares to vehicles
	<p><b>3.50. Closing certain thoroughfares to vehicles</b></p> <p>(1) <i>A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.</i></p> <p>(1a) <i>A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.</i></p> <p>(2) <i>The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.</i></p> <p>[(3) <i>deleted</i>]</p> <p>(4) <i>Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —</i></p> <p style="padding-left: 40px;">(a) <i>give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and</i></p> <p style="padding-left: 40px;">(b) <i>give written notice to each person who —</i></p> <p style="padding-left: 80px;">(i) <i>is prescribed for the purposes of this section; or</i></p> <p style="padding-left: 80px;">(ii) <i>owns land that is prescribed for the purposes of this section;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p style="padding-left: 40px;">(c) <i>allow a reasonable time for submissions to be made and consider any submissions made.</i></p> <p>(5) <i>The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).</i></p> <p>(6) <i>An order under this section has effect according to its terms, but may be revoked by the local government, or by the</i></p>

	<p><i>Minister, by order of which local public notice is given.</i></p> <p><i>[(7) deleted]</i></p> <p><i>(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.</i></p> <p><i>(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies.

<b>1.12 Closure of Thoroughfares for Repairs or Maintenance</b>	
<b>Function Delegated</b>	Authority to close thoroughfares for repairs or maintenance.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.50A Partial closure of thoroughfare for repairs or maintenance
	<p><b>3.50A. Partial closure of thoroughfare for repairs or maintenance</b></p> <p><i>Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —</i></p> <p><i>(a) is for the purpose of carrying out repairs or maintenance; and</i></p> <p><i>(b) is unlikely to have a significant adverse effect on users of the thoroughfare.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies.



<b>1.13 Inviting Tenders for Goods and Services Under Contract</b>	
<b>Function Delegated</b>	Authority to invite tenders for goods and services under contract.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 3.57 Tenders for providing goods or services
	<p><b>3.57. Tenders for providing goods or services</b></p> <p>(1) <i>A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.</i></p> <p>(2) <i>Regulations may make provision about tenders.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Purchasing Policy

<b>1.14 Employment of Persons other than the Chief Executive Officer</b>	
<b>Function Delegated</b>	Authority to employ persons other than the Chief Executive Officer.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 5.36(b) Local government employees
	<p><b>5.36. Local government employees</b></p> <p>(1) <i>A local government is to employ —</i></p> <ul style="list-style-type: none"> <li>(a) <i>a person to be the CEO of the local government; and</i></li> <li>(b) <i>such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.</i></li> </ul> <p>(2) <i>A person is not to be employed in the position of CEO unless the council —</i></p> <ul style="list-style-type: none"> <li>(a) <i>believes that the person is suitably qualified for the position; and</i></li> <li>(b) <i>is satisfied* with the provisions of the proposed employment contract.</i></li> </ul> <p><i>* Absolute majority required.</i></p> <p>(3) <i>A person is not to be employed by a local government in any other position unless the CEO —</i></p> <ul style="list-style-type: none"> <li>(a) <i>believes that the person is suitably qualified for the position; and</i></li> <li>(b) <i>is satisfied with the proposed arrangements relating to the person’s employment.</i></li> </ul> <p>(4) <i>Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.</i></p> <p>(5A) <i>Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.</i></p> <p>(5) <i>For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.</i></p>

<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Recruitment and Selection Policy

<b>1.15 Waive, Grant Concessions or Write Off Individual Debts to a Minimum of \$100</b>	
<b>Function Delegated</b>	Waive, grant concessions or write off individual debts to a minimum of \$100, in relation to any amount of money which is owed to the Town.  <i>Note: Section 6.12(2) of the Local Government Act 1995 does not allow money owed to the Town in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</i>
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 6.12 Power to defer, grant discounts, waive or write off debts
	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b></p> <p>(1) <i>Subject to subsection (2) and any other written law, a local government may —</i></p> <p style="padding-left: 40px;">(a) <i>when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or</i></p> <p style="padding-left: 40px;">(b) <i>wave or grant concessions in relation to any amount of money; or</i></p> <p style="padding-left: 40px;">(c) <i>write off any amount of money,</i></p> <p style="padding-left: 40px;"><i>which is owed to the local government.</i></p> <p><i>* Absolute majority required.</i></p> <p>(2) <i>Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.</i></p> <p>(3) <i>The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.</i></p> <p>(4) <i>Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.43 Limitations on delegations to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil

<b>Policy Guidance</b>	Exercised in accordance with the Town's policies.
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<b>1.16 Investing Funds not Required</b>	
<b>Function Delegated</b>	The authority to invest funds held in the municipal or trust fund that is not, for the time being, required for any other purpose.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 6.14 Power to invest
	<p><b>6.14. Power to invest</b></p> <p>(1) <i>Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.</i></p> <p>(2A) <i>A local government is to comply with the regulations when investing money referred to in subsection (1).</i></p> <p>(2) <i>Regulations in relation to investments by local governments may —</i></p> <ul style="list-style-type: none"> <li><i>(a) make provision in respect of the investment of money referred to in subsection (1); and</i></li> <li><i>[(b) deleted]</i></li> <li><i>(c) prescribe circumstances in which a local government is required to invest money held by it; and</i></li> <li><i>(d) provide for the application of investment earnings; and</i></li> <li><i>(e) generally provide for the management of those investments.</i></li> </ul>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Investments Policy

<b>1.17 Make Agreements with Persons Regarding Payment of Rates</b>	
<b>Function Delegated</b>	Authority to make agreements with persons regarding payment of rates.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 6.49 Agreement as to payment of rates and service charges
	<b>6.49. Agreement as to payment of rates and service charges</b>  <i>A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.</i>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Rates Recovery Policy

<b>1.18 Action Taken When Rates are Unpaid for at Least Three Years</b>	
<b>Function Delegated</b>	<p>Authority to take possession of land and hold the land against a person having an estate of interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least the years.</p> <p>Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or services charges imposed on the land is in arrears.</p>
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 6.64 Actions to be taken
	<p><b>6.64. Actions to be taken</b></p> <p>(1) <i>If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —</i></p> <p style="padding-left: 40px;">(a) <i>from time to time lease the land; or</i></p> <p style="padding-left: 40px;">(b) <i>sell the land; or</i></p> <p style="padding-left: 40px;">(c) <i>cause the land to be transferred to the Crown; or</i></p> <p style="padding-left: 40px;">(d) <i>cause the land to be transferred to itself.</i></p> <p>(2) <i>On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.</i></p> <p>(3) <i>Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer



<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Rates Recovery Policy

<b>1.19 Dealing with Objections to the Rates Record</b>	
<b>Function Delegated</b>	<p>Authority to extend the time for a person to make an objection to a rate record.</p> <p>Authority to consider an objection to a rate record and either allow it or disallow it wholly or in part.</p>
<b>Statutory Power Delegated</b>	<p>Local Government Act 1995 Section 6.76 (4,5 and 6) Grounds for objection</p>
	<p><b>6.76. Grounds of objection</b></p> <p>(4) <i>The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.</i></p> <p>(5) <i>The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.</i></p> <p>(6) <i>After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	<p>Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees</p>
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.20 Appointment of Authorised Persons</b>	
<b>Function Delegated</b>	Authority to appoint persons or classes or persons for the purposes of fulfilling prescribed functions within the Local Government Act 1995.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 9.10 Appointment of authorised persons
	<p><b>9.10. Appointment of authorised persons</b></p> <p>(1) <i>The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.</i></p> <p>(2) <i>The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>1.21 Power to Sign Documents Required by Landgate or Department of Lands, to access or Update or Update records for Administrative Purposes</b>	
<b>Function Delegated</b>	Power to sign documents required by Landgate or Department of Lands, to access or update records for administrative purposes.
<b>Statutory Power Delegated</b>	Local Government Act 1995 Section 9.49A Execution of Documents
	<p><b>9.49A. Execution of documents</b></p> <p>(1) <i>A document is duly executed by a local government if —</i></p> <p style="padding-left: 40px;">(a) <i>the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or</i></p> <p style="padding-left: 40px;">(b) <i>it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.</i></p> <p>(2) <i>The common seal of a local government is not to be affixed to any document except as authorised by the local government.</i></p> <p>(3) <i>The common seal of the local government is to be affixed to a document in the presence of —</i></p> <p style="padding-left: 40px;">(a) <i>the mayor or president; and</i></p> <p style="padding-left: 40px;">(b) <i>the chief executive officer or a senior employee authorised by the chief executive officer,</i></p> <p style="padding-left: 40px;"><i>each of whom is to sign the document to attest that the common seal was so affixed.</i></p> <p>(4) <i>A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.</i></p> <p>(5) <i>A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.</i></p> <p>(6) <i>A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.</i></p> <p>(7) <i>When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed</i></p>

