

Shire of Sandstone



DELEGATED AUTHORITY REGISTER

2019 - 2020

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Explanatory Notes

General

The *Local Government Act 1995* allows for a local government (Council in this instance) to delegate to the Chief Executive Officer (CEO) under sections 5.42 and 5.43 the exercise of any of its powers, or the discharge of any of its duties under the Act. This also includes certain matters under the *Planning and Development Act 2005*.

A delegation must be in writing and may be general or in the form of an instrument of delegation. A delegation can either be to the position or the person.

Under section 5.44 of the Local Government Act, the Chief Executive Officer may delegate any of his/her powers to another employee. In this instance the delegation must be in writing including an instrument of delegation. The Act allows for the Chief Executive Officer to place conditions on any delegations if he/she desires. The powers cannot, however, be further sub-delegated.

Council may also delegate certain powers to a Committee of Council (e.g. the Audit Committee).

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to respective staff. It also lists the delegations relevant to the Committees of Council.

Limits on Delegations to the CEO

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 of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- 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;
- 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

Register of Delegations

Section 5.46 (2) of the Local Government Act requires the delegator to at least once every financial year, review the delegations they have made.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees, or the respective positions that require a delegation, is to be kept and reviewed at least once every financial year.

Note (Source: Department of Local Government and Communities Guideline 17):

Some local governments have mistakenly attempted to use the legislative powers of delegation contained in one Act to delegate a power or duty contained in another Act.

Unless expressly stated to the contrary, a legislative power to delegate only relates to the powers or duties under the Act in which the delegation power is located.

It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government's powers under the *Bush Fires Act 1954* to a CEO. Any delegation by a local government of its powers under the *Bush Fires Act 1954* can only be delegated by the delegation provisions of that Act.

This manual includes throughout the power of delegation to the CEO regarding legislation other than the Local Government Act in the power/duty delegated section.

Keeping of Records

If a person is exercising a power or duty that they have been delegated, the Act and the Administration Regulations requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The Department of Local Government and Communities Guideline No.17 comments that the above provision does not necessarily require the keeping of a register as other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks. For the Shire of Sandstone, this includes the SynergySoft system which contains the following records:

- The Finance Module that includes the raising and payment of invoices (delegated officers also have a purchase order book);
- Central Records regarding the recording of all correspondence, including any letters issued by staff with a delegation.

The onus is on the person exercising delegated authority to ensure that a record is made!

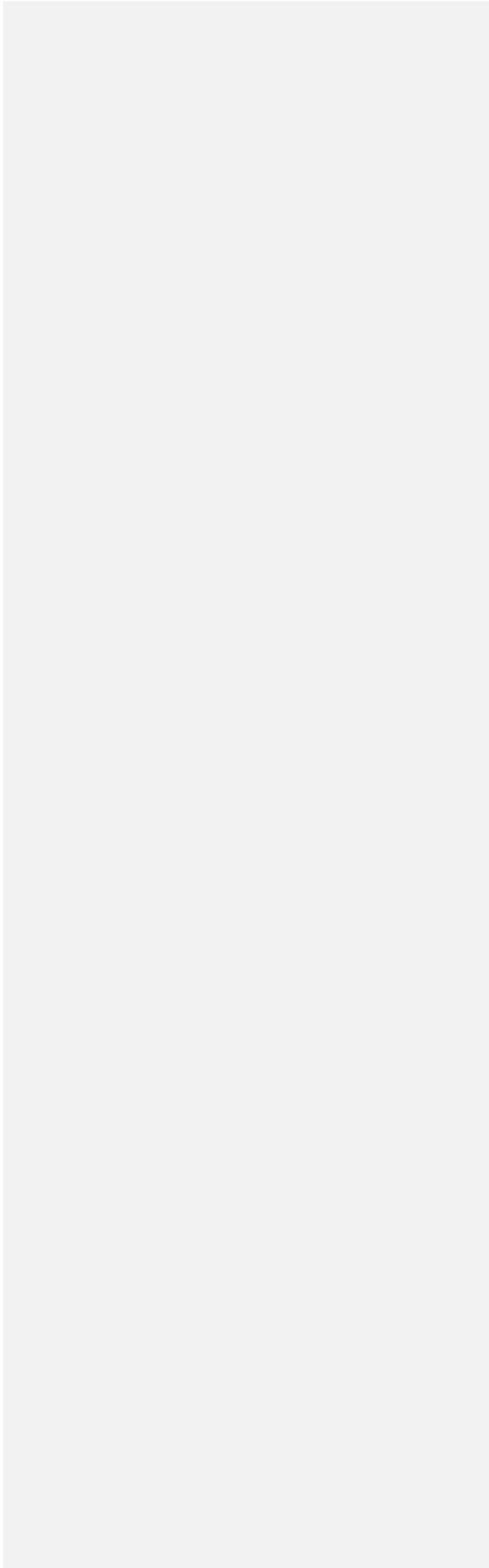
Transfer of Authority due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation. This is in line with the requirements of the *Interpretation Act 1984*.

Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant suitably qualified professional for the period of absence.

