



**REGISTER OF SUB DELEGATIONS AND
CEO AUTHORISATIONS 2023/2024
AS ADOPTED BY COUNCIL 23 MAY 2023**

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Introduction

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees or persons
- Authorisations made by the Council or the CEO
- Appointments made by the Council or the CEO, or as of right by virtue of legislation

The Register includes some instruments of sub delegation, authorisation, and appointment by the CEO, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Carnarvon to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Carnarvon Planning Scheme referenced by ‘cl’, as in cl8.2.1.

Employee – refers to an employee of the Shire of Carnarvon. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (S5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘r’, as in r22.

Schedule – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘s’, as in s5.42.

Sub delegation – the terms ‘sub delegate’ and ‘sub delegation’ are used as a style preference, rather than ‘on delegate’ or ‘on delegation’.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire’s Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters so that they are better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire’s decision-making frameworks. At the same time the exercise of all delegated and sub delegated authority, as well as authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

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An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the 'head of power' for the exercise of delegation to an elected member, employee, Committee, or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions, or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under s9.10 of the LGA 1995, in other cases via delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

Most delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,

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- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day-to-day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Carnarvon) include:

- Animal Welfare Act 2002,
- Australian Citizenship Act 2007,
- Building Act 2011 and Building Regulations 2012,
- Bush Fires Act 1954, regulations and local laws created under that Act,
- Cat Act 2011 and Regulations,
- Caravan Parks and Camping Grounds Act 1995,
- Control of Vehicles (Off-Road Areas) Act 1978 and Regulations,
- Dog Act 1976 and Regulations,
- Equal Employment Opportunity Act 1984,
- Environmental Protection Act 1986,
- Food Act 2008,
- Freedom of Information Act 1992,
- Graffiti Vandalism Act 2016,
- Health (Miscellaneous Provisions) Act 1911, Regulations and local laws created under that Act,
- Health (Asbestos) Regulations 1992,
- Land Administration Act 1997, and Regulations,
- Litter Act 1979 and Regulations,
- Local Government (Miscellaneous Provisions) Act 1960,
- Parks and Reserves Act 1895,
- Planning and Development Act 2005 including Regulations, policies, and the Town Planning Scheme,
- Public Interest Disclosure Act 2003,
- Public Health Act 2016,

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- Rates and Charges (Rebates and Deferments) Act 1982,
- Road Traffic Act 1974,
- Strata Titles Act 1985.

The Planning and Development (Local Planning Schemes) Regulations 2015 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

Other legislation permits sub delegation by the CEO, either, as of right, or with the express authority of the Council (Dog Act).

The Bush Fires Act prohibits sub delegation by the CEO.

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the Chief Executive Officer and other employees or other persons will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Carnarvon will review all delegations, authorisations, and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty,
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996).

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Departments/Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping.

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied. These requirements will be applied as an administrative instruction from the CEO.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even when made under other Acts, to ensure all employees are treated equally in such disclosures.

The SoC has no designated senior employees.

ACTING THROUGH ANOTHER PERSON

The Local Government Act recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire. s5.45 (2) of the Act states:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- a) a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or
- b) a Chief Executive Officer from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

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1. Local Government Act 1995 Delegations

1.1 CEO to Employees

1.1.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	Executive Manager Infrastructure Services Urban Operations Manager Community Emergency Services Manager Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Council Resolution FC 4/7/22 – Ordinary Council Meeting 26 July 2022
2	Council Resolution FC 3/5/23 – Ordinary Council Meeting 23 May 2023
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1. Local Government Act 1995 Delegations

1.1.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	Executive Manager Infrastructure Services Urban Operations Manager Rangers Manager, Regulatory Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9: 1. Authority to determine the sum sufficient 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 [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b). 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.
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1. Local Government Act 1995 Delegations

	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Council Resolution FC 4/7/22 – Ordinary Council Meeting 26 July 2022
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1. Local Government Act 1995 Delegations

1.1.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	Executive Manager Infrastructure Services Urban Operations Manager Manager, Regulatory Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit 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 [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. 4. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 5. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 6. Authority to <ul style="list-style-type: none"> • impose conditions on granting permission [ULP r.11(6)].