	<i>that the seal is the common seal of the local government unless the contrary is shown.</i>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 2. Local Government (Financial Management) Regulations 1996

<b>2.1 Power to Make Payments from the Municipal and Trust Funds</b>	
<b>Function Delegated</b>	The authority to make payments from the municipal or the trust funds.
<b>Statutory Power Delegated</b>	Local Government (Financial Management) Regulations 1996 Section 12(1)(a) Payments From Municipal Fund or Trust Fund, Restrictions on Making
	<p><b>12.      <i>Payments from municipal fund or trust fund, restrictions on making</i></b></p> <p><i>(1) A payment may only be made from the municipal fund or the trust fund —</i></p> <p><i>    (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Section 5.43 Limitations on delegation to the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services Manager Engineering Services Finance Manager
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

### 3. Local Government (Uniform Local Provisions) Regulation 1996

3.1 Obstruction of Public Thoroughfare by Things Placed and Left	
<b>Function Delegated</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Determine a sum sufficient for a deposit to cover the cost of repairing damage to the thoroughfare resulting from granting permission for obstruction of a thoroughfare, if the damage is not made good by the applicant.</li> <li>2. Determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government.</li> <li>3. Determine if repair of damage to a thoroughfare is to the satisfaction of the local government.</li> </ol>
<b>Statutory Power Delegated</b>	<p>Local Government (Uniform Local Provisions) Regulation 1996 Regulation 6 Obstruction of public thoroughfare by things placed and left</p>
	<p><b>6. Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a)</b></p> <p>(1) <i>A person must not, without lawful authority, place on a public thoroughfare anything that obstructs it.</i></p> <p><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the obstruction continues.</i></p> <p>(2) <i>A person may apply to the local government for permission to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.</i></p> <p>(3) <i>Permission granted by the local government under this regulation —</i></p> <ol style="list-style-type: none"> <li>(a) <i>must be in writing; and</i></li> <li>(b) <i>must specify the period for which it is granted; and</i></li> <li>(c) <i>must specify each condition imposed under subregulation (4); and</i></li> <li>(d) <i>may be renewed from time to time; and</i></li> <li>(e) <i>may be cancelled by giving written notice to the person to whom the permission was granted.</i></li> </ol> <p>(4) <i>The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —</i></p> <ol style="list-style-type: none"> <li>(a) <i>conditions relating to the erection of hoardings, fences,</i></li> </ol>

	<p>walkways or other structures for the protection of the public thoroughfare or public safety (<b>protective structures</b>);</p> <p>(b) conditions about the placement of things in the public thoroughfare including conditions about the depositing of building materials or waste, or storage or other facilities in the public thoroughfare;</p> <p>(c) a condition imposing a charge for any damage to the public thoroughfare resulting from the placement of a thing on the public thoroughfare;</p> <p>(d) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.</p> <p>(5) It is a condition of the permission granted under this regulation that —</p> <p>(a) placed things and protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and</p> <p>(b) protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and</p> <p>(c) placed things or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and</p> <p>(d) damage to the public thoroughfare resulting from the placement of a thing or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.</p> <p>(6) The local government may, when renewing permission granted under this regulation or at any other time, vary any</p>
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	<p><i>condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.</i></p> <p>(7) <i>A person granted permission under this regulation must comply with each condition of the permission.</i></p> <p><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</i></p> <p>(8) <i>The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.</i></p> <p>(9) <i>For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a placed and left thing or structure.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some powers or duties of the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Manager Engineering Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>3.2 Obstruction of Public Thoroughfare by Fallen Things</b>	
<b>Function Delegated</b>	The authority to request the person who is the owner or occupier of the land to remove anything that has fallen from the land, or from anything on the land and is obstructing a public thoroughfare.
<b>Statutory Power Delegated</b>	Local Government (Uniform Local Provisions) Regulation 1996 Regulation 7(A) Obstruction of Public Thoroughfare by Fallen Things
	<p><b>7A. <i>Obstruction of public thoroughfare by fallen things — Sch. 9.1 cl. 3(1)(b)</i></b></p> <p><i>A person who is the owner or occupier of land must, when requested by the local government to do so, remove any thing that —</i></p> <p style="padding-left: 40px;"><i>(a) has fallen from the land, or from anything on the land; and</i></p> <p style="padding-left: 40px;"><i>(b) is obstructing a public thoroughfare.</i></p> <p><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Manager Engineering Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>3.3 Encroaching of Public Thoroughfare</b>	
<b>Function Delegated</b>	The power to request a person who is the owner of land on which a structure is erected or a tree or other plant is growing, to remove any part of the structure, tree or plant that is encroaching, without lawful authority, on a public thoroughfare.
<b>Statutory Power Delegated</b>	Local Government (Uniform Local Provisions) Regulation 1996 Regulation 7 Encroaching on Public Thoroughfare
	<p><b>7. Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2)</b></p> <p><i>A person who is the owner or occupier of land on which a structure is erected or a tree or other plant is growing must, when requested by the local government to do so, remove any part of the structure, tree or plant that is encroaching, without lawful authority, on a public thoroughfare.</i></p> <p><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Manager Engineering Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>3.4 Dangerous Excavation in or Near Public Thoroughfare</b>	
<b>Function Delegated</b>	<p>Authority to fill in or fence an excavation, or request the owner or occupier to fill in or fence an excavation, on land that adjoins a thoroughfare if it considered to be dangerous.</p> <p>Grant permission, and impose conditions as though fit, to make or make leave an excavation of specified dimensions and in a specified way in a specified part or a public thoroughfare or on a specified part of land adjoining a public thoroughfare.</p>
<b>Statutory Power Delegated</b>	Local Government (Uniform Local Provisions) Regulation 1996 Regulation 11(4),(6), (7) Dangerous excavation in or near public thoroughfare.
	<p><b>11. Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6</b></p> <p>(1) <i>If there is, in a public thoroughfare or land adjoining a public thoroughfare, an excavation that the local government considers to be dangerous, the local government may —</i></p> <p style="padding-left: 40px;">(a) <i>fill in or fence the excavation; or</i></p> <p style="padding-left: 40px;">(b) <i>in writing request the owner or occupier of the land to fill in or securely fence the excavation.</i></p> <p>(2) <i>A person to whom a request is made under subregulation (1)(b) must comply with the request.</i></p> <p style="padding-left: 40px;"><i>Penalty: a fine of \$5 000.</i></p> <p>(3) <i>A person must not, without lawful authority, make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare.</i></p> <p style="padding-left: 40px;"><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</i></p> <p>(4) <i>A person may apply to the local government for permission to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare.</i></p> <p>(5) <i>Permission granted by the local government under this regulation —</i></p> <p style="padding-left: 40px;">(a) <i>must be in writing; and</i></p> <p style="padding-left: 40px;">(b) <i>must specify the period for which it is granted; and</i></p>