Legislative Delegations

Executive Officers



Delegation EO – D02 Prosecutions	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995 • Bush Fires Act 1954 s.59(3) • Cat Act 2011 • Dog Act 1976 • Food Act 2008 s125 Institution of proceedings
Description of Power Delegated:	Authority to approve the prosecution of any person and to act as a prosecution officer when the Shire of Sandstone approves the prosecution of any that is considered to be liable for committing an offence under the provisions of the Dog Act 1976, Cat act 2011, Bush Fires Act 1954, Local Government Act 1995 and the Shire of Sandstone Local Laws.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Prosecution must be approved by the Shire of Sandstone Local Laws. Details of authorisations must be recorded.
Record Keeping requirements:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 Regulation 19
Compliance/Reference link:	<ul style="list-style-type: none"> • Local Government Act 1995 – Section • Local Government (Administration) Regulations 1996 – Regulation 19. • Health Act 1911(As Amended)

Delegation EO – D04 Powers of Entry	
Power/Duty Delegated	Local Government Act 1995 Part 3, Division 3, Subdivision 3 – Powers of Entry.
Description of Power Delegated:	To give effect to powers of entry as required in performing the functions of the Local Government Act 1995.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil.

Record Keeping requirements:	<ul style="list-style-type: none"> Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 Regulation 19
Compliance/Reference link:	Local Government Act 1995 Section 5.46(3).

Delegation EO – D05 Impounding of Goods	
Power/Duty Delegated	Local Government Act 1995 Part 3, Division 3, Subdivision 4 – Impounding abandoned vehicle wrecks and goods in certain contraventions.
Description of Power Delegated:	To give effect to impounding abandoned vehicle wrecks and goods in certain circumstances as required in performing the functions of the Local Government Act 1995.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 Regulation 19
Compliance/Reference link:	Local Government Act 1995 Section 5.46(3).

Administration

Delegation AD – D01 Award Industrial Matters	
Power/Duty Delegated	Local Government Act 1995 Part 3
Description of Power Delegated:	To instruct the local government's consultants in workplace relations if considered appropriate to act on the Council's behalf in any general Industrial/Award matter and any

	industrial dispute involving an employee or employees of the Council.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	<ul style="list-style-type: none"> Local Government Act 1995 Section 5.46(3). Council Policies (Administration 2.6 & 2.10)

**Delegation AD – D02
Common Seal**

Power/Duty Delegated	Local Government Act 1995, s9.49 A – Execution of Documents
Description of Power Delegated:	In conjunction with the President, sign and affix the Common Seal to documents on behalf of the Local Government either generally or subject to conditions or restrictions.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>Must act in accordance with the “Standard Conditions Relating to Delegations”.</p> <p>Must be reported in the Common Seal Register.</p>
Record Keeping requirements:	Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone’s record keeping systems File records of authorisation given.
Compliance/Reference link:	<ul style="list-style-type: none"> Local Government Act 1995 s5.44 Council Policy (Council 1.8)

**Delegation AD – D03
Council Members – Register of Delegations to Committees**

Power/Duty Delegated	Local Government Act 1995 (As Amended), s5.18 & s5.42
Description of Power Delegated:	To keep a register of the delegations made by the Council to Committees, the Register being required in

	accordance with the provisions of the Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	The register is only required if Committees are in existence and have delegated powers of duties. Council acknowledges that this task could be interpreted to be a function of the CEO under s5.41(d) – Management of day to day operations.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995 Section 5.46(3).

Delegation AD – D04 Council Vehicles – Conditions of Use	
Power/Duty Delegated	Local Government Act (Administration) Regulations
Description of Power Delegated:	To make appropriate use arrangements with all staff having use of a Council Vehicle.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Usage of Vehicle is to be in accordance with Council Policy.
Record Keeping requirements:	Vehicle Log Book (When applicable)
Compliance/Reference link:	Council Policy (Administration 2.11)

Delegation AD – D05 Contract Variations	
Power/Duty Delegated	Local Government Act 1995 – (Function and General) Regulations re Tenders
Description of Power Delegated:	To approve minor variations to contracts which have been entered into

	by the Local Government, 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.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Local Government Act 1995 – Contract Register.
Compliance/Reference link:	Local Government Act 1995 – Tender Regulations

Delegation AD – D06 Variation of Meeting date – Annual Electors Meeting	
Power/Duty Delegated	Local Government Act 1995 – s5.42 & s5.43
Description of Power Delegated:	To change the Annual Electors Meeting date outlined in Council Meeting schedule should the need arise.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Must act in accordance with the “Standard Conditions Relating to Delegations”.
Record Keeping requirements:	Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone’s record keeping systems.
Compliance/Reference link:	Local Government Act 1995 , s5.44

Delegation AD – D07 Enforcement and Legal Proceedings	
Power/Duty Delegated	Local Government Act 1995 – (As Amended), s5.42,s5.44, s9.10,s9.19, s9.20, s9.23

Description of Power Delegated:	<p>To appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of Local Laws.</p> <p>To issue to each person authorised to enforce Local Laws a certificate stating that the person is 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.</p> <p>To appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<ul style="list-style-type: none"> • Local Government Act 1995 • Dog Act 1976 • Bush Fire Act 1954 • Health Act 1911 • Local Government (Miscellaneous Provisions) Act 1960 • Local Laws: Parking and Dogs
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government (Miscellaneous Provision) Act 1960.