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1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> • renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. • determine, as a condition of granting permission, the sum sufficient to deposit 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 [r.11(6)(c)]. • determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. • determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	<p>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>c. Only the CEO may commence legal proceedings.</p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Council Resolution FC 4/7/22 – Ordinary Council Meeting 26 July 2022
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1. Local Government Act 1995 Delegations

1.1.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	Executive Manager Infrastructure Services Urban Operations Manager Manager, Regulatory Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, 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 [r.17(5)(b)]. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	Only the CEO may commence legal proceedings.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Council Resolution FC 4/7/22 – Ordinary Council Meeting 26 July 2022
2	Council Resolution FC 3/5/23 – Ordinary Council Meeting 23 May 2023
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1. Local Government Act 1995 Delegations

1.1.5 Appoint Persons (other than employees) to Open Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
Delegate/s:	Finance Manager Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1	Council Resolution FC 4/7/22 – Ordinary Council Meeting 26 July 2022
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1. Local Government Act 1995 Delegations

1.1.6 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Manager People, Culture & Systems Governance & Information Management Coordinator Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.

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1. Local Government Act 1995 Delegations

	<p>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</p> <p>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</p>
CEO Conditions on this Delegation:	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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1. Local Government Act 1995 Delegations

1.1.7 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Manager People, Culture & Systems Governance & Information Management Coordinator Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

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1. Local Government Act 1995 Delegations

1.1.8 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Senior Executive Officer Manager People, Culture & Systems Governance & Information Management Coordinator Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.9 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Executive Manager Infrastructure Services Finance Manager Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Carnarvon; ii. Safe custody and security of money collected or held by the Shire of Carnarvon; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority; vii. Preparation of budgets, budget reviews, accounts, and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995
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1. Local Government Act 1995 Delegations

	<i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.10 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Manager People, Culture & Systems Governance & Information Management Coordinator Finance Manager Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Carnarvon's systems and procedures in relation to <ol style="list-style-type: none">risk management; andinternal controls; andlegislative compliance [r.17(1)].
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996
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1. Local Government Act 1995 Delegations

1.1.11 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	Executive Manager Infrastructure Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Parking Local Law, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) Chief Executive Officer (ii) Rangers (iii) (Manager, Regulatory Services (iv) Deputy CEO c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> (i) Chief Executive Officer (ii) Senior Environmental Health Officer (iii) Manager, Regulatory Services

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1. Local Government Act 1995 Delegations

	(iv) Building Surveyor (Contract) <i>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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2 Delegations by the CEO

NOTE: The following delegations are made by the CEO, who holds the original power or duty. Council has no role in these decisions of the CEO, and they are included only for completeness in the Register.

2.1 Local Government Act 1995

10.1.1 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate:	Manager People, Culture and Systems Governance & Information Management Coordinator
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To: <ul style="list-style-type: none"> • require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. • decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. • decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. • make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. • approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)]. • amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. • ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. • decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll

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	<p>[s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</p> <ul style="list-style-type: none">• determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].• decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.1.2 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate:	Manager People, Culture and Systems Governance & Information Management Coordinator
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	After a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Deputy CEO
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10.2 Cat Act 2011

10.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011: s.44 Delegation by local government s.45 Delegation by CEO of local government</i>
Express Power or Duty Delegated:	<i>Cat Act 2011: s.64 Extension of time s.65 Withdrawal of notice</i>
Delegate:	Rangers Manager, Regulatory Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to: <ul style="list-style-type: none"> extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3 Authorisations and Appointments by CEO

NOTE: The following authorisations and appointments are made by the CEO, either as of right, or because of delegated authority from the Council, as the local government. As such they require no Council decisions but are included for completeness of the record.