	<p>(c) <i>must specify each condition imposed under subregulation (6); and</i></p> <p>(d) <i>may be renewed from time to time; and</i></p> <p>(e) <i>may be cancelled by giving written notice to the person to whom the permission was granted.</i></p> <p>(6) <i>The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —</i></p> <p>(a) <i>conditions relating to the erection of hoardings, fences, walkways or other structures for the protection of the public thoroughfare, adjoining land or public safety (protective structures);</i></p> <p>(b) <i>a condition imposing a charge for any damage to the public thoroughfare or adjoining land resulting from the excavation;</i></p> <p>(c) <i>a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.</i></p> <p>(7) <i>It is a condition of the permission granted under this regulation that —</i></p> <p>(a) <i>the excavation is securely fenced off from the public thoroughfare or adjoining land; and</i></p> <p>(b) <i>protective structures are sufficiently illuminated every night from sunset to sunrise to prevent mishaps; and</i></p> <p>(c) <i>protective structures are kept and maintained in good condition, to the satisfaction of the CEO of the local government, during such time as the CEO thinks necessary for the public safety and convenience; and</i></p> <p>(d) <i>the excavation is filled in or protective structures are removed within a reasonable time after the person granted the permission is required in writing to do so by the local government; and</i></p> <p>(e) <i>damage to the public thoroughfare or adjoining land</i></p>
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	<p><i>resulting from the excavation or a protective structure is repaired to the satisfaction of the CEO of the local government within a reasonable time after the person granted the permission is required in writing to do so by the local government.</i></p> <p><i>(8) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (6) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.</i></p> <p><i>(9) A person granted permission under this regulation must comply with each condition of the permission.</i></p> <p><i>Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.</i></p> <p><i>(10) The local government may charge a person granted permission under this regulation a fee of not more than \$1.00 for each month or part of a month for each m<sup>2</sup> of public thoroughfare that is enclosed by a hoarding or fence in accordance with the permission.</i></p> <p><i>(11) For the purposes of section 3.37 of the Act, a contravention of subregulation (3) or (9) is a contravention that can lead to impounding of goods comprising a protective structure or other thing placed in or near the excavation.</i></p>
<b>Power Originally Assigned To</b>	Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some powers or duties of the Chief Executive Officer Section 5.44 Chief Executive Officer may delegate powers and duties to other employees
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Manager Engineering Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## Statutory Delegations – Other Legislation

### 4. Dog Act 1976

4.1 Power to Seize Dogs	
<b>Function Delegated</b>	Authority to appoint persons to exercise the powers conferred on an authorised person by the Dog Act 1976.
<b>Statutory Power Delegated</b>	Dog Act 1976 Section 29 Power of seize dogs
	<p><b>29. Power to seize dogs</b></p> <p><i>(1) A local government shall, in writing, appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Dog Act 1976 Section 10AA Delegation of local government powers and duties
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 5. Cat Act 2011

5.1 Appointment of Authorised Persons	
<b>Function Delegated</b>	<p>The authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint persons or classes of person to be authorised for the purposes of performing particular functions under the Cat Act 2011.</li> <li>2. Determine the conditions on any authorisation.</li> <li>3. Cancel or vary an authorisation.</li> </ol>
<b>Statutory Power Delegated</b>	<p>Cat Act 2011 Section 48 Authorised Persons</p>
	<p><b>48. Authorised persons</b></p> <p>(1) <i>A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.</i></p> <p>(2) <i>A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of section 62.</i></p> <p>(3) <i>An authorisation under this section may be made on such conditions as the local government determines, in writing given to the authorised person.</i></p> <p>(4) <i>The local government may, in writing given to the authorised person, at any time, cancel an authorisation under this section or add, vary or cancel a condition of an authorisation.</i></p> <p>(5) <i>The local government is to issue to each authorised person appointed under subsection (1) a certificate stating that the person is an authorised person for the purposes of this Act.</i></p> <p>(6) <i>An authorised person appointed under subsection (1) must —</i></p> <ol style="list-style-type: none"> <li>(a) <i>carry the certificate at all times when exercising powers or performing functions as an authorised person; and</i></li> <li>(b) <i>produce for inspection the certificate at the reasonable request of any person; and</i></li> <li>(c) <i>if he or she ceases to be an authorised person, return the certificate to the local government as soon as is practicable.</i></li> </ol> <p><i>Penalty: a fine of \$5 000.</i></p>



<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Cat Act 2011 Section 44 Delegation by Local Government Section 45 Delegation by Chief Executive Officer of local government
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Corporate and Community Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 6. Food Act 2008

6.1 Prohibition Order	
<b>Function Delegated</b>	Authority to serve a Prohibition Order on the proprietor of a food business in accordance with Section 65 of the Food Act 2008.
<b>Statutory Power Delegated</b>	Food Act 2008 Section 65 Prohibition Order
	<p><b>65. Prohibition order</b></p> <p>(1) <i>If the CEO or another enforcement agency believes on reasonable grounds —</i></p> <p style="padding-left: 40px;">(a) <i>that any of the circumstances specified in section 62(a), (b), (c) or (d) exist; and</i></p> <p style="padding-left: 40px;">(b) <i>that —</i></p> <p style="padding-left: 80px;">(i) <i>the proprietor of a food business has not complied with an improvement notice within the time required by section 63 for compliance;</i></p> <p style="padding-left: 80px;"><i>or</i></p> <p style="padding-left: 80px;">(ii) <i>the issue of the order is necessary to prevent or mitigate a serious danger to public health,</i></p> <p><i>the CEO or other enforcement agency may serve a prohibition order on the proprietor of the food business in accordance with this Part.</i></p> <p>(2) <i>A prohibition order must take the form of an order that —</i></p> <p style="padding-left: 40px;">(a) <i>no food intended for sale is to be handled on specified premises or a specified part of specified premises;</i></p> <p style="padding-left: 40px;">(b) <i>no food intended for sale is to be conveyed in a specified vehicle;</i></p> <p style="padding-left: 40px;">(c) <i>specified equipment is not to be used in connection with food intended for sale;</i></p> <p style="padding-left: 40px;">(d) <i>no food intended for sale is to be handled by a food business in a specified way or for a specified purpose;</i></p> <p style="padding-left: 40px;"><i>or</i></p> <p style="padding-left: 40px;">(e) <i>no other specified activities in relation to food intended for sale are to be carried out on specified premises or a specified part of specified premises,</i></p> <p><i>until the proprietor of the food business has been given a certificate of clearance under section 66 stating that —</i></p>

