

Town of
Port Hedland



DELEGATION REGISTER



2015/16

DELEGATION REGISTER

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LOCAL GOVERNMENT ACT REGISTER OF DELEGATIONS

The Local Government Act 1995 allows for a local government to delegate to the Chief Executive Officer (Sections 5.42 and 5.43) the exercise of any of its powers or the discharge of any of its duties under the Act.

The Act allows for the Chief Executive Officer to delegate any of his powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if he desires. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer.

The manual details the related document(s) where the power to delegate is derived from. This enables easier cross referencing.

LIMITS ON DELEGATIONS TO THE CEO

In accordance with section 5.43 of the Local Government Act 1995 the following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- *the power under section 9.49(4) to authorize a person to sign documents on behalf of the local government*
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed ~~by the Act~~.

REGISTER OF, AND RECORDS RELEVANT TO, DELEGATIONS

In accordance with section 5.46 of the Local Government Act 1995 a register of delegations, being this manual, relevant to the Chief Executive Officer is to be kept and reviewed at least once every financial year.

OTHER DELEGATIONS

For ease of reference, this register also contains delegations which are derived from a number of other legislations that prescribe the power to delegate. These legislations being:

- Town Planning Scheme No.5
- Planning and Development Act 2005
- Food Act 2008
- Strata Titles Act 1985
- Health Act 1911
- Caravan Parks and Camping Grounds Act 1995
- Building Act 2011

NOTE: This Delegation Register is to be read in conjunction with all Town of Port Hedland Local Laws and Policies, ~~the Local Government Act 1995 and associated Regulations.~~

1. LOCAL GOVERNMENT ACT 1995 DELEGATIONS TO CEO

1.1 ~~Acting Chief Executive Officer~~

~~LEGISLATIVE POWER~~ _____ ~~Local Government Act 1995 Section 5.44~~

~~DELEGATE~~ _____ ~~Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED~~

~~The Chief Executive Officer is delegated authority to appoint an Acting Chief Executive Officer during any periods of approved leave of absence. The Chief Executive Officer, on making any appointment under this delegated authority, shall inform Council the Mayor of the details of the appointment, including a timeline for this delegation.~~

~~RECORDING PROCEDURE~~

~~Temporary Higher Duties Form on the Intranet is to be completed and saved on the corporate record as per instructions.~~

~~1.2 Legal Advice~~

~~LEGISLATIVE POWER ——— Local Government Act 1995 Section 5.42~~

~~DELEGATE ——— Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED~~

~~Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as the Chief Executive Officer deems necessary in the exercise of the management of the Local Government.~~

~~1.3 Representing Local Government in Court~~

~~LEGISLATIVE POWER ——— Local Government Act 1995 Section 9.29~~

~~DELEGATE ——— Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED~~

~~The Chief Executive Officer is delegated authority to appoint persons pursuant to section 9.29 of the Local Government Act 1995, to represent the Town of Port Hedland generally in proceedings in the court of petty sessions and Local Court.~~

~~DEFINITIONS:~~

~~**proceedings** means —~~

- ~~(a) proceedings in the Magistrates Court, the Children's Court or the State Administrative Tribunal; or~~
~~(b) proceedings in respect of a claim against a person who takes the benefit of an Act for the relief of bankrupt debtors.~~

~~(2) In proceedings a person who is —~~

- ~~(a) the CEO; or~~
~~(b) an employee of the local government appointed in writing signed by the CEO to represent the local government generally or in a particular case;~~

~~——— may represent the local government in all respects as though the person were the local government.~~

- ~~(3) The person representing the local government in the proceedings is entitled to be reimbursed by the local government for any money paid or required to be paid by the person as a result of representing the local government in the proceedings.~~

1.14 Authority to Initiate Prosecutions

LEGISLATIVE POWER Local Government Act 1995 Section 9.24

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to commence a prosecution for an offence against this Act or under a local law under Section 9.24 of the Local Government Act 1995.

1.52 Signatories on Municipal, ~~and~~ Trust and Reserve Fund

LEGISLATIVE POWER Local Government Act 1995 Section 6.10
Local Government (Financial Management)
Regulations 12 and 13

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund Bank Accounts, Reserve Bank Accounts and the Trust Fund Bank Accounts. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Accounts is to be noted on a list compiled for each month showing -

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

The list referred to above is to be presented to Council and is to be recorded in the minutes of the meeting at which it is presented.

1.63 Authorisation of Expenditure

LEGISLATIVE POWER Local Government Act 1995 Section 6.10(d)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority under section 6.10 (d) of the Local Government Act 1995 and Local Government (Financial Management) Regulation 5(1) (e) to authorise expenditure for the supply of goods or services where expenditure has been approved in the annual budget in accordance with Council Procurement Policy 2/007 or otherwise approved in accordance with Section 6.8 of the LG Act 1995.

1.74 Investment of Funds

LEGISLATIVE POWER Local Government Act 1995 Section 6.14 (1)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to implement the ~~Town of Port Hedland Council's 2/010~~ Investment Policy (2/010).

~~The placement or redemption of all investments requires dual authorisation by the Chief Executive Officer or the Director of Corporate Services, plus any one of the following officers:~~The placement or redemption of all investments requires dual authorisation by the Chief Executive Officer or the Director of Corporate Services, and another Director or Manager as appointed in writing by the CEO.

- ~~• Director Works and Services~~
- ~~• Director Community and Development Services~~
- ~~• Manager Financial Services~~

1.85 Write off Debtors (Rates and Others) Up To \$200.00

LEGISLATIVE POWER Local Government Act 1995 Section 6.12(1)(c)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated to write off debtors (rates and others) with an account balance of \$200.00 or less pursuant to Local Government Act s.6.12(1)(c).

1.69 Recovery of Debts

LEGISLATIVE POWER

Local Government Act 1995 Part 6
Financial Management

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated to take action to recover any outstanding debts pursuant to the LG Act 1995, Part 6.