Delegation AD – D08 Legal Advice	
Power/Duty Delegated	Local Government Act 1995 A3 - Representation
Description of Power Delegated:	To obtain such legal advice and opinions as considered is necessary in the management of the Local Government.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Subject to existing budgetary provisions for that purpose.
Record Keeping requirements:	Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone's record keeping systems.
Compliance/Reference link:	Local Government Act 1995, s5.44

Delegation AD – D09 Liquor – Sales & Consumption at Community Centre	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995 (As Amended) s59 • s119 of the Liquor Licensing Act 1988
Description of Power Delegated:	To approve applications for the sale of liquor from the Council facilities and impose any conditions relating to its sale as considered appropriate.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	In exercising this delegation the CEO shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police, if applicable.
Record Keeping requirements:	Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone's record keeping systems.
Compliance/Reference link:	Local Government Act 1995, s5.42, s59.

Delegation AD – D10 OSH – Injury Management	
Power/Duty Delegated	Injury Management Act 1981
Description of Power Delegated:	To provide the best possible response to the management of workplace injuries, so injured workers can remain at work or return to work at the earliest appropriate time.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Finance Officer
Conditions:	To meet the Shire of Sandstone obligations under Worker's compensation and Injury Management by adopting a documented Injury Management system.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Administration 2.12).

Delegation AD – D11 Salaries – Negotiation & Review	
Power/Duty Delegated	Local Government Act 1995 (Administration)
Description of Power Delegated:	To review and alter salaries and conditions payable to staff.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	In exercising this delegated authority, the CEO shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available in Council's Budget. If any salary change is likely to involve over Budget expenditure, the change will require endorsement of Council.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Administration 2.3).

Delegation AD – D12 Staff Housing	
Power/Duty Delegated	Local Government Act 1995 (Administration)
Description of Power Delegated:	To make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by the Council.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>In the event that Council provided accommodation is at any time not required for Council employees, the CEO is delegated authority to rent or lease the accommodation to persons other than Council employees or organisations in consultation to with Council.</p> <p>The rental to other persons or organisations is subject to an appropriate tenancy agreement and period that does not unduly impact on the Shires requirements for the property.</p>
Record Keeping requirements:	Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone's record keeping systems.
Compliance/Reference link:	<ul style="list-style-type: none"> • Local Government Act 1995 (Administration) • Council Policy (Administration 2.13).

Delegation AD – D13 Staff Relocation Expenses	
Power/Duty Delegated	Local Government Act 1995 (Administration)
Description of Power Delegated:	To determine any application for relocation expenses.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Expenses are to be in accordance with Council Policy

Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Administration 2.1).

Building

Delegation BU – D01 Building Order – Removal of Dilapidated Buildings	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 – Removal of neglected and dilapidated buildings
Description of Power Delegated:	<p>Where there is reason to suspect that a building within the district is in a dangerous state, to direct that the Building Surveyor or another competent person to carry out a survey of that building.</p> <p>Where the Building Surveyor or another competent person certifies that a building is in a dangerous state, to serve written building order upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.</p> <p>Where appropriate or otherwise necessary, to shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Subject to the provisions of the Building Act 2011, Building Regulations 2012, Local Government Act 1995, relevant to Laws, Council's policies and specific resolutions of Council.
Record Keeping requirements:	Building orders, notices and correspondence issued. Records are retained in the Shire of Sandstone's record keeping systems and kept

	under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Delegation BU – D02 Building Order – Unlawful Works	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012
Description of Power Delegated:	To issue a building order and control unlawful works as considered necessary.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Subject to the provisions of the Building Act 2011 and Building Regulations 2012, Local Government Act 1995, Council's resolutions and policies.
Record Keeping requirements:	Notices and correspondence issued. Records are to be kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Delegation BU – D03 Building Permit	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012
Description of Power Delegated:	<p>To grant Approval or Refusal of plans and specifications relating to applications for building licenses and the authority to issue or refuse a building permit, including the authority to impose conditions as appropriate.</p> <p>The authority to approve or refuse amended plans and/or specifications including the authority to impose conditions as appropriate.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Prior to issuing a building permit in respect of an application which involves the relocation of a non-transportable dwelling the application shall be submitted to the Council for determination.

	Applicants being advised of appeal rights.
Record Keeping requirements:	Records of licenses and correspondences to be kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995
Delegation BU – D04 Building Permit Fees	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012
Description of Power Delegated:	<p>To determine applications for refund of building permit fees where a building project is abandoned after issue of the building license.</p> <p>To determine any applications from sporting, charitable and other community groups for exemption from payment of any building license fees.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>This delegation applies only to that part of the building permit fee retained by Council and not to that part collected for other statutory purposes.</p> <p>Any refund shall not exceed 50% of the building permit fee paid and no refund is to be made when the building project is abandoned after the expiry of 12 months from the date of issue of the permit.</p>
Record Keeping requirements:	Records are to be kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995.