	<p>(f) <i>the premises, part of the premises, vehicle or equipment may be used for the handling or conveyance of food intended for sale, or in connection with such food;</i></p> <p>(g) <i>food intended for sale may be handled in the specified way or for the specified purpose; or</i></p> <p>(h) <i>the specified activities in relation to food intended for sale may be carried out,</i></p> <p><i>as the case may be.</i></p> <p>(3) <i>A prohibition order must state that it is issued under this section.</i></p> <p>(4) <i>A prohibition order may include ancillary or incidental directions.</i></p>
<b>Power Originally Assigned To</b>	Enforcement Agency (the Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>6.2 Certificate of Clearance of Prohibition Order</b>	
<b>Function Delegated</b>	Authority to give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices.
<b>Statutory Power Delegated</b>	Food Act 2008 Section 66 Certificate of clearance to be given in certain circumstances
	<p><b>66. Certificate of clearance to be given in certain circumstances</b></p> <p><i>The CEO or other enforcement agency that made the prohibition order must give a certificate of clearance if, after an inspection of the premises, part of the premises, vehicle or equipment, or the handling of food in the way or for the purpose, or the activities, specified in the order, the CEO or agency finds, by the CEO's or agency's own inspection or the report of an authorised officer, that —</i></p> <ul style="list-style-type: none"> <li><i>(a) the premises are not, or the part of the premises, vehicle or equipment, or the handling of food by the food business in the specified way or for the specified purpose, or the carrying out of the specified activities is not, a serious danger to public health; and</i></li> <li><i>(b) the person on whom the prohibition order was served has complied with the prohibition order and any improvement notices served on the person.</i></li> </ul>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>6.3 Registration of Food Businesses</b>	
<b>Function Delegated</b>	Authority to Register a Food Business.
<b>Statutory Power Delegated</b>	Food Act 2008 Section 110 Registration of food businesses
	<p><b>110. Registration of food businesses</b></p> <p>(1) <i>The appropriate enforcement agency may register a food business in respect of any premises for the purposes of this Part.</i></p> <p>(2) <i>The proprietor of a food business may apply, in the approved form, to the appropriate enforcement agency for the registration of the food business in respect of any premises under this Part.</i></p> <p>(3) <i>The application must be accompanied by —</i></p> <ul style="list-style-type: none"> <li>(a) <i>if required by the appropriate enforcement agency — the design and fit-out specifications, in a form approved by the appropriate enforcement agency, of the premises, if food is to be handled in the course of conducting the food business at those premises;</i></li> <li>(b) <i>any other information that the appropriate enforcement agency requires to determine the priority classification of the food business; and</i></li> <li>(c) <i>subject to subsection (4), the fee, if any, prescribed by the regulations.</i></li> </ul> <p>(4) <i>If the appropriate enforcement agency is a local government —</i></p> <ul style="list-style-type: none"> <li>(a) <i>any fee prescribed by the regulations for the purposes of subsection (3)(c) does not apply to an application to the agency under this section; and</i></li> <li>(b) <i>the fee for an application to the agency under this section may be imposed and recovered by the agency under the Local Government Act 1995 Part 6 Division 5 Subdivision 2.</i></li> </ul> <p>(5) <i>The appropriate enforcement agency may, after considering an application for registration —</i></p> <ul style="list-style-type: none"> <li>(a) <i>grant the application, with or without conditions; or</i></li> <li>(b) <i>refuse the application.</i></li> </ul>

	<p>(6) <i>If the appropriate enforcement agency grants an application for registration, the appropriate enforcement agency must issue the applicant with a certificate of registration, in the approved form, that specifies the premises in respect of which the registration is granted and sets out any conditions to which the registration is subject.</i></p> <p>(7) <i>A condition to which the registration is subject may relate only to compliance with this Act.</i></p> <p>(8) <i>If the appropriate enforcement agency refuses an application for the registration of a food business in respect of any premises, the appropriate enforcement agency must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.</i></p>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>6.4 Variation of Conditions of Cancellation of Registration of Food Businesses</b>	
<b>Function Delegated</b>	Authority to vary the conditions of cancellation of registration of a food business.
<b>Statutory Power Delegated</b>	Food Act 2008 Section 112 Variation of conditions or cancellation of registration of food businesses
	<p><b>112. Variation of conditions or cancellation of registration of food businesses</b></p> <p>(1) <i>The appropriate enforcement agency may vary the conditions of, or cancel, the registration of a food business in respect of any premises under this Part.</i></p> <p>(2) <i>The registration of a food business in respect of any premises may be cancelled on one or more of the following grounds —</i></p> <p style="padding-left: 40px;">(a) <i>any annual or other fee —</i></p> <p style="padding-left: 80px;">(i) <i>prescribed by the regulations in relation to the registration of the food business in respect of those premises has not been paid by the time the regulations require the payment to be made; or</i></p> <p style="padding-left: 80px;">(ii) <i>if subsection (3) applies — imposed by the appropriate enforcement agency in relation to the registration of the food business in respect of those premises has not been paid by the time the agency requires the payment to be made;</i></p> <p style="padding-left: 40px;">(b) <i>the food business has ceased to be conducted at those premises;</i></p> <p style="padding-left: 40px;">(c) <i>at the request of the holder of the certificate of registration that specifies those premises.</i></p> <p>(3) <i>If the appropriate enforcement agency is a local government, then for the purposes of subsection (2)(a) in relation to the registration of a food business in respect of any premises —</i></p> <p style="padding-left: 40px;">(a) <i>any annual or other fee prescribed by the regulations for the purposes of that provision does not apply to the registration of the food business in respect of those premises by the agency; and</i></p> <p style="padding-left: 40px;">(b) <i>an annual or other fee in relation to the registration of the food business in respect of those premises by the agency —</i></p>

	<ul style="list-style-type: none"> <li>(i) <i>may be imposed and recovered by the agency under the Local Government Act 1995 Part 6 Division 5 Subdivision 2; and</i></li> <li>(ii) <i>must be paid by the time the agency requires the payment to be made.</i></li> </ul> <p>(4) <i>The appropriate enforcement agency may vary the conditions of, or cancel, the registration of a food business in respect of any premises only —</i></p> <ul style="list-style-type: none"> <li>(a) <i>after having given the holder of the certificate of registration that specifies those premises —</i> <ul style="list-style-type: none"> <li>(i) <i>written reasons for the agency’s intention to vary or cancel; and</i></li> <li>(ii) <i>an opportunity to make submissions;</i></li> </ul> </li> <li>(b) <i>after having considered any submissions duly made by that person.</i></li> </ul> <p>(5) <i>Subsection (4) does not apply to the cancellation of the registration at the request of the holder of the certificate of registration that specifies the relevant premises.</i></p> <p>(6) <i>A variation of the conditions of, or the cancellation of, the registration of a food business in respect of any premises —</i></p> <ul style="list-style-type: none"> <li>(a) <i>must be by notice in writing;</i></li> <li>(b) <i>must be served on the holder of the certificate of registration that specifies those premises; and</i></li> <li>(c) <i>takes effect on the day on which the notice is served or on a later day specified in the notice.</i></li> </ul>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer’s Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town’s policies generally.



<b>6.5 Appoint Authorised Officers and Designated Officer to Carry Out the Provisions of the Act</b>	
<b>Function Delegated</b>	The authority to appoint authorised and designated officers.
<b>Statutory Power Delegated</b>	Food Act 2008 122 Appointment of Authorised Officers
	<p><b>122. Appointment of authorised officers</b></p> <p>(1) <i>An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if —</i></p> <p style="padding-left: 40px;">(a) <i>the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or</i></p> <p style="padding-left: 40px;">(b) <i>the person holds office as an environmental health officer under the Health Act 1911.</i></p> <p>(2) <i>The CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer.</i></p> <p>(3) <i>Each enforcement agency must prepare and maintain a list of authorised officers appointed by the agency.</i></p>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>6.6 Certificates of Authority</b>	
<b>Function Delegated</b>	The power to issue authorised and designated officers with certificates of authority.
<b>Statutory Power Delegated</b>	Food Act 2008 123 Certificates of authority
	<p><b>123. Certificates of authority</b></p> <p>(1) <i>An enforcement agency must provide each authorised officer appointed by the agency with a certificate of authority as an authorised officer.</i></p> <p>(2) <i>The certificate of authority must —</i></p> <ul style="list-style-type: none"> <li>(a) <i>state that it is issued under this Act;</i></li> <li>(b) <i>state the name of the person to whom it is issued and bear a photograph or digital image of that person and the person’s signature;</i></li> <li>(c) <i>state the date, if any, on which it expires;</i></li> <li>(d) <i>specify any conditions or limitations to which the person’s authority is subject; and</i></li> <li>(e) <i>bear the signature of the person by whom it is issued and state the capacity in which the person is acting in issuing the certificate.</i></li> </ul> <p>(3) <i>An authorised officer is required to produce the certificate of authority —</i></p> <ul style="list-style-type: none"> <li>(a) <i>if asked to do so by the proprietor of a food business whose premises are entered by the authorised officer;</i> <i>or</i></li> <li>(b) <i>if asked to do so by a person whom the authorised officer requires to produce anything or to answer any question.</i></li> </ul>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer’s Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town’s policies generally.