**1.407
or Service Charge)****Waiver of Fees and Charges (Other Than Rates**

LEGISLATIVE POWER

Local Government Act 1995 Section 6.12(b)

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated to waive fees and charges (other than rates or service charges), ~~that are the subject of a court settlement process.~~ As per the schedule of fees and charges up to the amount of \$1,000 for Not-For-Profit or Non-Governmental Organisations instances only.

~~The Chief Executive Officer will execute this delegation and then notify the Council if the amount exceeds \$2,000.~~

1.118**Rate Book**

LEGISLATIVE POWER

Local Government Act 1995 Part 6 Division 6

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council:

1. The discharge of the obligations specified in Section 6.39(1) 'Rate Record' of the Local Government Act 1995.
2. The service of Notices of Valuation and Rates referred to in Section 6.41(1) of the Local Government Act 1995 (as amended).
3. The time allowed for the payment of the rate before it becomes in arrear, Section 6.50(2) of the Local Government Act 1995.
4. The powers conferred in Section 6.40 'Effect of Amendment of Rate Record', of the Local Government Act 1995.
5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book, Section 6.76(4) of the Local Government Act 1995.
6. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56(1) of the Local Government Act 1995.
7. Entering into an agreement in accordance with Section 6.49 'Agreement as to payment of rates and service charges' of the Local Government Act 1995.
8. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with Section 6.60(2) of the Local Government Act 1995.

~~1.12 Insurance - Public Liability Claims~~

~~LEGISLATIVE POWER ——— Local Government Act 1995 Section 5.42~~

~~DELEGATE ——— Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED~~

~~The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.~~

~~In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form as used by Council's Insurers.~~

1.9 Expression of Interests (EOI) and Tenders

LEGISLATIVE POWER

Local Government Act 1995 3.57

Local Government (F&G) Regulations

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the authority to determine:

1. to call tenders (section 3.57(1) Local Government Act and F&G Reg 11)
 2. to call tenders for the disposal of impounded goods confiscated under section 3.43 in accordance with section 3.58 (s3.47(1))
 3. the criteria for accepted tenders [F&G Reg 14(2a)].
 4. to accept tenders when the consideration involved does not exceed \$450,000 excluding GST provided that the appropriate provision is made on Council's Budget and with reference to the Council's Procurement Policy (2/007) and the Council's Tender Policy (2/011) [F&G Reg18(42) and (4)].
 5. to decline any tender [F&G Reg.18(5)].
 6. minor variations before entering into a contract [F&G Reg 20].
 7. select the next most appropriate tenderer if the successful tenderer does not want to accept the contract with the variation or the CEO and the tenderer cannot reach agreement [F&G Reg 20(2)]
 8. when to seek Expressions of Interest and to invite Expressions of Interest to supply goods or services [F&G Reg 21(1)].
 9. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, [Reg.23(3)].
-

~~1.13 Tender Selection Criteria~~

~~LEGISLATIVE POWER ————— Local Government (F&G) Regulation 14 (2a)~~

~~DELEGATE ————— Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED~~

~~The Chief Executive Officer is delegated to set Tender Selection Criteria for Council contracts as is required under Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996. The selection of the criteria must be in accordance with the Council's Tender Policy (Policy 2/011) and Council's Procurement Policy (Policy 2/007).~~

~~1.14 Tenders – Acceptance of~~

~~LEGISLATIVE POWER ————— Local Government Act 1995 Sections 5.42 and
————— 5.43 (b)~~

~~DELEGATE ————— Chief Executive Officer~~

~~FUNCTION TO BE PERFORMED-~~

~~The Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$450,000 excluding GST provided that appropriate provision is made on Council's Budget and with reference to the Council's Procurement Policy (2/007) and the Council's Tender Policy (2/011).~~

1.150**Contract Variations**

LEGISLATIVE POWER

Functions and General Regulation 20(1)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council. The definition of minor being less than 10% of the total project value, up to a maximum of the individual officers authorisation of expenditure. ~~Chief Executive Officer's delegation for authorisation of expenditure.~~

1.116**Disposal of Property**

LEGISLATIVE POWER Local Government Act 1995 (Section 3.58)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

- 1) That Council delegate authority to the Chief Executive Officer to dispose of property by public tender or public auction or expressions of interest where the individual value of the property disposal is greater than \$500 or less than \$100,000.
- 2) That Council delegate authority to the Chief Executive Officer to gift or donate property with a maximum written down value of \$5000.
- 3) That Council delegate authority to the Chief Executive Officer to enter into lease arrangements for the leasing of Council owned facilities and property, where the individual value of the property disposal is greater than \$500 or less than \$100,000.

The above sections do not apply to:

- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- (d) any other disposition that is excluded by regulations from the application of this section. (NOTE: See section 30 of the Local Government Functions and General Regulations 1996).

1.127**Certain Provisions about Land**

LEGISLATIVE POWER Local Government Act 1995 (Section 3.24 & 3.25)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer be delegated authority as an Authorised Person in accordance with Section 3.24 and 3.25 of the Act for the purposes of exercising those powers as defined in Sub Division 2 'Certain Provisions About Land' of the Local Government Act 1995 and as prescribed in Schedule 3.1 'Powers under notices to owners or occupiers of land'.

Schedule 3.1 – Things a notice may require to be done

1	Prevent water from dripping or running from a building on the land onto any other land.
2	Place in a prominent position on the land a number to indicate the address.
3	Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4	1) Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. 2) The notice cannot be given to an occupier who is not an owner.
5	(1) Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — unsightly , in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner.
5A	(1) Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. (2) In this item — disused material includes disused motor vehicles, old motor vehicle bodies and old machinery.
5B	Ensure that graffiti that is — (a) applied with the consent of the owner or occupier; and (b) visible from a public place; and (c) considered by the local government to be unsightly or offensive, is obliterated in a manner acceptable to the local government.