Delegation BU – D05 Demolition Permits	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012
Description of Power Delegated:	To fulfil the obligations of the Local Government under the Building Act 2011 and regulations in relation to a demolition permit.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil

Conditions:	Subject to the provisions of the Building Act 2011, Building Regulations 2012, relevant Local Laws, Council's Policies and specific Resolutions of Council.
Record Keeping requirements:	Records of Permits and correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995
Delegation BU – D06 Depositing Materials on Street	
Power/Duty Delegated	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012
Description of Power Delegated:	To fulfil the obligations of the Local Government under the Act in relation to depositing building materials on the verge of streets and ways where applicable.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Bush Fire

Delegation BF – D01 Burning – Prohibited and Restricted Times – Variations	
Power/Duty Delegated	Bush Fire Act 1954, s17(7),(8), s18(5).
Description of Power Delegated:	To varying the prohibited burning times and restricted burning times.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>The Chief Bush Fire Control Officer, CEO as the Shire President be delegated jointly the Local Government's powers and duties.</p> <p>Provided that the Officer in charge of the Department of Environment and Conservation is consulted before the authority under this delegation is exercised.</p>
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for

	Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Bushfire 3.3).

Delegation BF – D02 Firebreak Order – Variation	
Power/Duty Delegated	Bush Fire Act 1954, s33 (4),(5),(8) Part 1.
Description of Power Delegated:	To provide or refuse application to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land. Where a landowner or occupier has failed to comply with the requirements imposed by the Local Government to make and maintain fire breaks or any proposal obtained under the act and to invoke the powers enabled by the Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Delegation BF – D03 Powers and Functions	
Power/Duty Delegated	Bush Fire Act 1954, s48 – Delegation by Local Government.
Description of Power Delegated:	All powers, duties and functions of the local government under the Bush Fires Act 1954.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil

Conditions:	Must act in accordance with the Shire of Sandstone's "Standard Conditions Relating to Delegations".
Record Keeping requirements:	Maintain records of activities and decisions made under this delegation. Ensure that evidentiary documents that meet the requirements of Local Government (Administration) Regulations 1996 reg.19 Delegates to keep certain records (Act s5.46(3)), are retained in the Shire of Sandstone's record keeping systems.
Compliance/Reference link:	Bush Fires Act 1954.

Engineering

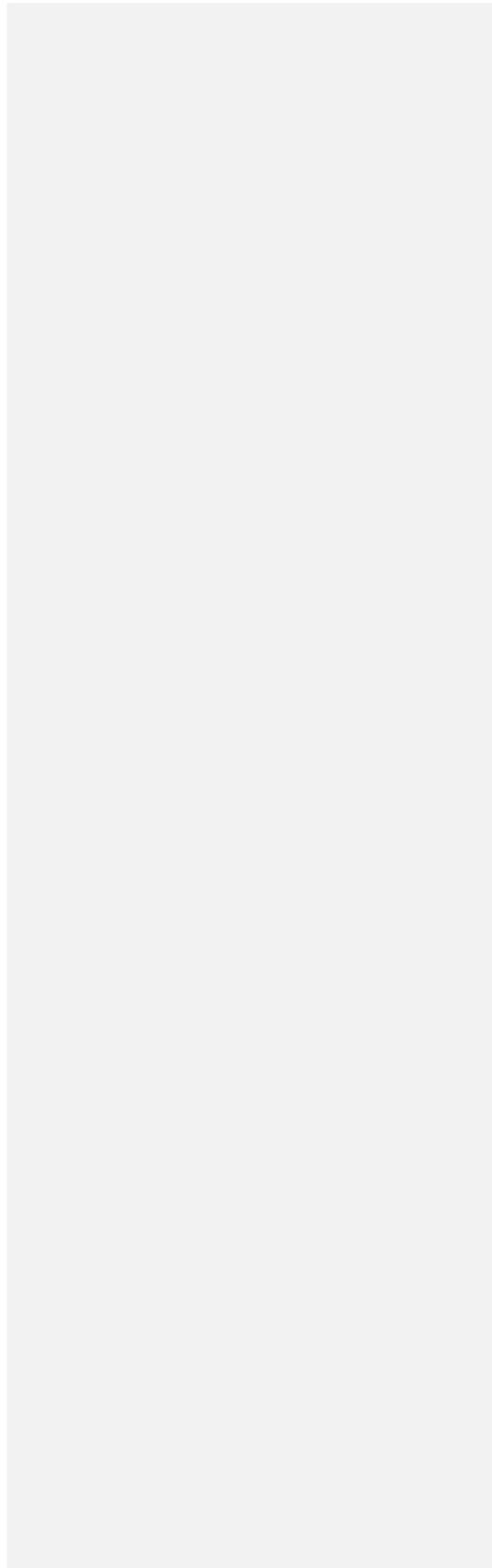
Delegation EN – D01 Crossovers	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government (Uniform Local Provisions) Regulations 1996, • s5 (1) Road Traffic Act 1974.
Description of Power Delegated:	<p>To determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council Policy.</p> <p>To give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.</p> <p>If the person fails to comply with the notice, to construct or repair the crossing and recover 50% of the cost of doing so, as a debt due from the person.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.1).