<b>6.7 Institution of Proceedings</b>	
<b>Function Delegated</b>	The power to institute legal proceedings on a person or corporate body for non-compliance with the Act.
<b>Statutory Power Delegated</b>	Food Act 2008 Section 125 Institution of Proceedings
	<p><b>125. Institution of proceedings</b></p> <p><i>(1) Proceedings for an offence under this Act may only be instituted —</i></p> <p style="padding-left: 40px;"><i>(a) unless paragraph (b) applies — within 12 months after the date on which the offence is alleged to have been committed; or</i></p> <p style="padding-left: 40px;"><i>(b) if the proceedings are in respect of a sample of food — within 6 months after the date on which the sample was obtained.</i></p> <p><i>(2) The court may extend the time referred to in subsection (1) for the institution of proceedings.</i></p>
<b>Power Originally Assigned To</b>	Enforcement Agency (The Local Government)
<b>Statutory Power of Delegation</b>	Food Act 2008 Section 118 Functions of enforcement agencies and delegation
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 7. Health Act 1911

7.1 Powers of Local Government	
<b>Function Delegated</b>	Authority to appoint a person to exercise the powers conferred on an authorised person by the Health Act 1911.
<b>Statutory Power Delegated</b>	Health Act 1911 Section 26 Powers of local government
	<p><b>26. Powers of local government</b></p> <p><i>Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:</i></p> <p><i>Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.</i></p>
<b>Power Originally Assigned To</b>	Local Government
<b>Statutory Power of Delegation</b>	Health Act 1911 Section 26 Powers of local government
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 8. Liquor Control Act 1988

8.1 Authority to Issue Certificates of Local Government	
<b>Function Delegated</b>	The Power to issue a Section 39 health clearance certificate for premises applying for a liquor licence.
<b>Statutory Power Delegated</b>	Liquor Control Act 1988 Section 39 Certificate of Local Government as to whether premises comply with laws
	<p><b>39. Certificate of local government as to whether premises comply with laws</b></p> <p>(1) <i>An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.</i></p> <p>(2) <i>A certificate referred to in subsection (1) shall state —</i></p> <p style="padding-left: 40px;">(a) <i>whether or not the premises comply with all relevant requirements of —</i></p> <p style="padding-left: 80px;">(i) <i>the Health Act 1911; and</i></p> <p style="padding-left: 80px;">(ia) <i>the Food Act 2008; and</i></p> <p style="padding-left: 80px;">(ii) <i>any written law applying to the sewerage or drainage of those premises; and</i></p> <p style="padding-left: 80px;">(iii) <i>the Local Government Act 1995; and</i></p> <p style="padding-left: 80px;">(iv) <i>the Building Act 2011;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p style="padding-left: 40px;">(b) <i>where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.</i></p> <p>(3) <i>The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Liquor Control Act 1988 Section 39(1) Certificate of Local Government as to Whether Premises Comply with Laws

<b>Power Delegated To</b>	Chief Executive Officer Principal Environmental Health Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Liquor (Licensed Premises) Policy

## 9. Strata Titles Act 1985

9.1 Granting of Certificate	
<b>Function Delegated</b>	<p>Authority to issue prescribed Strata Title Local Government Certificate For 26 Certificate of Approval under Section 25 of the Strata Title Act 1985.</p> <p>Power to determine applications for the issuing of a certificate of approval under Section 25 of the Strata Title Act 1985 for a plan of subdivision, re-subdivision or consolidation, except those applications that:</p> <ul style="list-style-type: none"> <li>a) Propose the creation of a vacant lot;</li> <li>b) Propose vacant air strata's in multi-tiers strata scheme developments;</li> <li>c) In the opinion of the Western Australian Planning Commission as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the Western Australian Planning Commission in writing, relate to: <ul style="list-style-type: none"> <li>i. A type of development; and/or</li> <li>ii. Land within an area</li> </ul> </li> </ul> <p>Which is of state of regional significance, or in respect of which the Western Australian Planning Commission has determined is otherwise in the public interest for the Western Australian Planning Commission to determine the application.</p>
<b>Statutory Power Delegated</b>	<p>Strata Titles Act 1985 Certificate of Commission</p>
	<p><b>25. Certificate of Commission</b></p> <p>(1) <i>Subject to this section, every strata plan and every plan of re-subdivision or consolidation for a strata scheme lodged for registration under this Act shall be accompanied by a certificate of approval given by the Commission unless the proposed subdivision, re-subdivision or consolidation is exempt from the requirement of such a certificate by reason of regulations made under this section.</i></p> <p>(2) <i>The Governor may make regulations providing for the exemption of a proposed subdivision, re-subdivision or consolidation, or subdivisions, re-subdivisions or consolidations of any class or description or in any geographical area, from the requirement of a certificate of approval given by the Commission for the purposes of section 5B, 8A or 9.</i></p>

- (3) *An application for a certificate under this section shall be made to the Commission in the prescribed form and manner and, where a building is to be constructed or modified for the purposes of the strata scheme or a proposed strata scheme, the application shall be made prior to the construction or modification of the building unless the Commission otherwise agrees in a particular case.*
- (4) *A certificate granted by the Commission under this section shall certify the approval of the Commission to the subdivision, re-subdivision or consolidation, as the case may be, and shall be in the prescribed form and in the case of an application made prior to construction or modification of a building proposed to be divided into lots under the scheme, the Commission may grant a certificate unconditionally or subject to such conditions as are specified in the certificate.*
- (5) *Without limiting section 25A, sections 135, 136, 146 and 147 of the Planning and Development Act 2005 do not apply to —*
- (a) a subdivision effected by the registration of a strata plan; or*
  - (b) a re-subdivision effected by a plan of re-subdivision for a strata scheme; or*
  - (c) a consolidation effected by the registration of a plan of consolidation for a strata scheme; or*
  - (d) a transfer converting a lot within a strata scheme to common property.*
- [(6) deleted]*
- (7) *This section and the giving of a certificate of approval by the Commission for the purposes of this section shall be subject to the requirements of section 78 of the Heritage of Western Australia Act 1990.*
- (8) *No exemption from the requirements of this section shall take effect where the land or any part of the land to which the strata scheme relates is land to which section 78 of the Heritage of Western Australia Act 1990 applies.*
- [Section 25 amended by No. 97 of 1990 s. 30; No. 84 of 1994 s. 46; No. 58 of 1995 s. 261; No. 55 of 2004 s. 1114; No. 38 of 2005 s. 15.]*



<b>Power Originally Assigned To</b>	Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer Planning and Development Act 2005 Section 16 Delegation by Commission
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## 10. Local Planning Scheme No.3

<b>10.1 The Power and Duties of Council Pursuant to the Operation of the Scheme</b>	
<b>Function Delegated</b>	Authority to exercise powers under the Local Planning Scheme No.3
<b>Statutory Power Delegated</b>	Local Planning Scheme No.3
	<p><b>11.1. Delegation of functions</b></p> <p>11.1.1. <i>The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.</i></p> <p>11.1.2. <i>The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.</i></p> <p>11.1.3. <i>The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.</i></p> <p>11.1.4. <i>Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services
<b>Policy Guidance</b>	<p>Exercised in accordance with the Town's policies generally.</p> <p>Prior to exercising delegation, applications are to be advertised to Elected Members for a period of seven days. Delegation will not be exercised in the case that two Elected Members request the matter be determined by Council.</p>