6	Take specified measures for preventing or minimising the movement of sand, silt, clay or rocks on or from the land if, in the opinion of the local government, that movement would be likely to adversely affect other land.
7	Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
8	Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government's control or management and adjoins the land where the tree is situated.
9	Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
10	Take specified measures for preventing or minimizing — (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
11	Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12	Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
13	Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.
14	(1) Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — private thoroughfare has the same meaning as in Schedule 9.1 clause 7(1).

1.138**Liquor - Consumption on Council Property**

LEGISLATIVE POWER

Local Government Act 1995 (Section 5.42)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to approve applications to consume liquor on property under the care, control and management of Council.

1.149**Licences, Signs and Hoardings**

LEGISLATIVE POWER

Local Government Act 1995 (Section 5.42)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to approve the erection and/or licensing of signs and hoardings that comply with the Local Laws and policies of the Council. Where an application for a sign or hoarding does not comply with the Local Laws and the policies of the Council the application is to be refused.

1.1520**Temporary Closure of Roads for Public Events**

LEGISLATIVE POWER

Local Government Act 1995 (Section 3.50)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for public events.

The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and section 3.50 of the Local Government Act 1995 and shall, when approved by the Chief Executive Officer contain the following conditions:

1. The closure is to be advertised in a local newspaper.
2. Arrangements are to be made for appropriate signposting to effect the closure.
3. The applicant is to take out a Public Risk Insurance policy which indemnifies Council against any damages claims and a copy is to be delivered to Council.
4. The applicant is to notify the Emergency Services Department and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

The Chief Executive Officer may determine other conditions to be imposed on any approvals issued.

1.1621
Maintenance and Repairs**Temporary Partial Closure of Roads for**

LEGISLATIVE POWER

Local Government Act 1995 (Section 3.50A)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated authority to determine applications for the temporary partial closure of roads for maintenance and repairs.

The determination shall be in accordance with the provisions of section 3.50A of the Local Government Act 1995.

1.2217 Impounding Abandoned Vehicle Wrecks and Goods Involved in Certain Contraventions

LEGISLATIVE POWER Local Government Act 1995, Part 3, Division, 3, Subdivision 4

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority to undertake the functions and duties required under Part 3, Division, 3, Subdivision 4 of the Local Government Act 1995 in respect of:

1. Section 3.39 – Power to remove and impound
2. Section 3.40 - Vehicle may be removed if goods to be impounded are in or on vehicle
3. Section 3.40A – Abandoned vehicle wreck may be taken
4. Section 3.41 – Impounded perishables goods, notice to collect
5. Section 3.42 – Impounded non-perishable goods
6. Section 3.46 – Goods may be withheld until costs paid
7. Section 3.47 – Confiscated or uncollected goods, disposal of
8. Section 3.47A – Sick or injured animals, disposal of
9. Section 3.48 – Impounding expenses, recovery of

Subject to the following conditions:

1. Requirements of Regulation 29 and 29A of the Local Government (Functions and General) Regulations 1996.

1.2318 Enforcement and Infringement Notices
Appointment of Authorised Persons

LEGISLATIVE POWER Local Government Act 1995, Part 9, Division, 2, Subdivision 1 and Subdivision 2

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 9.10 of the Local Government Act 1995 to appoint, in writing, persons or classes of persons to be authorised for the purposes of:

- Performing particular functions under the following sections of the Local Government Act 1995:
 - 9.11 Persons found committing breach of Act to give name on demand
 - 9.13 Onus of proof in vehicle offences may be shifted
 - 9.16 Giving a notice
 - 9.17 Content of notice
 - 9.19 Extension of time
 - 9.20 Withdrawal of notice
- Exercising duties and functions as prescribed in the Town's Local Laws

The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

1.1924**Powers of Entry**

LEGISLATIVE POWER
Subdivision 3

Local Government Act 1995, Part 3, Division 3,

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 3.31(2) of the Local Government Act 1995 to authorise persons on behalf of the local government for the purposes of discharging the following duties:

- 3.31 – General procedure for entering property
- 3.32 – Notice of entry
- 3.33 – Entry under warrant
- 3.34 – Entry in an emergency
- 3.36 – Opening fences

1.205 Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare.

LEGISLATIVE POWER

Local Government (Uniform Local Provisions) Regulation 1996, regulations 15, 6, 7A, 7, 11 and 17.

DELEGATE

Chief Executive Officer
 Manager Development Services
~~Senior Building Surveyor~~
~~Building and Compliance Project Officer~~
 Building Surveyor(s)
 Director Works and Services
 Manager Engineering Operations
 Manager Infrastructure Development

FUNCTION TO BE PERFORMED

Issue notices, Issue or renew permission and charge a fee of not more than \$1.00/month/m² to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare and impose conditions; to make or make and leave and excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare and impose conditions and to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property pursuant to the Local Government (Uniform Local Provisions) regulation 1996.

The above officers are delegated authority to Issue notices or permission regarding the obstruction of a public thoroughfare pursuant to the Local Government (Uniform Local Provisions) regulation 1996 regulations 15, 6, 7A, 7, 11 and 17.

CONDITIONS AND REPORTING REQUIREMENTS

Licence fee to be set by Council annually.

Copies of all licences issued are to be retained on the appropriate file or record.

1.216 Authority to Approve Permits and Issue Registrations/Permits Relative to ~~Environmental Health~~

LEGISLATIVE POWER Local Government Act 1995 (Section 5.42)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

That the Chief Executive Officer be authorised to approve applications for licences, registrations, and permits relating to environmental health under Local Laws of the Town of Port Hedland in accordance with section 5.42 of the Local Government Act 1995.

1.227**Funding and Donations**

LEGISLATIVE POWER
and (c)

Local Government Act 1995 Section 6.12(1)(b)

Local Government (Financial Management) Regulations 1996 Section 12(1)(a)

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

That the Chief Executive Officer is delegated to approve funding and donations requests/ applications in accordance with the scope and parameters of policy 6/003 "Funding and Donations" with the endorsement of the Mayor including the waiver of fees, in-kind support and cash donations.