Delegation EN – D02 Dangerous Excavation in or near Public Thoroughfare
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Power/Duty Delegated	Local Government (Uniform Local Provisions) Regulations No.11
Description of Power Delegated:	To take all appropriate action in accordance with the Act. To remove or have removed, any dangerous excavation in a public thoroughfare or upon land adjoining a public thoroughfare.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D03 Drilling on Roadsides	
Power/Duty Delegated	Road Traffic Act 1974, s81.
Description of Power Delegated:	To deal with any application to conduct drilling on roadsides which are under the care, control and management of the Local Government.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D04 Events on Roads	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government (Uniform Local Provisions) Regulations 1996, • s5 (1) Road Traffic Act 1974.
Description of Power Delegated:	To determine whether or not the Local Government approves of the making of any order for the temporary closure of a road within the district under provisions of the Act relating to events on roads and complementary regulations.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	<p>Proponent should be required to publicise the proposal for public comment.</p> <p>Provide satisfactory arrangements to which will minimise inconvenience for general road users.</p> <p>Accommodate any concerns from landholders who will be affected by any closure.</p> <p>Provide resources to control the event.</p> <p>Provide sufficient details in writing of their activity administer and control the event and matters peripheral to it.</p> <p>Consider whether the administration fee to consider the application, charge to erect, maintain, or remove barriers, signs and other equipment is determined by Council in its fees and charges schedule are imposed on the proponents and it will be at the discretion of the CEO.</p>
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.3).



Delegation EN – D05 Gates and Other Devices Across Thoroughfare	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government 1995 • Road Traffic Act 1974
Description of Power Delegated:	To approve or deny applications for motor traffic passes, grids or gates across public thoroughfares where pastoral fence lines are proposed to intersect with such thoroughfares.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Applications are to be in writing and in considering and deciding on such applications, have regard for any policy of Council in relation to these matters.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.3).

Delegation EN – D06 Land for Roads	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995, s3.55 • Land Administration Act, s55 • Roads Act and Public Works Act.
Description of Power Delegated:	<p>To take appropriate action to acquire any privately owned land that is required for the realignment of roads reserves to accommodate the implementation of Council's annual road works program or those planned in future programs.</p> <p>To negotiate arrangements with affected landowners whereby the Shire may carry out works to the value of any compensation payable.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Have due regard to the provisions made for the resumption of land in Shires budget.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D07 Light Vehicle Replacement	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Uniform Local Provisions) Regulations 1996
Description of Power Delegated:	To call tenders and/or quotations for the changeover of light vehicles and to purchase the appropriate light vehicle or to accept a tender for the light vehicle.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>Provision of sufficient funds for the purpose has been made in the Shire's budget.</p> <p>In accordance with Shire's Purchasing Policy.</p>
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Finance 4.7).

Delegation EN – D08 Matters on Land that is Not Local Government Property	
Power/Duty Delegated	Local Government Act 1995, s3.27
Description of Power Delegated:	To determine the need of matters in respect of the Local Government's functions and works, and where necessary to give effect to such determinations either by agreement with landowners where possible, or otherwise by utilising Delegation to obtain access to land for that purpose.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D09 Pipelines under Thoroughfares	
Power/Duty Delegated	Local Government (Uniform Local Provisions) Regulations 1996
Description of Power Delegated:	To approve the construction of pipelines under thoroughfares under the care, control and management of the Local Government.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	<p>Compliance with the provisions of the Act.</p> <p>The depth of any pipeline is to be no less than a level under the road of 450mm determined at the lowest table drain.</p> <p>Arrangements are to be made for the installation of the pipeline, which address matters such as work arrangements, traffic control and public safety, insurance indemnity and proper reinstatement.</p> <p>A register of approvals to be maintained which includes a record of the currency of indemnity insurance, and the location of pipelines shall be marked by approved signs, installed and maintained by the pipeline owner whilst the pipeline remains under the roadway.</p>
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D10 Plant and Equipment Disposal	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995 s3.58 - Disposing of Property Local Government (Functions and General) Regulations 1996 Regulations 30(3) Dispositions of property to which section 3.58 does not apply.
Description of Power Delegated:	Authority to dispose of local government property (other than land) in accordance with the Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Disposal to be in accordance with the Shire of Sandstone's procedures.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	<ul style="list-style-type: none"> Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation EN – D11 Powers of Entry onto Land	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995, s5.42, s3.39, s3.40, s3.42, s3.44, s3.46, s3.47, s3.48 Local Government (Functions and General) Regulations 1996.
Description of Power Delegated:	To undertake the functions and duties required under the Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Compliance with the Local Government Regulations and Council Policies.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.

