DELEGATIONS and AUTHORISATIONS REGISTER

As presented to Council 25 March 2025

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INTRODUCTION

Purpose of Delegating Authority
The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire of Wagin's commitment to a strong customer service focus.
The Delegated Authority Register details the head of power for each delegation, including legislation and Council policies, to enable easier cross-referencing. The Register will be reviewed on an annual basis in accordance with the requirements of s. 5.46 (2) of the *Local Government Act 1995*, with the coordination of the review to be performed by the Chief Executive Officer.

Legislation
The *Local Government Act 1995* allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the *Local Government Act 1995*, except for those listed in s. 5.43.
All delegations made by the Council must be by Absolute Majority [s. 5.42(1)].
Apart from the *Local Government Act 1995*, its regulations and the Shire of Wagin local laws created under the Act, a number of other pieces of legislation.

DELEGATED AUTHORITY REGISTER

Delegation by the Chief Executive Officer

Legislation (including the *Local Government Act 1995*) can provide for delegation of authority by Council to the Chief Executive Officer and also allow the Chief Executive Officer to further delegate a particular power or powers to another employee.

Sub-delegation this delegation must be made in writing, and must include any conditions or limitations placed by Council on the original delegation.

The Chief Executive Officer may also delegate the exercise of any power, or the discharge of any duty granted under the *Local Government Act 1995* by right of his or her position as Chief Executive Officer, other than the power of delegation itself [s. 5.44 (1)].
Under s. 5.46(1) and s. 5.46(2) of the *Local Government Act 1995*, a Register of Delegations relevant to the Chief Executive Officer and other Shire employees is to be kept and reviewed at least once in every financial year. Officers are also required to keep certain records whenever they exercise a power or duty which has been delegated to them [s. 5.46(3)].

This record must contain the following information [Reg. 19 – *Local Government (Administration) Regulations 1996*]:
• How the person exercised the power or discharged the duty;
• When the person exercised the power or discharged the duty; and
•The persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.

Officers with delegated powers are responsible for ensuring that the requirements of Reg. 19 are complied with.

A person to whom a power is delegated under the *Local Government Act 1995* is considered to be a 'designated employee" under s. 5.74(b) of the *Local Government Act 1995* and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

These persons are those that hold the office of:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Manager of Finance
- Manager of Works

Delegation No:1	**Abandoned Vehicles**

Date Adopted:	24 April 2012 #1896
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government Act 3.39 3.40, 3.40, 3.42 and 3.44 "An employee authorised by a Local Government for the purpose may remove and impound and goods that are involved in a contravention that can lead to impounding"

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to remove and impound vehicle wrecks, impoundment of non-perishable goods contained in the vehicle and to declare a vehicle as an abandoned wreck.

Delegate:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:2	**Blank**

Delegation No:3	**Agreement to Payment of Rates and Service Charges**

Date Adopted:	24 April 2012 #1896
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Finance Policy F.2

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government Act s 6.49 "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."

Legal (Subsidiary):

Other Comments

Council delegates to the Chief Executive Officer the authority and power to accept payment of a rate service charge due and payable by a person in accordance with an written agreement made with the person. Special payment agreements may be entered into for cases of special hardship for payment of rates, service charges, and domestic rubbish removal charges.

Delegate:

Chief Executive Officer

On-Delegated:

Deputy Chief Executive Officer
Manager of Finance

Delegation No:4	**Blank**

Delegation No:5	**Approval/Refusal Building Applications**

Date Adopted:	May 2002
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Health/Building/Planning Policy HBP.4

Delegate:	BS
On-Delegated:	No

Legal (Parent): Building Act 2011

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its powers and duties of the Building Act 2011.