2. DELEGATIONS TO STATUTORY COMMITTEES

2.1 Audit, Risk and Finance Governance Committee

LEGISLATIVE POWER

Local Government Act 1995 (Section 5.18)

FUNCTION TO BE PERFORMED

~~The Audit and Finance Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of Council's financial management systems and reporting~~

~~The Audit and Finance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:~~

- ~~1. liaise with the Auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the Auditor and develop a process for selection and appointment of a person as the Auditor.~~
- ~~2. receive Quarterly Budget Review Reports;~~
- ~~3. recommend Donations as per Council's Policy;~~
- ~~4. receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities;~~
- ~~5. review and suggest improvements to Risk Management within the organisation; and~~
- ~~6. assist the organization in the development of an internal audit program.~~

The Audit, Risk and Governance Committee objective is to assist the Town of Port Hedland Council in liaising with the auditor and overseeing the external audit function and promoting the transparency and accountability of Council's financial management systems and reporting

The Audit, Risk and Governance Committee has been established in accordance with Part 7 of the Local Government Act 1995 to:

1. Liaise with the Auditor(s) to assist Council in carrying out functions in relation to external audit, including liaising with the Auditor and develop a process for selection and appointment of a person as the Auditor.
2. Receive Quarterly Budget Review Reports;
3. Receive Quarterly Financial Reports on all of the Town of Port Hedland's Managed Community Facilities;

4. Review and suggest improvements to Risk Management within the organisation; and
5. Assist the organization in the development of an internal audit program and make recommendations to Council regarding:
 - Financial Management
 - Risk Management
 - Internal Controls
 - Legislative Compliance
 - Internal and External Audit Planning and Reporting

DELEGATION

The Town of Port Hedland Council provides delegated authority to the Audit and Finance Committee to meet annually with the Town's auditor(s) as required by Section 7.12A(2) of the Local Government Act 1995.

2.2. Airport Committee

LEGISLATIVE POWER

Local Government Act 1995 (Section 5.18)

FUNCTION TO BE PERFORMED

The Airport Committee is established to ensure that the Port Hedland International Airport is recognised as a leading regional airport in the area of passenger and freight movements and customer satisfaction and to:

- Develop a comprehensive Airport Master Plan and commence implementation of key initiatives that are identified;
- Actively pursue the generation of income from a variety of sources at the Airport including through leases, rentals, advertising, freight and any other means; and
- Upgrade terminal facilities including baggage screening and departure lounges.

DELEGATION

- ~~i) To determine whether a tender is required to be sought or not as specified in LG (F&G) Reg 11F.~~
- ~~ii) To choose tenderers for products services on behalf of the local government in accordance with LG (F&G) Reg 18.~~

3. BUILDING ACT 2011

3.1 Authorised Persons

LEGISLATIVE POWER Building Act 2011, Section 96(3)
Building Act 2011, Section 100,101,102,103,106

DELEGATE Chief Executive Officer
Manager Development Services
~~Senior Building Surveyor~~
Building and Compliance Project Officer
Building Surveyor(s)
Development Compliance Officer(s)

FUNCTION TO BE PERFORMED

A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government. The powers of authorized persons being:

- s100 - Entry Powers;
- s101 - Powers after entry for compliance;
- s102 - Obtaining information and documents;
- s103 - Use of force and assistance; and
- s106 - Apply for an entry warrant.
- s109 – Execution of Warrant

CONDITIONS AND REPORTING REQUIREMENTS

All notices and documents are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

3.2 Building Permits ~~and Certificates of Design Compliance~~

LEGISLATIVE POWER Building Act 2011, Part 2, Div. 2, sections 18, 20, 22, 23, 24.

DELEGATE Chief Executive Officer
 Director Community and Development Services
 Manager Development Services
~~Senior Building Surveyor~~
Building and Compliance Project Officer
 Building Surveyor(s)
 Development Compliance Officer(s)
 Lands and Technical Officer(s)
~~Development Assessment Facilitator~~

FUNCTION TO BE PERFORMED

Authority to approve or refuse building permit applications and request further information. ~~certified or uncertified and certificates of design compliance.~~

The above Officers are delegated the authority to issue of Building Permits, ~~or Certificates of Design Compliance;~~ issue request for further information and issue notice of decision not to grant building permit in the prescribed form pursuant to Building Act 2011, Sections 18, 20, 22, 23, 24.

CONDITIONS AND REPORTING REQUIREMENTS

All building permits, ~~certificates of design compliance,~~ requests for further information and notices issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.

3.3 Occupancy Permit, Building Approval Certificate, ~~Certificate of Building Compliance, Certificate of Construction compliance~~ Occupancy Permit – Strata, Building Approval Certificates – Strata, with or without conditions and extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate, Occupancy Permit – Strata, Building Approval Certificates – Strata

LEGISLATIVE POWER Building Act 2011, sections 55, 58, 59, 60, 62 and 65.

DELEGATE Chief Executive Officer
Director Community and Development Services
Manager Development Services
~~Senior Building Surveyor~~
~~Building and Compliance Project Officer~~
Building Surveyor(s)
Development Compliance Officer(s)
Lands and Technical Officer(s)
~~Development Assessment Facilitator~~

FUNCTION TO BE PERFORMED

Authority to approve or refuse the following applications: Occupancy Permit, Building Approval Certificate, Occupancy Permit – Strata, Building Approval Certificate – Strata, Certificates of Construction Compliance and Certificate of Building Compliance

Authority to issue further information requests and an extension of duration of time for Occupancy Permit and Building Approval Certificate, Occupancy Permit – Strata, Building Approval Certificate – Strata pursuant to the Building Act 2011.