Compliance/Reference link:	Local Government Act 1996
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Delegation EN – D12 Public Thoroughfare – Levels, Alignments, Drainage – to Adjoining Land	
Power/Duty Delegated	Local Government (Functions and General) Regulations 1996, s3.51 (5)
Description of Power Delegated:	To fix or alter the level of or the alignment of a public thoroughfare and drain water from a public thoroughfare or other public place onto adjoining land in consultation with the land owner.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	To give the required notice as specified in the Act and consider any submission received prior to undertaking the alteration or fixing of levels.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D13 Road Closures	
Power/Duty Delegated	Local Government Act 1995
Description of Power Delegated:	To initiate the process for the closure of any road in the district, by seeking comment from affected landowners, services authorities and advertising the proposal for public comment. When all responses are received and the advertising period expires, submit details to the Council for formal consideration.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Notices and advertisements are to clearly demonstrate the Council is not committed to the closure proposal but is simply wanting comments to assist in determining whether to proceed further with the closure, or not.

Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).
Delegation EN – D14 Road Trains	
Power/Duty Delegated	Road Traffic Vehicle Standard Regulations
Description of Power Delegated:	To determine any application for the use of such roads granting approval with or without conditions and, subject to assessment and approval of the use of the roads by Main Roads WA.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Have regard for any policy of the Council in relation to the use of local roads by restricted access vehicles.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.3).

Delegation EN – D15 Street Tree Removal	
Power/Duty Delegated	Local Government 1995
Description of Power Delegated:	To authorize the removal of any trees on any town site street or road reserve where the street or roads is under the care, control and maintenance of the Shire.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	This delegation shall only be exercised when the CEO after obtaining technical advice when appropriate, is of the opinion that the tree is dead, structurally dangerous or is causing a traffic hazard by restricting the vision of motorists.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for

	Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D16 Temporary Closure of Thoroughfare to Vehicles	
Power/Duty Delegated	Local Government Act 1995, s3.5
Description of Power Delegated:	To give the necessary notice and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding three months. To partially and temporarily close a thoroughfare for which the Local Government is responsible without giving public notice.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	The CEO, in exercising this delegated authority, shall observe the requirements of the Act in relation to delegation where the closure is for the purpose of carrying out repairs and maintenance and the closure is unlikely to have a significant adverse effect on users of the thoroughfare.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.5).

Delegation EN – D17 Temporary Rural Road Closures	
Power/Duty Delegated	Local Government (Functions and General) Regulations 1996
Description of Power Delegated:	To temporarily close a street or a portion of a street for a period not exceeding 30 days to vehicles in cases of emergency, in connection with Council works, by reason of heavy rain, a street likely to be damaged by the passage of traffic of any particular class.

Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Nil
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995 (As Amended), s5.42, s3.50, s3.51.
Delegation EN – D18 Traffic Control Signals	
Power/Duty Delegated	Road Traffic Act 2000
Description of Power Delegated:	To make application to Main Roads WA for approvals to install stop and give away signs at such places as considered warranted other than in accordance with any urban or rural traffic management plan adopted by Council. To arrange installation of “school bus stop” signs and other appropriate traffic warning, advisory or directional signs at such places on local roads as considered necessary.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	On receipt of the necessary approval to arrange to have the appropriate signs erected in accordance with the provisions of the approval.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Engineering 6.3).

Delegation EN – D19 Use of Contractors	
Power/Duty Delegated	Local Government Act 1995, s3.5
Description of Power Delegated:	To engage private contractors to assist and complement the Shire’s work staff in carrying out any works and services.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil

Conditions:	<p>It must be demonstrated that by engaging the private contractors, it will be in the best interests of the Shire.</p> <p>Appropriate funds are provided in the budget.</p> <p>The engagement of private contractors shall only take place in accordance with the Shire's Purchasing Policy.</p> <p>All contracts are to be formalised in writing.</p>
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Finance 4.7).

Finance

Delegation FI – D01 Acceptance of Tenders	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995 s3.57 tenders for providing goods and services Local Government (Functions and General) Regulations 1996 - Part 4 Regulations 11 to 24
Description of Power Delegated:	<p>Authority to determine all annual tenders (operation and supplies).</p> <p>Authority to all other tenders and contracts resulting from tenders up to and including an amount of \$250350,000 which have been allocated within the approved expenditure budget.</p> <p>CEO shall have further authority to approve all payment claims for contracts within the limits approved by Council (including variations and extensions) and contracts awarded by a prescribed organisation under the (Functions and General) Regulations 1996.</p>