Delegate:

Chief Executive Officer

Building Surveyor

Delegation No:6	**Blank**

Delegation No:7	Blank

Delegation No:8	Blank

Delegation No:9	Blank

Delegation No:10	**Bush Fires Act 1954**

Date Adopted:	April 1997
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Bushfire Policies B.2 / B.3 / B.6

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Bush Fires Act 1954
s48

1) A local government may, in writing, delegate to its Chief Executive Officer the performance of any of its functions under this Act

2) Performance by the Chief Executive Officer of a local government is a function delegated under subsection (1) –
a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
b) is to be treated as performance by the local government

3) A delegation under this section does not include the power to subdelegate

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated	
(a) s17 and s18 Suspend Prohibited and Restricted Burning Period – authority to suspend or amend prohibited burning and restricted burning periods.	
	Delegate: **Shire President and Chief Bush Fire Control Officer (jointly)**
(b) s59 Commencement of prosecution and issue of infringements	
	Delegate: **Chief Executive Officer**
(c) s33 Local government may require occupier of land to plough or clear fire-break	
Delegate **Chief Executive Officer**	

Delegation No:11	Blank

Delegation No:12	**Closure of Thoroughfares**

Date Adopted:	Dec 2008
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Works Policy W.16

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government Act 1995 Section 3.50, 3.50A, 3.51

Legal (Subsidiary): Road Traffic Act 1974

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to the Chief Executive Officer to undertake the necessary consultation and action for closure of the thoroughfares to vehicles in cases of emergency or in connection with Council works, and to ensure that when works are carried out associated with fixing or altering the level of or alignment of a public thoroughfare that access by vehicles on or to land adjoining the thoroughfare can be reasonably provided.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:13 **Reserves under control of local government**

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government Act 1995 s3.54 "If land reserved under the Land Administration Act 1997 is vested or placed under the control and management of a Local Government, it may do anything for the purpose of controlling and managing that land"

Legal (Subsidiary): Land Administration Act 1997 Section 5, Parks and Reserves Act 1895

Other Comments

If land reserved under the *Land Administration Act 1997* is vested in or placed under the control and management of a local government, the local government may do anything for the purpose of controlling and managing that land that it could do under section 5 of the *Parks and Reserves Act 1895* if it were a Board appointed under that Act to manage and control the land and for that purpose a reference in that section to a by-law is to be read as a reference to a local law.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:14 **Blank**

Delegation No:15 **Blank**

Delegation No:16 **Blank**

Delegation No:17	**Investments**

Date Adopted:	22 June 2010
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Finance Policy F.17

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government Act 1995 Section 6.14 – invested in accordance with Part III of the Trustees Act 1962

"Power to Invest – subject to the regulations, money held in the municipal 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 in accordance with Part III of the Trustees Act 1962"

Legal (Subsidiary): Regulation 19, 28 and 49 Local Government (Financial Management) Regulations 1996

Other Comments/Instructions/Persons On-Delegated

Council delegates authority and power to invest surplus funds in accordance with Council Policy, Finance Policy F.17.

Authorised Officers:

Chief Executive Officer

On-Delegated:

Deputy Chief Executive Officer

Delegation No:18	**Blank**

Delegation No:19	**Blank**

Delegation No:20	**Payment of Accounts**

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent): Local Government (Financial Management) Regulation 12

"A payment may only be made from the municipal or trust fund – (a) if the Local Government has delegated to the CEO the exercise of its powers to make payments from those funds by the CEO; or (b) otherwise, if the payment is authorised in advance by a resolution of council."

Legal (Subsidiary):

Other Comments

Council Delegates its authority and power to the Chief Executive Officer to make payments from the Municipal or Trust Fund provided:

1. A list of payments made is presented to Council, in accordance with Financial Management Regulation 13.
2. All cheques signed are to be by two authorised signatories. The Chief Executive Officer or Manager of Finance or Deputy Chief Executive Officer or Manager of Works
3. The following procedure is to be implemented for the authorisation of payments made by Electronic Funds Transfer (EFT):
   (i) A list of payments to be made by EFT is checked and authorised by the Chief Executive Officer or the Deputy Chief Executive Officer or the Manager of Finance
   (ii) Online authorisation for the funds transfer is made by any two of the Chief Executive Officer or Manager of Finance or Deputy Chief Executive Officer or Manger of Works
   (iii) Council is given a list of payments made by EFT each month as part of the financial statement sent out with the agendas.