The above officers are delegated authority to issue further information requests for, Occupancy Permits, Building Approval Certificates, Occupancy Permit - Strata, Building Approval Certificate- Strata pursuant to the Building Act 2011, Section 55, 59

The above officers are delegated authority to grant or modify Occupancy Permits, grant Building Approval Certificates, Occupancy Permit - Strata, Building Approval Certificate- Strata pursuant to the Building Act 2011, Section 58, 59

The above officers are delegated authority to issue a notice of decision not to grant Occupancy Permits, Building Approval Certificates, Occupancy Permit - Strata, Building Approval Certificate- Strata pursuant to the Building Act 2011, Sections 58, 59, 60

The above officers are delegated authority to impose conditions on Occupancy Permits, Building Approval Certificates, Occupancy Permit - Strata, Building Approval Certificate- Strata and extend the period in which the Occupancy Permit, modification of Building Approval Certificate has effect pursuant to the Building Act 2011, Sections 62 65.

~~The above officers are delegated authority to issue Occupancy Permits, Building Approval Certificates, Certificates of Construction Compliance and an extension of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the Building Act 2011, Sections 55, 56, 57, 60, 62 and 65.~~

CONDITIONS AND REPORTING REQUIREMENTS

All permits, certificates and documentation issued are to be retained on the appropriate file or record pursuant to the requirements the Building Act 2011.

FOOTNOTE

~~Local government building surveyors have the power to issue a certificate of design compliance pursuant to section 19 as part of the Town's Building Services Operations.~~

3.4 Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance

LEGISLATIVE POWER Building Act 2011, Sections 18, 21, 22 and 24.

DELEGATE Chief Executive Officer
Manager Development Services
~~Senior Building Surveyor~~
Building Surveyor(s)
Building and Compliance Project Officer

FUNCTION TO BE PERFORMED

Authority to approve or refuse applications for a Demolition Permit.

The above officers are delegated authority to grant a Demolition Permit, issue a further information request and issue a notice of decision not to grant a demolition permit other than for buildings classified by the National Trust, on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance, pursuant to the Building Act 2011, Sections 18, 21, 22 and 24.

CONDITIONS AND REPORTING REQUIREMENTS

All demolition permits, further information requests and notices issued are to be retained on the appropriate file or record pursuant to the requirements the Building Act 2011.

3.5 Issue Notices and/or Building Orders

LEGISLATIVE POWER Building Act 2011, Part 8, Div. 4, sections 106, and 109 Building Act 2011, Part 8, Div. 5, sections 110, 111, 112, 114, 117 and 118

DELEGATE Chief Executive Officer
Director Community and Development Services
Manager Development Services
~~Senior Building Surveyor~~
Building and Compliance Project Officer
Building Surveyor(s)
Development Compliance Officer(s)

FUNCTION TO BE PERFORMED

Pursuant to Part 8 Division 5 s.110 (1) of the Building Act 2011 a permit authority may make an Order (a building Order) in respect of one or more of the following –

- (a) particular building work;
- (b) particular demolition work;
- (c) particular building or incidental structure, whether completed before or after commencement day.

The above Officers are delegated the power to issue Notices of proposed Building Order other than a building order (emergency) and issue, serve and revoke Building Orders for works in contravention of the Building Act 2011, pursuant to the Building Act 2011 sections 106, 107, 108, 109, 110, 111, 112, 114 and 117.

The above Officers are delegated the authority to take any action specified in the order, to commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease pursuant to the Building Act 2011 section 118.

CONDITIONS AND REPORTING REQUIREMENTS

Copies of all orders and notices issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.

Building orders must only be issued by officers where there is a failure to comply with a building notice (with the exception of where there is imminent and high risk to people, property or the environment pursuant to section 111(2) of the Building Act 2011).

3.6 Appoint Authorised Persons (Swimming Pool Inspectors)

LEGISLATIVE POWER Building Regulations 2012, Regulation 53(1).

DELEGATE Chief Executive Officer
Director Community and Development Services
Manager Development Services

FUNCTION TO BE PERFORMED

The local government must arrange for authorised person(s) to inspect private swimming pools containing water more than 300mm deep at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulation 50 and 52 are complied with pursuant to Building Regulations 2012 r. 53 (1).

CONDITIONS AND REPORTING REQUIREMENTS

The authorisations must be in writing and recorded on the appropriate file and the person's personal file.

Copies of all reports on swimming pools inspected are to be retained on the appropriate file or record.

3.7 Recover the Charge Imposed for Private Swimming Pool Inspection

LEGISLATIVE POWER Building Regulations 2012, Regulation 53(2).

DELEGATE Chief Executive Officer
 Director Corporate Services

FUNCTION TO BE PERFORMED

The Chief Executive Officer is delegated the power to recover the amount of a charge imposed for the inspection of a private swimming pool in a court of competent jurisdiction, pursuant to the Building Regulations 2012, Regulation 53(2).

CONDITIONS AND REPORTING REQUIREMENTS

Chief Executive Officer to sign any Prosecution Notices.

Corporate Services to be advised of any charges imposed or recovered.

Details of the recovery and court action to be retained on the appropriate file or record.

3.8 Approve the use of a battery powered smoke alarms

LEGISLATIVE POWER Building Act 2011
Building Regulation 2012, regulation 61

DELEGATE Chief Executive Officer
Manager Development Services
~~Senior Building Surveyor~~
Building and Compliance Project Officer
Building Surveyor(s)

FUNCTION TO BE PERFORMED

Approve the use of battery powered smoke alarms pursuant to the Building Regulations 2012.

The above officers are delegated authority to grant or refuse to approve applications for the use in the dwelling or part of the dwelling, of a battery powered smoke alarm pursuant to the Building Regulations 2012 r. 61.

CONDITIONS AND REPORTING REQUIREMENTS

All approvals issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.