13.1 Building Act 2011

13.1.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Appointees:	Chief Executive Officer Manager, Regulatory Services Building Surveyor (Contract) Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority as Authorised Persons
Conditions on this Authorisation or Appointment:	A permit authority must give an identity card to each person designated by it as an authorised person and which must: (a) identify the person as an authorised person; and (b) contain a recent photograph of the person Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.3 Caravan Parks and Camping Grounds Act 1995

13.3.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10 Caravan Parks and Camping Grounds Act 1995 – s17(1)</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Senior Environmental Health Officer Ranger Deputy CEO Executive Manager Infrastructure Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Chief Executive Officer, , Executive Manager Infrastructure Services, , Manager, Regulatory Services, Senior Environmental Health Officer and Rangers are appointed Authorised Persons, with powers of entry and inspection pursuant to s17(1) Caravan Parks and Camping Grounds Act.
Conditions on this Authorisation or Appointment:	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none">(a) on the front of the card, sets out —<ul style="list-style-type: none">(i) the name and official insignia of the local government; and(ii) the name of the person; and(iii) a recent photograph of the person; and(b) on the back of the card, specifies each law to which the person's appointment relates. <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none">(a) Always carry their identity card when performing functions under a specified law; and(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.3.2 Authorised Persons - Infringement Notice

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10 Caravan Parks and Camping Grounds Act 1995 – s23(2)</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Senior Environmental Health Officer Ranger Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority as Authorised Persons are appointed an Authorised Person pursuant to s23(2) Caravan Parks and Camping Grounds Act 1995.
Conditions on this Authorisation or Appointment:	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none">(a) on the front of the card, sets out —<ul style="list-style-type: none">(i) the name and official insignia of the local government; and(ii) the name of the person; and(iii) a recent photograph of the person; and(b) on the back of the card, specifies each law to which the person's appointment relates. <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none">(a) Always carry their identity card when performing functions under a specified law; and(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.3.3 Authorised Persons - Infringement Notice

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10</i> <i>Caravan Parks and Camping Grounds Act 1995 – s23(3)(5)(7)</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Senior Environmental Health Officer Ranger Deputy CEO
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority as Authorised Persons for the purposes of s23(3)(5)(7) Caravan Parks and Camping Grounds Act 1995.
Conditions on this Authorisation or Appointment:	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none">(a) on the front of the card, sets out —<ul style="list-style-type: none">(i) the name and official insignia of the local government; and(ii) the name of the person; and(iii) a recent photograph of the person; and(b) on the back of the card, specifies each law to which the person's appointment relates. <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none">(a) Always carry their identity card when performing functions under a specified law; and(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

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13.4 Cat Act 2011

13.4.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10 Cat Act 2011: s. 48 Authorised persons</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Ranger Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Chief Executive Officer, Manager, Regulatory Services, Deputy CEO and Ranger are designated Authorised Persons for the purposes of s62 Cat Act.</p> <p>Chief Executive Officer, Manager, Regulatory Services, Deputy CEO and Ranger, Customer Services Officer are designated as Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].</p> <p>Chief Executive Officer, a Manager, Regulatory Services, Deputy CEO and Ranger are designated Authorised Persons for all purposes of the Cat Act, except as otherwise provided.</p>
Conditions on this Authorisation or Appointment:	<p>The CEO must give to each person appointed an identity card that —</p> <p>(a) on the front of the card, sets out —</p> <p>(i) the name and official insignia of the local government; and</p> <p>(ii) the name of the person; and</p> <p>(iii) a recent photograph of the person;</p> <p>and</p> <p>(b) on the back of the card, specifies each law to which the person's appointment relates.</p> <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <p>(a) Always carry their identity card when performing functions under a specified law; and</p> <p>(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.</p> <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

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13.6 Control of Vehicles (Off Road Areas) Act 1978