Authorised Officer:

Chief Executive Officer

On-Delegated:

Manager of Finance
Deputy Chief Executive Officer
Manager of Works

Delegation No:21	**Planning Applications**

Date Adopted:	16 March 1999
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Health/Building/Planning Policy HBP.21

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent):

s82 *Planning and Development (Local Planning Schemes) Regulations 2015*

(1) The local government 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 functions under this Scheme other than this power of delegation.
(2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
(3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

s82 *Planning and Development (Local Planning Schemes) Regulations 2015*
Council delegates authority to grant approval to Planning Applications for permitted uses which comply with all requirements of the Local Planning Scheme No. 2 and where no objections have been received.

Delegate:

Chief Executive Officer

Delegation No:22	**Power and Duties - Food Act 2008**

Date Adopted:	24 April 2012 Minute #1896
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes
Chief Executive Instruction:	Yes

Legal (Parent): Food Act 2008
"An Act providing for the safety and suitability of food for human consumption, and for related purposes."

Legal (Subsidiary): Section 122 126 (2) 126 (6) 126 (7) of the Food Act 2008

Other Comments

Council delegates its authority and powers to the Chief Executive Officer the capacity to exercise and discharge all or any of the powers and functions of the enforcement agency in regard to the Food Act 2008.

Authorised Officer:

Chief Executive Officer

Delegation No:23 **Dog Act 1976**

Date Adopted:	22 June 2010
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent):

10AA. Delegation of local government powers and duties (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act. (2) The delegation must be in writing. (3) The delegation may expressly authorise the delegate to further delegate the power or duty. (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown. (5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

Legal (Subsidiary):

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to enable the officers authorised to deal with matters pertaining to the Dog Act of 1976.

Delegate:

Chief Executive Officer

On Delegated:

Deputy Chief Executive Officer

Delegation No:24 **Blank**

Delegation No:25	**Public Health Act 2016**

Date Adopted:	August 2006
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction:	

Legal (Parent):

Public Health Act 2016 s21

A power or duty conferred or imposed on an enforcement agency may be delegated — (a) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or (b) if the enforcement agency is a local government, to — (i) the chief executive officer of the local government; or (ii) an authorised officer designated by the local government;

Legal (Subsidiary):

1.

Other Comments/Instructions/Persons On-Delegated

- 22 Reporting to the Chief Health Officer
- 24 Designating authorised officers
- 27 Maintaining a list of authorised officers
- 30 Issuing certificates of authority
- 46 Publishing current local public health plan
- 76 Maintaining a register of registrable activities and premises registered
- 86 Maintaining a register of licence holders
- 216 Issuing enforcement orders
- 219 Implementing enforcement orders
- 221 Signing cost certificates
- 223 Giving certificates of clearance
- 224 Making assessments of compliance with an enforcement order
- 260 Returning seized items
- 262 Signing cost certificates (destruction of seized property)
- 263 Returning forfeited items

Delegate:

Chief Executive Officer

On-Delegated:

Environmental Health Officer – (Contract Shire of Narrogin)

Delegation No:26	**Blank**

Delegation No:27	**Blank**

Delegation No:28	**Blank**

Delegation No:29	**Blank**

Delegation No:30 Tendering for Goods and Services

Date Adopted:	24 June 2014
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	Finance Policy F.15

Delegate:	CEO
On-Delegated:	Not Applicable
Chief Executive Instruction:	

Legal (Parent):

1. Local Government Act 1995, Section 3.57.
2. Local Government Act 1995, Section 5.42.

Legal (Subsidiary):

1. Local Government (Financial Management) Regulations 1996, as amended

Other Comments/Instructions/Persons On-Delegated

Council delegates its authority and power to the Chief Executive Officer to -

1. Call tenders for works or services prior to entering in to contract with others in respect to supply of goods or services exceeding $250,000

2. Call tenders for the provision of works or services not exceeding a value of $250,000 and to accept what is to be deemed the most advantageous tender;

3. Determine in writing the criteria for deciding which tender should be accepted, subject to Regulation 14 (2a) of the Local Government (Functions and General) Regulations 1996;

   Subject to-

   (i) Tenders called subject to (1) and (2) above, are to comply with Council's Purchasing/Tender Guide Policy.