## 11. Building Act 2011

11.1 Approve or Refuse a Building Permit	
<b>Function Delegated</b>	Authority to grant or refuse a building permit.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 20 Grant of building permit
	<p><b>20. Grant of building permit</b></p> <p>(1) <i>A permit authority to which a certified application or an uncertified application is made must grant the building permit if it is satisfied —</i></p> <p>(a) <i>that the applicant has complied with section 16; and</i></p> <p>(b) <i>that the person mentioned in section 16(c) —</i></p> <p style="padding-left: 40px;">(i) <i>is a building service contractor who is entitled under the Registration Act section 11 to be named as the builder on the building permit; or</i></p> <p style="padding-left: 40px;">(ii) <i>has owner-builder approval under the Registration Act to carry out that work; or</i></p> <p style="padding-left: 40px;">(iii a) <i>is a public authority as defined in the Registration Act section 3; or</i></p> <p style="padding-left: 40px;">(iii) <i>is a person or in a class of persons prescribed for the purposes of the Registration Act section 7(2)(c) who may be named as the builder on the building permit,</i></p> <p style="padding-left: 40px;"><i>unless the building work is of a kind specified by the regulations; and</i></p> <p>(c) <i>that a certificate of design compliance for the building or incidental structure that is the subject of the application complies with section 19; and</i></p> <p>(d) <i>that the building surveyor who signed the certificate of design compliance —</i></p> <p style="padding-left: 40px;">(i) <i>is entitled under the Registration Act to sign certificates of design compliance for buildings or incidental structures of the kind that is the subject of the application; and</i></p> <p style="padding-left: 40px;">(ii) <i>is an independent building surveyor in relation to the application;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p>(e) <i>that the certificate of design compliance is issued by a</i></p>

	<p><i>person who —</i></p> <ul style="list-style-type: none"> <li><i>(i) is a building service contractor who is entitled under the Registration Act section 11 to issue the certificate; or</i></li> <li><i>(iia) is a public authority as defined in the Registration Act section 3; or</i></li> <li><i>(ii) is a person or in a class of persons prescribed for the purposes of the Registration Act section 7(2)(c) who may issue the certificate;</i></li> </ul> <p><i>and</i></p> <p><i>(f) that each technical certificate mentioned in section 16(i) is —</i></p> <ul style="list-style-type: none"> <li><i>(i) signed by a person prescribed as a person who may sign the certificate; and</i></li> <li><i>(ii) issued by a person prescribed as a person who may issue the certificate;</i></li> </ul> <p><i>and</i></p> <p><i>(g) if a part of a building or incidental structure is proposed to be placed beyond the boundaries of the land on which the building work is proposed to be done, that there is compliance with section 76; and</i></p> <p><i>(h) if the building work may adversely affect land beyond the boundaries of the land on which the work is proposed to be done, that there is compliance with section 77; and</i></p> <p><i>(i) that either —</i></p> <ul style="list-style-type: none"> <li><i>(i) a policy of insurance is in force in respect of the building work under the Home Building Contracts Act 1991 Part 3A Division 2; or</i></li> <li><i>(ii) corresponding cover, as defined in the Home Building Contracts Act 1991 section 25A, is provided in respect of the building work; or</i></li> <li><i>(iii) the policy of insurance mentioned in subparagraph (i) or the cover mentioned in subparagraph (ii) is not required under the Home Building Contracts Act 1991 in respect of the building work;</i></li> </ul> <p><i>and</i></p>
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	<ul style="list-style-type: none"> <li>(j) <i>that the applicant satisfies any other insurance requirements prescribed by regulation or under any other written law in respect of the building work; and</i></li> <li>(k) <i>that any building services levy required to be paid in respect of the building permit under regulations mentioned in the Building Services (Complaint Resolution and Administration) Act 2011 Part 7 Division 2 has been paid; and</i></li> <li>(l) <i>if a levy is imposed by the Building and Construction Industry Training Levy Act 1990 in respect of the building work, that the levy has been paid; and</i></li> <li>(m) <i>that the permit authority has complied with the provisions of the Heritage of Western Australia Act 1990 in relation to the application and that granting the building permit would not be inconsistent with an order, agreement or permit under that Act except to the extent allowed by that Act; and</i></li> <li>(n) <i>that the applicant has obtained in relation to the building work each authority under a written law that is prescribed for the purposes of this paragraph; and</i></li> <li>(o) <i>that the applicant has complied or is complying with each authority mentioned in paragraph (n); and</i></li> <li>(p) <i>that the applicant, in relation to the building work, has complied or is complying with each provision of a written law that is prescribed for the purposes of this paragraph; and</i></li> <li>(q) <i>that the applicant, in relation to the building work, has complied or is complying with each provision of a local government policy or requirement, not being a written law, that is prescribed for the purposes of this paragraph; and</i></li> <li>(r) <i>that each notification that is prescribed for the purposes of this paragraph to be given in relation to the building work has been given; and</i></li> <li>(s) <i>that the applicant has complied with each other prescribed requirement for the granting of a building permit on the application.</i></li> </ul> <p>(2) <i>A permit authority to which an application is made must not grant the building permit unless it is satisfied as to each of the</i></p>
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	<i>matters mentioned in subsection (1)(a) to (s). [Section 20 amended by No. 37 of 2012 s. 7.]</i>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3 of the Building Act 2011)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.2 Approve or Refuse a Demolition Permit</b>	
<b>Function Delegated</b>	Authority to grant or refuse a demolition permit.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 21 Grant of Demolition Permit
	<p><b>21. Grant of demolition permit</b></p> <p>(1) <i>The permit authority to which an application for a demolition permit is made must grant the demolition permit if it is satisfied —</i></p> <ul style="list-style-type: none"> <li>(a) <i>that the applicant has complied with section 16; and</i></li> <li>(b) <i>if the person mentioned in section 16(c) is required under another written law to have an authority under that law to do the demolition work, that the person has that authority; and</i></li> <li>(c) <i>that the demolition work will comply with each applicable building standard; and</i></li> <li>(d) <i>if the demolition work may adversely affect land beyond the boundaries of the land on which the work is proposed to be done, that there is compliance with section 77; and</i></li> <li>(e) <i>that any part of the building or incidental structure that is the subject of the application which is proposed to remain as a permanent retaining or other protection structure is suitable for that purpose; and</i></li> <li>(f) <i>that the applicant satisfies the insurance requirements prescribed by regulation or under any other written law in respect of the demolition work; and</i></li> <li>(g) <i>that any building services levy required to be paid in respect of the demolition permit under regulations mentioned in the Building Services (Complaint Resolution and Administration) Act 2011 Part 7 Division 2 has been paid; and</i></li> <li>(h) <i>if a levy is imposed by the Building and Construction Industry Training Levy Act 1990 in respect of the demolition work, that the levy has been paid; and</i></li> <li>(i) <i>that the permit authority has complied with the provisions of the Heritage of Western Australia Act 1990 in relation to the application and that the demolition permit, if granted, would not be inconsistent with an order, agreement or permit under</i></li> </ul>

	<p><i>that Act except to the extent allowed by that Act; and</i></p> <p><i>(j) that the applicant has obtained in relation to the demolition work each authority under a written law that is prescribed for the purposes of this paragraph; and</i></p> <p><i>(k) that the applicant has complied or is complying with each authority mentioned in paragraph (j); and</i></p> <p><i>(l) that the applicant, in relation to the demolition work, has complied or is complying with each provision of a written law that is prescribed for the purposes of this paragraph; and</i></p> <p><i>(m) that the applicant, in relation to the demolition work, has complied or is complying with each provision of a local government policy or requirement, not being a written law, that is prescribed for the purposes of this paragraph; and</i></p> <p><i>(n) that each notification that is prescribed for the purposes of this paragraph to be given in relation to the demolition work has been given; and</i></p> <p><i>(o) that the applicant has complied with each other prescribed requirement for the granting of a demolition permit.</i></p> <p><i>(2) A permit authority to which an application for a demolition permit is made must not grant the demolition permit unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (o).</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3 of the Building Act 2011)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.