54. TOWN PLANNING SCHEME NO. 5

54.1 Town Planning Scheme No. 5

LEGISLATIVE POWER Town Planning Scheme No. 5 - Clause 9.2

DELEGATES Chief Executive Officer
 Director Community and Development Services
 Manager Development Services
 Senior Statutory Planning Officer

FUNCTION TO BE PERFORMED

1. Consideration of Applications for Planning Approval

Delegated officers may:

- Determine applications with a use permissibility classification of 'P', 'IP', 'AA' and '~' in the Zoning Table for Planning Approval in accordance with Part III – Zones, Part IV – Use and Development of Land and Part VIII – Non-Conforming Uses of the Town of Port Hedland Town Planning Scheme No 5 and/or Western Australian Planning Commission State Planning Policy 3.1 – Residential Design Codes and impose conditions as required.
- Determine applications with a use permissibility classification of 'SA' in the Zoning Table for Planning Approval in accordance with Part III – Zones, Part IV – Use and Development of Land and Part VIII – Non-Conforming Uses of the Town of Port Hedland Town Planning Scheme No 5 and/or Western Australian Planning Commission State Planning Policy 3.1 – Residential Design Codes where no objections have been received after advertising and impose conditions as required.
- Determine applications in accordance with Part II – Reservations of the Town of Port Hedland Town Planning Scheme No 5.
- All delegations and sub-delegations are restricted to developments less than ten (10) million dollars in value in accordance with regulation 5(c) of the Planning and Development (Development Assessment Panels) Regulations 2011.

2. Determining Advertising and Extending Advertising

Delegated officers may:

- Notify and advertise applications for planning approval in accordance with Clause 4.3 of the Town of Port Hedland Town Planning Scheme No 5 and/or Part 4 of State Planning Policy 3.1 - Residential Design Codes determine that a particular application will be advertised and carry out the means and extent of such advertising.

- Extend the advertising period for planning scheme amendments where it is considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises.

- ~~1. For the purposes of carrying out and completing the Town Planning Scheme and to ensure its observance, the Council may delegate to the Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer any of the powers which it is entitled to exercise by virtue of the Scheme.~~
- ~~2. Any officer of the Council who exercises any power delegated pursuant to the preceding provision shall exercise such power strictly in conformity with the provisions of the Scheme and in particular any policy made by the Council there under.~~
- ~~3. A list of planning applications approved under this delegation is to be provided to Council.~~

~~The following functions of Council are, in accordance with clause 9.2 of town planning scheme no. 5, delegated to the Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer:~~

- ~~1. Uses~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may:~~

- ~~a) Determine all applications where the proposed use is a "P" use listed in the Zoning Table of the Town Planning Scheme;~~
- ~~b) Determine all applications where the proposed use is "AA" use listed in the Zoning Table of the Town Planning Scheme; and~~
- ~~c) Determine all applications where the proposed use is prohibited and "-" use listed in the Zoning Table of the Town Planning Scheme~~
- ~~d) Determine all applications where the use is an "SA" use listed in the Zoning Table of the Town Planning Scheme provided that:

 - ~~— Advertising has been completed in accordance with the scheme.~~
 - ~~— No objections are raised during the advertising period.~~~~
- ~~e) Determine all applications where the proposed use is an "IP" use listed in the Zoning Table of the Town Planning Scheme.~~

~~Note: all delegations and sub-delegations are restricted to developments less than seven (7) million dollars in value.~~

~~2. Conditions~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer has the authority to impose conditions on any approval to commence development that relates to the proper and orderly planning of the locality.~~

~~3. Residential Planning Codes~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may determine all requests for variation of development requirements conferred to Council pursuant to the provisions of the Residential Planning Codes.~~

~~3. Local Planning Policies~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer Delegated officers may determine all requests for variation of provisions of all Council adopted Local Planning Policies.~~

~~5. Reserves~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may approve or refuse all applications provided that all Councillors have been advised (in writing) prior to determining the application.~~

~~6. Scheme Requirement~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:~~

- ~~i) There being no objections received during the statutory advertising period; and~~
- ~~ii) The proposal being of an uncontentious nature.~~

~~The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period.~~

~~7. Road Closure/ Dedication Actions~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may initiate a request for a 'Road Closure', 'Road Dedication' and subject to (i) and (ii) below forward 'Road Closure', 'Road Dedication' applications direct to the Department of Regional Development and Lands.~~

- ~~(i) there being no objection received during the statutory advertising period~~

~~The date of Council's adoption of the 'Road Closure/Dedication' action following conclusion of the advertising period shall be the date of the next Council Ordinary Meeting.~~

~~8. Easement Registration / Cancellation Actions~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may determine all requests for the Registration / Cancellation of easements on Council owned and / or managed property.~~

~~9. Revoke / Accept and Amend "Vesting" / "Management Orders"~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer may determine all requests to revoke / accept and amend "Vesting" / "Management Orders".~~

~~10. 4. Signs and Hoardings~~

~~The Chief Executive Officer, Director Community and Development Services, Manager Development Services and Senior Statutory Planning Officer Delegated officers may determine all signage / hoarding applications that comply with the Local Laws and policies of the Council.~~

~~11. Infringement Notices~~

~~Pursuant to Section 234 of the Planning and Development Act 2005, the Chief Executive Officer has appointed the following classes of person to be designated persons for the purpose of Section 228 and 230 of the Planning and Development Act 2005, to:~~

~~i. Give an Infringement Notice (s.228)~~

- ~~— Development Compliance Officer(s)~~
- ~~— Senior Statutory Planning Officer(s)~~
- ~~— Senior Strategic Planning Officer(s)~~

~~Pursuant to Section 234 of the Planning and Development Act 2005, the Chief Executive Office has appointed the following classes of person to be designated persons for the purpose of Section 230 and 231 of the Planning and Development Act 2005, to~~

~~i. Extend the period of 28 days within which a modified penalty may be paid (s.230); and~~

~~ii. Withdraw an Infringement Notice (s.231)~~

- ~~— Manager Development Services~~
- ~~— Director Community and Development Services~~
- ~~— Chief Executive Officer~~

54.2 Power of Entry to Perform Functions Related to Compliance with the Port Hedland Town Planning Scheme No. 5.

LEGISLATIVE POWER

Town Planning Scheme No. 5

DELEGATES

Chief Executive Officer
Director Community and Development Services
Manager Development Services
Senior Statutory Planning Officer(s)
Senior Strategic Planning Officer(s)
Development Compliance Officer(s)
Building and Compliance Project Officer

FUNCTION TO BE PERFORMED

Council authorises the above officers right of entry to any building or land as per Section 9.1(c) of Town Planning Scheme No. 5.