   (ii) The goods or services being listed in the Shires Adopted Annual Budget;

   (iii) The criteria, once determined in (3) above, it is to be incorporated in the tender documentation.

Delegate

Chief Executive Officer

On-Delegated:

Nil

Delegation No:31	***Local Government (Uniform Local Provisions) Regulations 1996***

Date Adopted:	25 June 2024 #5204
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	

Delegate:	CEO
On-Delegated:	

Legal (Parent):
s5.42 of the *Local Government Act 1995*

Legal (Subsidiary):
1.

Other Comments/Instructions/Persons On-Delegated

Powers of the Local Government including but not limited to functions related to serving notices and providing approvals related to local government land and thoroughfares

Delegate

Chief Executive Officer

On-Delegated:

Manager of Works

Delegation No:32 *Defer, Waive or Write off Debts*

Date Adopted:	25 June 2024 #5204
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	

Delegate:	CEO
On-Delegated:	No

Legal (Parent):
s5.42 of the *Local Government Act 1995*

Legal (Subsidiary):
1.

Other Comments/Instructions/Persons On-Delegated

The CEO is delegated power to approve reduction in fees and charges – a) the request is from a local community, charitable or not-for-profit organisation or school; b) the event is for the specific benefit of the local community; c) the request of the organisation does not exceed $500 ex GST or $2000 ex GST for a given financial year

Delegate

Chief Executive Officer

On-Delegated:

Nil

Delegation No:33 *Recovery of Rates or Service Charges*

Date Adopted:	25 June 2024 #5204
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	F14 Rate Recover

Delegate:	CEO
On-Delegated:	No

Legal (Parent):
s5.42 of the *Local Government Act 1995*

Legal (Subsidiary):
1.

Other Comments/Instructions/Persons On-Delegated

Commence proceedings to recover unpaid rates or service charges

Delegate

Chief Executive Officer

<u>On-Delegated:</u>

Nil

Delegation No:34 Cat Act 2011

Date Adopted:	25 June 2024 #5204
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	

Delegate:	CEO
On-Delegated:	Yes

Legal (Parent):
S44 of the *Cat Act 2011*

Legal (Subsidiary):
1.

Other Comments/Instructions/Persons On-Delegated

Powers of the Cat Act 2011 including registration, giving notice and approval to breed

Delegate

Chief Executive Officer

On-Delegated:

Deputy Chief Executive Officer

Ranger

Customer Service Officer

Administration Officer

Delegation No:35 Graffiti Vandalism Act 2016

Date Adopted:	25 June 2024 #5204
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	

Delegate:	CEO
On-Delegated:	No

Legal (Parent):
s16 Graffiti Vandalism Act 2016

Legal (Subsidiary):
1.

Other Comments/Instructions/Persons On-Delegated

Powers of the *Graffiti Vandalism Act 2016* to order the obliteration of graffiti including on private property

Delegate

Chief Executive Officer

On-Delegated:

Nil

Delegation No: 36	Small Debts Write Off

Date Adopted:	22 October 2024
Date Last Reviewed:	25 March 2025 #5386
Policy Reference:	None

Delegate:	CEO
On-Delegated:	No

Legal (Parent): Local Government Act 1995 s6.12(1) "Subject to subsection (2) and any other written law, a local government may:

(c) write off any amount of money"

Legal (Subsidiary):

Other Comments

Council delegates authority and power to write off rates and sundry debts where the individual debt is not more than $10.00.