<b>11.3 Grant of Occupancy Permit/Building Permit Approval Certificate</b>	
<b>Function Delegated</b>	Authority to grant or modify an occupancy permit of building approval certificate.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 58 Grant of occupancy permit, building approval certificate
	<p><b>58. Grant of occupancy permit, building approval certificate</b></p> <p>(1) <i>A permit authority to which an application is made must grant or modify the occupancy permit or grant the building approval certificate applied for if it is satisfied —</i></p> <p style="padding-left: 40px;">(a) <i>that the applicant has complied with section 54; and</i></p> <p style="padding-left: 40px;">(b) <i>that the building surveyor who signed the certificate of construction compliance or certificate of building compliance —</i></p> <p style="padding-left: 80px;">(i) <i>is entitled under the Registration Act to sign certificates of construction compliance or certificates of building compliance for buildings or incidental structures of a kind that is the subject of the application; and</i></p> <p style="padding-left: 80px;">(ii) <i>is an independent building surveyor in relation to the application;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p style="padding-left: 40px;">(c) <i>that the certificate of construction compliance or certificate of building compliance is issued by a person who —</i></p> <p style="padding-left: 80px;">(i) <i>is a building service contractor who is entitled under the Registration Act section 11 to issue the certificate; or</i></p> <p style="padding-left: 80px;">(ia) <i>is a public authority as defined in the Registration Act section 3; or</i></p> <p style="padding-left: 80px;">(ii) <i>is a person or in a class of persons prescribed for the purposes of the Registration Act section 7(2)(c) who may issue the certificate;</i></p> <p style="padding-left: 40px;"><i>and</i></p> <p style="padding-left: 40px;">(d) <i>that each technical certificate required by regulations mentioned in section 54(4)(b) is —</i></p> <p style="padding-left: 80px;">(i) <i>signed by a person prescribed as a person who may sign the certificate; and</i></p> <p style="padding-left: 80px;">(ii) <i>issued by a person prescribed as a person who</i></p>

	<p style="text-align: center;"><i>may issue the certificate;</i></p> <p style="text-align: center;"><i>and</i></p> <ul style="list-style-type: none"> <li><i>(e) if a part of the building or incidental structure encroaches beyond the boundaries of the land on which the building or structure is located, that each owner (within the meaning of section 76(2) where applicable) of the land into, onto, or over which the encroaching part is placed has consented to the encroaching part being so placed; and</i></li> <li><i>(f) that there is no current legal proceeding that has been instituted by the permit authority or a local government for a breach or alleged breach of a written law relating to the building or incidental structure; and</i></li> <li><i>(g) that each building order that has been made in relation to the building or incidental structure has been complied with; and</i></li> <li><i>(h) that any building services levy required to be paid in respect of the occupancy permit or building approval certificate under regulations mentioned in the Building Services (Complaint Resolution and Administration) Act 2011 Part 7 Division 2 has been paid; and</i></li> <li><i>(i) if the application is made under section 51, that any levy that would have been imposed by the Building and Construction Industry Training Levy Act 1990 in respect of the building work has been paid; and</i></li> <li><i>(j) in relation to an application that is required to be accompanied by a certificate of building compliance, that the applicant has obtained in relation to the building or incidental structure each authority under a written law that is prescribed for the purposes of this paragraph; and</i></li> <li><i>(k) that the applicant has complied or is complying with each authority mentioned in paragraph (j); and</i></li> <li><i>(l) that the applicant has complied with each other prescribed requirement in relation to the granting or modification of an occupancy permit or the granting of a building approval certificate on the application.</i></li> </ul> <p><i>(2) A permit authority to which an application is made must not grant or modify the occupancy permit or grant the building approval certificate applied for unless it is satisfied as to each</i></p>
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	<p><i>of the matters mentioned in subsection (1)(a) to (l).</i></p> <p><i>(3) A permit authority to which an application is made may refuse to grant or modify the occupancy permit or grant the building approval certificate applied for if it appears to the permit authority that there is an error in the information or a document provided for the application.</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.4 Extension of Period of Duration (of an Occupancy Permit of a Building Approval Certificate)</b>	
<b>Function Delegated</b>	Authority to extend the period in which the occupancy permit or modification or the building approval certificate has effect.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 65 Extension of period of duration
	<p><b>65. Extension of period of duration</b></p> <p>(1) <i>A person may apply to extend the time in which the following can have effect —</i></p> <ul style="list-style-type: none"> <li>(a) <i>an occupancy permit that has been granted or modified to have effect for a limited period only; or</i></li> <li>(b) <i>a building approval certificate that has been granted to have effect for a limited period only.</i></li> </ul> <p>(2) <i>An application must be —</i></p> <ul style="list-style-type: none"> <li>(a) <i>made in an approved manner and form; and</i></li> <li>(b) <i>signed by each owner of the land on which the building or incidental structure is located.</i></li> </ul> <p>(3) <i>An application must be accompanied by —</i></p> <ul style="list-style-type: none"> <li>(a) <i>the prescribed fee, if any, for the application; and</i></li> <li>(b) <i>each other thing that is prescribed to accompany the application.</i></li> </ul> <p>(4) <i>A permit authority to which an application is made may extend the period in which the occupancy permit or modification or the building approval certificate has effect and may do so even though the application was made after the expiration of the period.</i></p> <p>(5) <i>The period in which an occupancy permit granted on an application mentioned in section 47 has effect cannot be extended beyond 30 days from the expiry of the building permit for the building.</i></p> <p>(6) <i>The period during which the modification of an occupancy permit has effect cannot be extended beyond one year from the day the modification took effect.</i></p> <p>(7) <i>The regulations may provide for matters relating to dealing with applications including giving notice of the right of review under section 121(2).</i></p>

<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.5 Building Orders</b>	
<b>Function Delegated</b>	The authority to make Building Orders in relation to: <ul style="list-style-type: none"> <li>1. Building Work</li> <li>2. Demolition Work</li> <li>3. An existing building of incidental structure</li> </ul>
<b>Statutory Power Delegated</b>	Building Act 2011 Section 110 Building orders
	<p><b>110. Building orders</b></p> <p>(1) A permit authority may make an order (a <b>building order</b>) in respect of one or more of the following —</p> <ul style="list-style-type: none"> <li>(a) particular building work;</li> <li>(b) particular demolition work;</li> <li>(c) a particular building or incidental structure, whether completed before or after commencement day.</li> </ul> <p>(2) A building order must be in an approved form and must be directed to any one or more of the following persons as is appropriate in the case —</p> <ul style="list-style-type: none"> <li>(a) if a building permit is in effect for the particular building work, the person named as the builder on the permit;</li> <li>(b) if a demolition permit is in effect for the particular demolition work, the person named as the demolition contractor on the permit;</li> <li>(c) a person who is an owner of the land on which the particular building or demolition work is being, or has been, done;</li> <li>(d) a person who is an owner or occupier of the land on which the particular building or incidental structure is located.</li> </ul>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub</b>	Manager Development Services Principal Building Surveyor

<b>Delegation to</b>	
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.6 Revocation of Building Order</b>	
<b>Function Delegated</b>	Authority to revoke a Building Order
<b>Statutory Power Delegated</b>	Building Act 2011 Section 117 Revocation of building order
	<p><b>117. Revocation of building order</b></p> <p>(1) <i>A permit authority may, by notice in writing, revoke a building order at any time and must serve each person to whom the order is directed with a copy of the notice.</i></p> <p>(2) <i>A permit authority must, within 28 days of receiving a notification under section 112(3)(c) —</i></p> <p style="padding-left: 40px;">(a) <i>decide whether the building order has been fully complied with; and</i></p> <p style="padding-left: 40px;">(b) <i>either revoke the building order or inform each person to whom the order is directed that the building order remains in effect.</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.