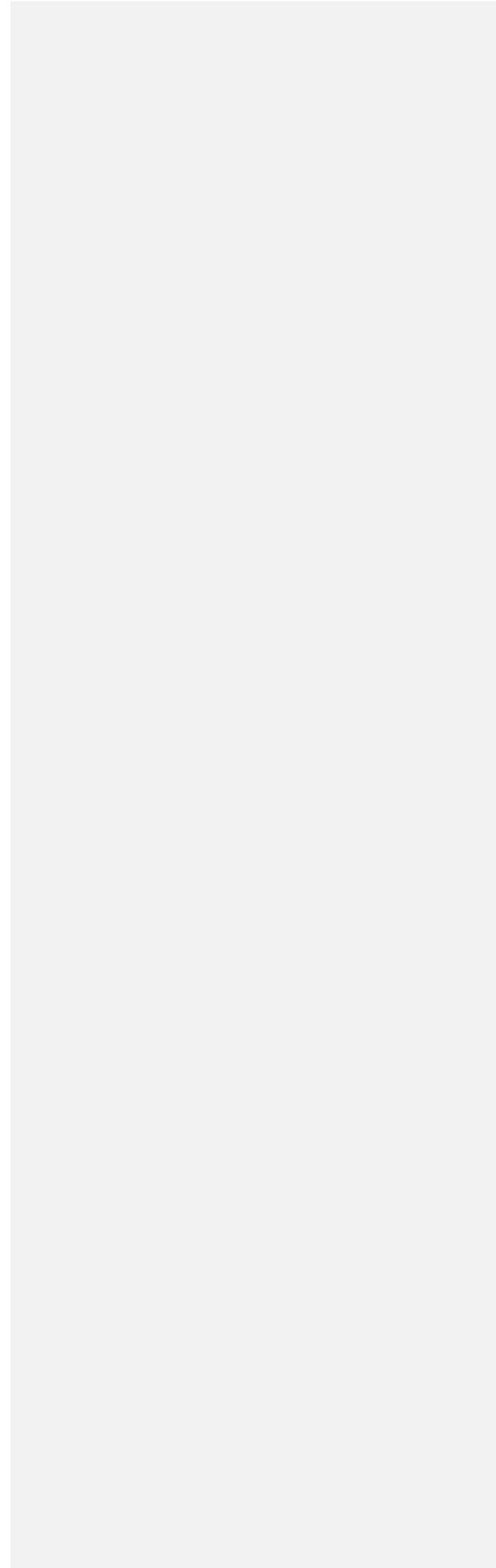
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	<ul style="list-style-type: none"> • Maintain Tender Register, recording details of decisions under this delegation. • Local Government Act 1995 – Section 5.46(3) • Local Government (Administration) Regulations 1996 - Regulation 19
Compliance/Reference link:	Local Government Act, Regulations 1996

Delegation FI – D02 Bank Accounts	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995: s6.6 Funds to be established • Local Government (Financial Management) Regulations 1996: r8 Bank Accounts
Description of Power Delegated:	Authority to open and maintain bank accounts.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	<ul style="list-style-type: none"> • Record details of accounts opened and maintained. • Local Government Act 1995 – Section 5.46(3) • Local Government (Administration) Regulations 1996 - Regulation 19
Compliance/Reference link:	Local Government Act 1995

Delegation FI – D03 Budget Allocation and Implementation	
Power/Duty Delegated	Local Government Act 1995 (As Amended) s5.42
Description of Power Delegated:	<p>To use management discretion in:</p> <ul style="list-style-type: none"> • Implementing expenditure programs contained in the budget the detail of which has been finalised. • The appointment of consultants and contractors to enable the proper administration of the Shire's business. • Prioritising work, unless otherwise directed by the Shire. • Determining whether or not to call tenders or sell by tender or auction where an obligation does not exist to do so under the Local Government Act 1995. • Initiating arrangements for loans subject to referral to Council for adoption. • Authorising overtime, and engaging temporary staff.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>Quotations to be called for the purchase of items of plant, equipment and machinery having an estimate of up to \$150<u>250</u>,000.</p> <p>Tenders to be called for plant, equipment and machinery items being an estimated value in excess of \$150<u>250</u>,000.</p> <p>Quotations are to be obtained on any contract exceeding 10% of the statutory amount above which tenders are to be called [Functions & General Reg 11(2)].</p>

	Where quotations are called, the CEO accepts the most advantageous quotation and should the most advantageous quote be in excess of the budget, provisions report details to the next following meeting of the Council (a report to the relevant committee satisfies this requirement).
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Finance 4.7).

Delegation FI – D04 Calling for Tenders	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995 s3.57 tenders for providing goods and services. Local Government (Functions and General) Regulations 1996 Part 4 Regulations 11 to 24
Description of Power Delegated:	Authority to publicly invite tenders for purchase of goods and services or seek expressions of interest over \$150 <u>250</u> ,000 and make note of the details of the decision for inclusion in the tender register, except in those circumstances where the Council makes the decision to publicly invite tenders or seek expressions of interest in which case the details of Council's decision shall be included in the tender register.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	<ul style="list-style-type: none"> Maintain Tender Register, recording details of decisions under this delegation. Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 - Regulation 19
Compliance/Reference link:	Local Government Act, Regulations 1996



Delegation FI – D05 Conferences, Seminar, Training Courses - Expenses of Councillors and Staff	
Power/Duty Delegated	Local Government Act 1995 (Administration)
Description of Power Delegated:	To reimburse all reasonable expenses to members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the CEO. Expenses may include registration fees, accommodation, meals, refreshments, travel and appropriate out-of-pocket expenses.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Obtain from Councillor or staff member receipts and appropriate proof that the expense was incurred. Obtain a declaration that the expense was incurred wholly whilst on Council business.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Council 1.6).