Authorised Officer:

Chief Executive Officer

Authorisation No:1 *Local Government Act 1995* – Appoint Authorised Persons

Appointing entity	Chief Executive Officer
Express power to appoint	Local Government Act 1995 s9.10 Appointment of authorised persons
Appointments	For the purposes of the *Local Government Act 1995*: s.9.16 – Giving of notice • Chief Executive Officer • Ranger • Ranger (Contractor) s9.16 – Giving of notice (for purposes of regulation 70 of the *Building Regulations 2012*) • Chief Executive Officer • Environmental Health Officer (Shire of Narrogin) For the purposes of carrying out the powers and duties of an Authorised Person under the C*aravan Parks and Camping Grounds Regulations 1997*: • Chief Executive Officer • Environmental Health Officer (Shire of Narrogin) • Ranger • Ranger (Contractor) For the purposes of the *Caravan Parks and Camping Grounds Act 1995*: s.18 - Powers of Entry, s.20 - Entry of occupied caravan or camp and s.23(2) - Issue an infringement notice • Chief Executive Officer • Environmental Health Officer (Shire of Narrogin) • Ranger • Ranger (Contractor) For the purposes of carrying out the powers and duties of an Authorised Person under the *Cat Act 2011*: • Chief Executive Officer • Ranger • Ranger (Contractor) For the purposes of carrying out the powers and duties of an Authorised Person under the *Dog Act 1976*: • Chief Executive Officer • Ranger • Ranger (Contractor) For the purposes of carrying out the powers and duties of an Authorised Person under the Local Government (Miscellaneous Provisions) Act 1960: Part XX related to the impounding of cattle.

	• Chief Executive Officer • Ranger • Ranger (Contractor)
History:	Authorisation Approved 25 March 2025 #5386

Authorisation No:2 *Dog Act 1976* – Authorised Registration Officers

Appointing entity	Local Government
Express power to appoint	s3 *Dog Act 1976*
Appointments	Perform functions in the *Dog Act 1976* related to registration of dogs. • Chief Executive Officer • Administration Officer • Customer Support Officer
History:	Authorisation 25 March 2025 #5386

Authorisation No:3 *Local Government Act 1995* – s3.24 – Authorised persons directions relating to land

Appointing entity	Local Government
Express power to appoint	s3.24 Local Government Act 1995
Appointments	Appointment of Authorised Persons to exercise the powers given to a local government under Subdivision 2 – Certain provision about land: • Chief Executive Officer • Manager of Works
History:	Authorisation 25 March 2025 #5386

Authorisation No:4 Public Health Act 2016 – Appointment of Environmental Health Officer

Appointing entity	Local Government
Express power to appoint	s24 Public Health Act 2016
Appointments	Appointment of Authorised Officer • Chief Executive Officer • Environmental Health Officer (Narrogin) Appointment of Environmental Health Officer • Environmental Health Officer (Narrogin)
History:	Authorisation Approved 25 March 2025 #5386

Authorisation No:5 Shire of Wagin Local Laws

Appointing entity	Local Government
Express power to appoint	s9.10 Appointment of authorised persons
Appointments	Appointment of Chief Executive Officer as authorised person to administer the following local laws: • *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* • *Cemeteries Local Law 2001* • *Control of Refuse on Building Sites Local Law 2001* • *Dogs Local Law 2001* • *Extractive Industries Local Law 2016* • *Fencing Local Law 2001* • *Health Local Law 2001* • *Local Government Property Local Law 2001* • *Standing Orders Local Law 2001* • *Unsightly Land Refuse, Rubbish or Disused Material on Local Land Local Law 2008*
History:	Authorisation Approved 25 March 2025 #5386

Authorisation No:6 Building Regulations 2012 – Inspection of barrier to private swimming pool

Appointing entity	Council
Express power to appoint	r53 - Inspection of barrier to private swimming pool
Appointments	Appointment of Royal Life Saving Western Australia as an authorised person to inspect the barrier to the private swimming pool at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulations 50 and 52 are being complied with.
History:	Authorisation Approved 16 September 2025 #5492