13.6.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10</i> <i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Ranger Deputy CEO
Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Chief Executive Officer, Manager, Regulatory Services, Deputy CEO and Ranger are designated Authorised Persons for the purposes of the Act.
Conditions on this Authorisation or Appointment:	<p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none">(a) on the front of the card, sets out —<ul style="list-style-type: none">(i) the name and official insignia of the local government; and(ii) the name of the person; and(iii) a recent photograph of the person;and(b) on the back of the card, specifies each law to which the person's appointment relates. <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none">(a) Always carry their identity card when performing functions under a specified law; and(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.7 Dog Act 1976

13.7.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995 s9.10 Dog Act 1976: s.11(1) Staff and Services s.33E(1) Individual dog may be declared to be dangerous dog (declared)</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Ranger Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Chief Executive Officer, Executive Manager, Regulatory Services, Deputy CEO and Ranger are designated Authorised Persons for the purposes of the Act. Chief Executive Officer, Manager, Regulatory Services, Deputy CEO and Ranger, Customer Services Officer are designated as Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. The Chief Executive Officer, Manager, Regulatory Services, Deputy CEO and Ranger are designated as Authorised Persons to exercise the powers conferred on an authorised person by this Act [s.11(1)] and specifically to make declarations pursuant to s.33E(1) Individual dog may be declared to be dangerous dog.
Conditions on this Authorisation or Appointment:	The CEO must give to each person appointed an identity card that — (a) on the front of the card, sets out — (i) the name and official insignia of the local government; and (ii) the name of the person; and (iii) a recent photograph of the person; and (b) on the back of the card, specifies each law to which the person’s appointment relates. (5) A person appointed under subsection (2) (the authorised person) must — (a) Always carry their identity card when performing functions under a specified law; and (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.

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	A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.
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Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.8 Freedom of Information Act 1992

13.8.1 Information Coordinator and Principal Decision Maker

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Freedom of Information Act 1992 – S11, 12, 41, 100</i>
Appointees:	FOI Coordinator as Freedom of Information Decision Maker CEO as Principal Review Officer Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	FOI Coordinator as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with S11, 12, of the Freedom of Information Act 1992 FOI Coordinator as the Principal Decision Maker CEO is the Principal Review Officer.
Conditions on this Authorisation or Appointment:	Principal Decision Maker is the FOI Coordinator, or an employee directed by the Chief Executive Officer to undertake the duties and functions s100 Principal Review Officer cannot be subordinate to Principal Decision Maker (s41)

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.9 Graffiti Vandalism Act 2016

13.9.1 Authorised Persons

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</i>
Appointees:	Chief Executive Officer, Executive Manager Infrastructure Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Conditions on this Authorisation or Appointment:	Cannot determine Objections or Suspension of effect in relation to Notice issued by the employee - s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.10 Local Government Act 1995

13.10.1 Authorised Persons - Legal Proceedings, Infringements and Enforcements

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Local Government Act 1995) s9.10(1), 9.11, 9.13, 9.16 and 9.24 s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]</i>
Appointees:	CEO Manager, Regulatory Services Executive Manager Infrastructure Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	CEO, Manager, Regulatory Services Executive Manager Infrastructure Services as Authorised Persons for the purposes of s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] and s9.10(1), 9.11, 9.13, 9.16 and 9.24
Conditions on this Authorisation or Appointment:	<p>Only the CEO may commence legal proceedings.</p> <p>The CEO must give to each person appointed an identity card that —</p> <ul style="list-style-type: none">(a) on the front of the card, sets out —<ul style="list-style-type: none">(i) the name and official insignia of the local government; and(ii) the name of the person; and(iii) a recent photograph of the person;and(b) on the back of the card, specifies each law to which the person's appointment relates. <p>(5) A person appointed under subsection (2) (the authorised person) must —</p> <ul style="list-style-type: none">(a) Always carry their identity card when performing functions under a specified law; and(b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law. <p>A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.</p>

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13.11 Local Government (Financial Management) Regulations 1996