<b>11.7 Permit Authority May Give Effect to Building Order if Non-Compliance</b>	
<b>Function Delegated</b>	Authority to give effect to a Building Order if there is non-compliance.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 118 Permit Authority may give effect to building order is non-compliance
	<p><b>118. Permit authority may give effect to building order if non-compliance</b></p> <p>(1) <i>In this section —</i></p> <p><b>non-compliance —</b></p> <p>(a) <i>in relation to a building order other than a building order (emergency), means that a person on whom the order is served has not complied fully with the order within the time specified in the order and has not applied for a review under section 122; or</i></p> <p>(b) <i>in relation to a building order (emergency), means that a person on whom the order is served has not complied fully with the order within the time specified in the order, whether or not a person has applied for review under section 122.</i></p> <p>(2) <i>If there is non-compliance with an order the permit authority that made the relevant building order may cause an authorised person —</i></p> <p>(a) <i>to take any action specified in the order; or</i></p> <p>(b) <i>to commence or complete any work specified in the order; or</i></p> <p>(c) <i>if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease.</i></p> <p>(3) <i>The permit authority may, in a court of competent jurisdiction, recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under subsection (2) in relation to the order.</i></p> <p>(4) <i>In a proceeding under subsection (3), a document apparently signed by an authorised certifier in relation to the permit authority, as defined by section 140(2), specifying details of the reasonable costs and expenses incurred is, in the absence of evidence to the contrary, proof of the details specified.</i></p>

<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.8 Inspections, Copies of Building Records</b>	
<b>Function Delegated</b>	Authority to determine an application from an interested person to inspect and copy a building record.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 131 Inspection, copies of building records
	<p><b>131. Inspection, copies of building records</b></p> <p>(1) <i>In this section —</i></p> <p><b>building record</b> means a document mentioned in section 130;  <b>interested person</b> means —</p> <p>(a) <i>an owner of the building or incidental structure to which the building record relates; or</i></p> <p>(b) <i>a person who has the written consent of an owner mentioned in paragraph (a) to inspect, or receive a copy of, a building record relating to the owner; or</i></p> <p>(c) <i>a person, or a person belonging to a prescribed class of persons.</i></p> <p>(2) <i>A permit authority may, on application by an interested person and on payment of the prescribed fee, if any —</i></p> <p>(a) <i>allow the interested person to inspect a building record; and</i></p> <p>(b) <i>provide to the interested person a copy of a building record.</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services Principal Building Surveyor
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.9 Prosecutions</b>	
<b>Function Delegated</b>	Authority to initiate a prosecution for an offence against the Building Act 2011.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 133 Prosecutions
	<p><b>133. Prosecutions</b></p> <p>(1) <i>A prosecution for an offence against this Act may be commenced by, and only by —</i></p> <p style="padding-left: 40px;">(a) <i>a permit authority or a person authorised to do so by a permit authority; or</i></p> <p style="padding-left: 40px;">(b) <i>a local government or a person authorised to do so by a local government.</i></p> <p>(2) <i>Subsection (1) does not limit the functions of the Director of Public Prosecutions under the Director of Public Prosecutions Act 1991 section 11.</i></p> <p>(3) <i>A prosecution for an offence against section 9, 10, 29(1) or (2), 37(1) or (2), 38(1) or (2), 76(1), 77, 78(1), (2) or (3), or 79(1) or (2) may be commenced within 6 years after the offence was allegedly committed, but not later.</i></p> <p>(4) <i>A prosecution for any other offence against this Act may be commenced within 3 years after the offence was allegedly committed, but not later.</i></p> <p>(5) <i>All prosecutions for offences against this Act are to be heard in a court of summary jurisdiction constituted by a magistrate.</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Manager Development Services
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>11.10 Designate Authorised Persons</b>	
<b>Function Delegated</b>	Authority to designate an employee as an authorised person.
<b>Statutory Power Delegated</b>	Building Act 2011 Section 96 Authorised persons
	<p><b>96. Authorised persons</b></p> <p>(1) <i>If the State is a permit authority for a building or an incidental structure it may, by instrument in writing, designate a public service officer as an authorised person for the purposes of this Act in relation to the building or incidental structure.</i></p> <p>(2) <i>If a special permit authority is a permit authority for a building or an incidental structure it may, by instrument in writing, designate an employee of the special permit authority, or an employee of one of the legal entities that comprise the special permit authority, as an authorised person for the purposes of this Act in relation to the building or incidental structure.</i></p> <p>(3) <i>A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.</i></p> <p>(4) <i>The regulations may limit to persons belonging to prescribed classes of public service officers or employees the persons who may be designated as authorised persons under subsection (1), (2) or (3).</i></p> <p>(5) <i>A person may be designated to be an authorised person for a fixed or indefinite period.</i></p> <p>(6) <i>A permit authority may, by instrument in writing, revoke a designation at any time.</i></p>
<b>Power Originally Assigned To</b>	Permit Authority (Local Government in accordance with s.6(3)3)
<b>Statutory Power of Delegation</b>	Building Act 2011 Section 127 Delegation: special permit authorities and local governments
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive</b>	Nil

<b>Officer's Sub Delegation to</b>	
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

## Town of Cottesloe Local Laws

### 12. Signs, Hoardings and Billposting Local Law

12.1 Revoke Sign Licences	
<b>Function Delegated</b>	Authority to revoke a sign licence.
<b>Statutory Power Delegated</b>	Signs, Hoardings and Billposting Local Law Section 28 Revocation of Licences
	<p><b><i>Revocation of Licenses</i></b></p> <p><i>Where anything purporting to be done pursuant to a licence issued under these by-laws is not done in conformity with the licence or with these by-laws or where the license is guilty of an offence against these by-laws the council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the licence.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

<b>12.2 Issue and Revoke Special Permits for Signs</b>	
<b>Function Delegated</b>	Authority to issues and revoke special permits for signs.
<b>Statutory Power Delegated</b>	Signs, Hoardings and Billposting Local Law Section 33 Special Permits
	<p><b><i>Special Permits</i></b></p> <p><i>33 (1) Notwithstanding anything contained in these By-laws, the council may, by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings or other matters of public interest, upon such terms and for such period, as the council may, in each case, decide</i></p> <p><i>(2) The Council may revoke any such permit at any time without assignment any reason therefor.</i></p> <p><i>(3) Upon the expiration or revocation of a permit issued under this By-law the person to whom it was issued shall forthwith remove the advertisement to which it relates.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.



<b>12.3 Removal and Dispose of Signs Unlawfully Displayed</b>	
<b>Function Delegated</b>	Authority to remove and dispose of unlawfully displayed signs.
<b>Statutory Power Delegated</b>	Signs, Hoardings and Billposting Local Law Section 36A Removal and Disposal of Signs Unlawfully Displayed
	<p><b>36A. Removal and Disposal of Signs Unlawfully Displayed</b></p> <p>(1) <i>The council may remove any sign placed or erected, contrary to the provision of these By-laws, on any street or land vested in, or under the care or control of, the council and may, without incurring any liability therefore, dispose of any sign so removed, in such manner as it things fit.</i></p> <p>(2) <i>Where, in exercise of the power conferred by sub By-law (1) of this By-law, the Council removes and disposes of a sign, it may recover the cost of the removal and disposal, in any court of competent jurisdiction, from the person responsible for the placing or erecting of the sign.</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer
<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.

### 13. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

<b>13.1 Approve or Refuse an Application for a Permit to Trade, Conduct a Stall or Outdoor Eating Facility</b>	
<b>Function Delegated</b>	Authority to approve or refuse an application for a permit to trade, conduct a stall or outdoor eating facility.
<b>Statutory Power Delegated</b>	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law Section 6.2 Decision of application for permit
	<p><b>6.2 Decision on application for permit</b></p> <p>(1) <i>The local government may –</i></p> <p style="padding-left: 40px;">(a) <i>approve an application for a permit unconditionally or subject to any conditions; or</i></p> <p style="padding-left: 40px;">(b) <i>refuse to approve an application for a permit.</i></p> <p>(2) <i>If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.</i></p> <p>(3) <i>If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.</i></p> <p>(4) <i>Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).</i></p> <p>(5) <i>Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).</i></p>
<b>Power Originally Assigned To</b>	The Local Government
<b>Statutory Power of Delegation</b>	Local Government Act 1995 Section 5.42 Delegation of some power or duties to the Chief Executive Officer

<b>Power Delegated To</b>	Chief Executive Officer
<b>Chief Executive Officer's Sub Delegation to</b>	Nil
<b>Policy Guidance</b>	Exercised in accordance with the Town's policies generally.