5. LAND ADMINISTRATION ACT 1997

5.1 Road Closures and Dedications

LEGISLATIVE POWER Land Administration Act 1997 sections 38 and 56

DELEGATES Chief Executive Officer
Director Community and Development Services
Manager Development Services
Lands and Technical Officer

FUNCTION TO BE PERFORMED

The delegated officers are authorised to:

- Initiate a request for a 'Road Closure' and 'Road Dedication' and conform to the statutory advertising requirements. Following the conclusion of the statutory advertising period, the request be forwarded to the next Ordinary Council Meeting.
 - May forward a request for 'Road Closure' or 'Road Dedication' to the Minister for Lands for approval.
-

5.2 Accepting and Amending Management Orders

LEGISLATIVE POWER Land Administration Act 1997 section 46(1) and (2)

DELEGATES Chief Executive Officer
Director Community and Development Services
Manager Development Services
Lands and Technical Officer

FUNCTION TO BE PERFORMED

The delegated officers may accept and amend Management Orders for Crown Land (Reserves) in the name of Town of Port Hedland.

6. PLANNING AND DEVELOPMENT ACT 2005

6.1 Subdivision

LEGISLATIVE POWER
142 and 143(1)(c)

Planning and Development Act 2005 (Sections

DELEGATE

Chief Executive Officer
Director Community and Development Services
Manager Development Services
Senior Statutory Planning Officer

FUNCTION TO BE PERFORMED

Chief Executive Officer, Director Community and Development Services and Manager Development Services are delegated authority to object to, make recommendations and advise of any relevant conditions in respect of subdivisions for the purposes of ~~Part 10~~ Section 142 of the Planning and Development Act 2005 and endorse plans and impose the Town of Port Hedland's accepted standards and specifications on subdivisions.

6.2 Directions regarding Unauthorised/ Illegal Development

LEGISLATIVE POWER Planning and Development Act 2005 (section 214)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The Chief Executive Officer has delegated authority under section 5.42(b) of the Local Government Act 1995 to exercise any of its powers or the discharge of any of its duties under section 214(2), (3) or (5) of the Planning and Development Act 2005,

<u>Authority being delegated</u>	<u>Legislative Power</u>
<u>If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</u>	<u>Section 214 (2)</u>
<u>If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development — (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</u>	<u>Section 214 (3)</u>
<u>If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose</u>	<u>Section 214 (5)</u>

<u>duty it is to execute the work to execute that work.</u>	
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6.3 Powers to Remove Unauthorised/ Illegal Development

LEGISLATIVE POWER Planning and Development Act 2005 (section 215)
Town of Port Hedland Town Planning Scheme
No.5 (clause 9.2)

DELEGATE Director Community and Development
Manager Development Services
Development Compliance Officer(s)
Building and Compliance Project Officer
Senior Statutory Planning Officer
Statutory Planning Officer

FUNCTION TO BE PERFORMED

To authorise the removal, pulling down, taking up or alteration of the development, restoration of the land as nearly as practicable to its condition immediately before the development started, or execute that work, in accordance with a direction issued under section 214 of the Planning and Development Act.

6.4 Responsible Authority Reports to the Development Assessment Panel

LEGISLATIVE POWER Planning and Development (Development Assessment Panels) Regulations 2011 (Regulation 12)

DELEGATE Director Community and Development
Manager Development Services
Development Compliance Officer(s)
Building and Compliance Project Officer
Senior Statutory Planning Officer

FUNCTION TO BE PERFORMED

To submit Responsible Authority Reports to the Development Assessment Panel pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011 in relation to applications for planning approval under Town of Port Hedland Town Planning Scheme No.5.

7. FOOD ACT 2008

7.1 Food Act 2008

LEGISLATIVE POWER

Food Act 2008

FUNCTION TO BE PERFORMED

Authority being delegated	Legislative Power	Delegate
Prosecute for breach of the Food Act	Section 118	Chief Executive Officer
Authority to issue a Prohibition order where a food proprietor has not complied with an improvement notice or the order is required to mitigate a serious danger to Public Health	Section 65 (1)	Chief Executive Officer
Officers designated by the Council for the purposes of withdrawing Infringement Notices for breach of the Act. These persons are prohibited by the Act from serving Infringement Notices.	Section 126 (13)	Chief Executive Officer
Designated Officers" listed by the Town for the purposes of serving Infringement Notices for breach of the Act	Section 126 (2)	Manager Environmental Health Coordinator Environmental Health Environmental Health Officer(s)
A designated officer may, whether or not the modified penalty has been paid, withdraw and infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.	Section 126 (7)	Chief Executive Officer Director Works and Services
"Authorised Officers" listed by the Town for the purposes of administering the Act.	Section 122 (1)	Chief Executive Officer Manager Environmental Health Coordinator Environmental Health Environmental Health Officer(s)
'Authority to: 1. Register a food business in respect of any premises for the purposed of Part 9 of the	Section 110(1) and (5) Registration of food business	Chief Executive Officer Manager Environmental Health Coordinator Environmental Health Environmental Health Officer(s)

<p>Food Act 2008 and issue a certificate of registration;</p> <p>2. After considering an application, determine to grant (with or without conditions) or refuse the application;</p> <p>3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008.</p>		
<p>Variation of conditions or cancellation of registration of food businesses</p>	<p>Section 112</p>	<p>Chief Executive Officer Manager Environmental Health Coordinator Environmental Health Environmental Health Officer(s)</p>

98. HEALTH ACT 1911**98.1 Exercise and Discharge Powers and Functions of the Local Authority**

LEGISLATIVE POWER Health Act 1911 (Section 26)

DELEGATE Chief Executive Officer
 Manager Environmental Health
 Coordinator Environmental Health

FUNCTION TO BE PERFORMED

The Chief Executive Officer, Manager Environmental Health Services and Coordinator Environmental Health Services have delegated authority to serve notices, approve and renew licences and permits and exercise the powers of Council for the expeditious administration of the Health Act.

910. CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

910.1 Authority to Appointment of Authorised Persons Issue Licences for Caravan Parks and to Approve Permits to Camp on Private Property

LEGISLATIVE POWER Caravan Parks and Camping Grounds Act 1995
section 17

Regulation 1997 (Regulation 6)

DELEGATE

Chief Executive Officer

Manager Environmental Health

Coordinator Environmental Health

FUNCTION TO BE PERFORMED

That Council appoints the Chief Executive Officer, Manager Environmental Health and Coordinator Environmental Health as authorised persons delegates its authority in accordance with Regulation 6 section 17 of the Caravan Parks and Camping Grounds Regulations Act 19957, to the Chief Executive Officer to issue licences for Caravan Parks and to approve permits to camp on private property. To carry out the local government duties and functions under the Act.

104. CAT ACT 2011**104.1****Appointment of authorised persons**

LEGISLATIVE POWER

Cat Act 2011 – Section 44

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The local government delegates its authority in accordance with section 48(1) of the Cat Act 2011, to the Chief Executive Officer to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.

101.2**Cat Registrations**

LEGISLATIVE POWER

Cat Act 2011 – Section 44

DELEGATE

Chief Executive Officer

FUNCTION TO BE PERFORMED

The local government delegates its authority in accordance with section 48(1) of the Cat Act 2011, to the Chief Executive Officer to appoint persons or classes of persons to be authorised for the purposes of performing particular functions under this Act.

112. DOG ACT 1976

11.1 Appointment of authorised persons

LEGISLATIVE POWER DELEGATED Dog Act 1976 – Section 10AA

LEGISLATIVE POWER OF DELEGATION Dog Act 1976 – Section 29(1)

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The local government delegates its authority in accordance with section 29(1) of the Dog Act 1976, to the Chief Executive Officer to appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by this Act.

11.2 Additional number of dogs kept on premises

LEGISLATIVE POWER DELEGATED Dog Act 1976 – Section 10AA

LEGISLATIVE POWER OF DELEGATION Dog Act 1976 – Section 26

DELEGATE Chief Executive Officer

FUNCTION TO BE PERFORMED

The local government delegates its authority in accordance with section 29(1) of the Dog Act 1976, to the Chief Executive Officer to determine applications for additional number of dogs kept on premises as per section 26 Limitation as to numbers of the Dog Act 1976.

123. EMERGENCY MANAGEMENT ACT 2005**123.1 Power of local government to destroy dangerous vegetation or premises in cyclone area**

LEGISLATIVE POWER

Emergency Management Act 2005

FUNCTION TO BE PERFORMED

Authority being delegated	Legislative Power	Delegate
Power of local government to destroy dangerous vegetation or premises in cyclone area	Section 46	Chief Executive Officer Manager Environmental Health Coordinator Ranger Services Team Leader Rangers Senior Ranger Ranger(s) Emergency Management <u>Services</u> Officer
Local government may require owner or occupier of land to take action	Section 47	Chief Executive Officer Manager Environmental Health Coordinator Ranger Services Team Leader Rangers Senior Ranger Ranger(s) Emergency Management <u>Services</u> Officer
Additional powers when direction given	Section 48	Chief Executive Officer Manager Environmental Health Coordinator Ranger Services Team Leader Rangers Senior Ranger Ranger(s) Emergency <u>Services</u> Management Officer

134. BUSH FIRES ACT 1954

LEGISLATIVE POWER DELEGATED

Bush Fires Act 1954

LEGISLATIVE POWER OF DELEGATION

Sections 38, 59(1), 59A(1), 59A(2)

FUNCTION TO BE PERFORMED

The local government appoints the following officers to carry out the following functions listed under the Bush Fires Act 1954.

Section 38 Bush fire control officers

Section 59(1) Prosecution of offences

Section 59A(1) and (2) Infringement notices

Coordinator Ranger Services

Team Leader Rangers

Senior Ranger

Rangers(s)

Emergency Services Officer

145. CONTROL OF VEHICLES (OFF ROAD AREAS) ACT 1978

LEGISLATIVE POWER DELEGATED Control of Vehicles (Off Road Areas)
Act 1978

LEGISLATIVE POWER OF DELEGATION Section 38(3)

FUNCTION TO BE PERFORMED

The local government appoints the following officers to be authorised officers for the purpose of this Act either in respect of the whole of its district.

Coordinator Ranger Services

Team Leader Rangers

Senior Ranger

Rangers(s)

Emergency Services Officer

~~16. LOCAL LAW – AUTHORISED PERSONS~~

~~16.1 Cat Local Law~~

~~LEGISLATIVE POWER DELEGATED~~ ——— ~~Town of Port Hedland Cat Local Law~~

~~LEGISLATIVE POWER OF DELEGATION~~ ——— ~~Section 9.10 of the Local
Government Act 1995~~

~~FUNCTION TO BE PERFORMED~~

~~The local government appoints the following officers to be authorised officers for the
purpose of the Town of Port Hedland Cat Local Law:~~

~~Coordinator Ranger Services~~

~~Team Leader Rangers~~

~~Senior Ranger~~

~~Rangers(s)~~

~~16.2 Parking Local Law~~

~~LEGISLATIVE POWER DELEGATED~~ ——— ~~Town of Port Hedland Parking Local Law~~

~~LEGISLATIVE POWER OF DELEGATION~~ ——— ~~Section 9.10 of the Local Government Act 1995~~

~~FUNCTION TO BE PERFORMED~~

~~The local government appoints the following officers to be authorised officers for the purpose of the Town of Port Hedland Parking Local Law.~~

~~Coordinator Ranger Services~~

~~Team Leader Rangers~~

~~Senior Ranger~~

~~Rangers(s)~~

~~Airport Parking Officers~~