13.11.1 Authority to Incur Liabilities

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Regs 5, 11 Local Government (Financial Management) Regulations 1996</i>
Appointees:	As detailed below
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><u>Requisitions and Purchase Orders</u></p> <p>Authority is provided to the following employees to raise requisitions (where appropriate) and to incur liabilities through the issue of Purchase Orders, within the following limits inclusive of GST:</p> <p>Chief Executive Officer - \$11,000,000 Executive Manager, Infrastructure Services - \$109,999 Manager, Regulatory Services - \$27,500 Project Contracts Manager - \$109,999 Urban Operations Manager – \$27,500 Facilities & Services Manager - \$27,500 Infrastructure Planner - \$16,600 Finance Manager - \$5,500 Tourism & Economic Development Manager - \$5,500 Community & Cultural Development Manager - \$5,500 OH & S Officer - \$5,500 Manager, People, Culture & Systems - \$5,500 Coordinator IT - \$5,500 Tourism Coordinator- \$3,300 Coordinator Library Services - \$3,300 Coordinator Airport Operations - \$3,300 Senior Executive Officer - \$ 3,300- \$1,100 Leading Hand Roads and Works - \$1,100 Leading Hand Waste - \$1,100 Senior Customer Service Officer - \$1,100 Project Delivery Manager - \$27,500 Principal Mechanic - \$3,300 Airport Manager - \$5,500 Airport Manager - \$5,500 Community & Cultural Development Coordinator - \$2,200 Rural Roads Manager - \$27,500</p> <p><u>Credit and Debit Cards</u></p> <p>Authority is provided to the following employees to incur liabilities through Shire of Carnarvon credit or debit cards, within the following limits:</p> <p>Chief Executive Officer \$5,000 Executive Manager, Infrastructure Services \$3,000 Senior Executive Officer \$3,000 Urban Operations Manager \$2,000</p>

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Conditions on this Authorisation or Appointment:	Use of corporate credit or debit cards must be consistent with Council Policies, and instructions and procedures determined by the CEO.
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13.12 Planning and Development Act 2005

13.12.1 Authorised, Designated Persons - Infringement Notices

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Planning and Development Act 2005 s228,229,230, 231, 234 Clause 82, Schedule 2, Planning and Development (Local Planning Schemes) Regulations 2015</i>
Appointees:	Chief Executive Officer Executive Manager Infrastructure Services Manager, Regulatory Services Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer designates the Chief Executive Officer as a Designated Person for the purposes of s230, 231. The Chief Executive Officer designates the, Executive Manager Infrastructure Services, Manager, Regulatory Services Designated Persons for the purposes of s.228, 229 The Chief Executive Officer designates the Chief Executive Officer, , Executive Manager Infrastructure Services, Manager Regulatory Services as Authorised Persons.
Conditions on this Authorisation or Appointment:	A Designated Person pursuant to s228 cannot be appointed for the purposes of any other Sections as a Designated person

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13.14 Public Health Act 2016

13.14.1 Authorised Officers

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Public Health Act 2016 s.24(1) and (3) Designation of authorised officers</i>
Appointees:	Chief Executive Officer Manager, Regulatory Services Deputy CEO Senior Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	CEO, , , Senior Environmental Health Officer Manager, Regulatory Services are designated as an authorised officer under s24 of the Public Health Act 2016.
Conditions on this Authorisation or Appointment:	Must operate in accordance with the conditions within the Shire of Carnarvon Health Local Law. A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.

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Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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13.14.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Health (Asbestos) Regulations 1992 Pt 2 Criminal Procedure Act 2004</i>
Appointees:	Chief Executive Officer Executive Manager Infrastructure Services Manager, Regulatory Services Deputy CEO Senior Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	CEO, , Executive Manager Infrastructure Services, , Senior Environmental Health Officer Manager, Regulatory Services are appointed Authorised Persons and authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices. The Chief Executive Officer is appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.
Conditions on this Authorisation or Appointment:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].

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13.15 Public Interest Disclosure Act 2003

13.15.1 Public Interest Disclosures

Appointer:	Chief Executive Officer
Express Power or Duty:	<i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>
Appointees:	CEO Deputy CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Pursuant to s23(1)(a) Public Interest Disclosure Act 2003 the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information.
Conditions on this Authorisation or Appointment:	

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