Delegation FI – D06 Donations	
Power/Duty Delegated	Local Government Act 1995 (Administration)
Description of Power Delegated:	To determine requests for donation for Local Community organisations.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	That the group is an incorporated community group or not-for-profit. That the financial status is such as to justify a donation from the shire. Give an equal opportunity for community clubs and societies to be

	considered for funding, the CEO may at his discretion, put in place arrangements so that requests are invited and considered at the same time each year.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Delegation FI – D08 Insurance – Public Liability Claims	
Power/Duty Delegated	Local Government Act 1995 (As Amended)
Description of Power Delegated:	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.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	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 prepared by Council's solicitors.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Nil

Delegation FI – D07 Expenditure Prior to Adoption of Budget	
Power/Duty Delegated	Local Government Act 1995, s5.42, s5.44 & s6.10.
Description of Power Delegated:	To incur operating expenditure from Municipal Fund and Trust fund bank accounts for payment of Creditors and payroll.

Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	<p>This delegation refers to operating expenditure only.</p> <p>Each payment is to be noted on a list compiled each month showing the payee's name, the amount of the payment, the date of the payment, sufficient information to identify the transaction.</p> <p>The list is to be presented to the Council at the next ordinary meeting of Council and is to be recorded in the minutes of the meeting at which it is presented.</p>
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Local Government Act 1995

Delegation FI – D09 Investment of Council's Fund	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995 s6.14 Power to invest • Local Government (Financial Management) Regulations 1996 Regulations 19 Management of investments.
Description of Power Delegated:	Establish and document internal control procedures for identifying the nature and location of investments and related transactions.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Nil

Delegation FI – D10 Loan Raising and Borrowing on Credit	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995, (As Amended) s6.20 & s6.21 Local Government (Financial Management) Regulations 1996
Description of Power Delegated:	<p>To enable specified activities or functions to occur, to make arrangements for those borrowings to be obtained in a timely manner, having due regard for any directions given either generally or in particular by the CEO.</p> <p>To arrange with the Local Government's banking institution for a sufficient overdraft facility where the circumstances of the Municipal Fund cash flow dictate such a requirement.</p> <p>To arrange for corporate credit card facilities in accordance with the requirements and limitations imposed by Council policy in this respect.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Nil
Record Keeping requirements:	<ul style="list-style-type: none"> Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 Regulation 19
Compliance/Reference link:	Council Policy (Finance 4.2).

Delegation FI – D11 Payment Procedure – Municipal Fund	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995 s6.7 - Municipal Fund Local Government (Financial Management) Regulations 1996 reg.11 - Payments, procedures for making payments reg.12 - Payments from municipal fund or trust fund, restrictions on making.
Description of Power Delegated:	Authority to make payment from the Municipal Fund in accordance with procedures or guidelines.

Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	Must act in accordance with the Shire of Sandstone's "Standard Conditions Relating to Delegations".
Record Keeping requirements:	Retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> reg.19 Delegates to keep certain records Act s5.46(3), are retained in the Shire of Sandstone's record keeping systems.
Compliance/Reference link:	Local Government Act 1995, s5.42, s.5.43 & s5.44

Delegation FI – D12 Payment Procedure – Trust Fund	
Power/Duty Delegated	<ul style="list-style-type: none"> Local Government Act 1995:- s6.9(3)Trust Fund Local Government (Financial Management) Regulations 1996:- reg12 - Payments from municipal fund or trust fund.
Description of Power Delegated:	Authority to make payment from the Trust Fund in accordance with procedure.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Finance Officer
Conditions:	Must act in accordance with the Shire of Sandstone's "Standard Conditions Relating to Delegations".
Record Keeping requirements:	Minute details of Council's resolution to receive the Authorised Cheque Listing and retain Cheque and EFT Vouchers as evidence of decisions to make payments. Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996
Compliance/Reference link:	Local Government Act 1995, s5.42, s.5.43 & s5.44

Delegation FI – D13 Purchase Order Authorisation	
Power/Duty Delegated	Local Government Act 1995, (As Amended), s5.42 & s5.43
Description of Power Delegated:	To sign purchase orders for items contained within the current budget. This delegation includes authorisation to accept a tender for purchase up to an amount of \$1,500 <u>250,000</u> .
Delegated to:	Chief Executive Officer
Sub Delegated to:	Staff members are authorised to sign purchase orders on behalf of the Council with limitations in accordance with Council Policy 4.7: Advertising – Administration Officer – not exceeding an order value of \$1,000. Printing and Stationery – Finance Officer – not exceeding an order value of \$1,000 <u>500</u> . Other office consumables – Finance Officer/Administration Officer – not exceeding an order value of <u>\$1,500</u> . <u>Building maintenance Supplies</u> – <u>Works Supervisor – not exceeding an order value of \$10,000. (Does not include tools and equipment)</u> Depot/Workshop Consumables – Shire Mechanic – not exceeding an order value of \$1,000. Gardening Supplies – Gardener – not exceeding an order value of \$1,000. (Does not include tools and equipment). Fuel, Oils and Lubricants – Shire Mechanic/Administration Officer – not exceeding an order value of \$40 <u>30,000</u> .
Conditions:	Duplicate of purchase order to be handed to the Finance Officer. Triplicate stored in original purchase order book. Completed order books are to be returned to the Administration Officer for archiving.

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Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy (Finance 4.7)
Delegation FI – D14 Recovery of Unpaid Rates	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995:- s6.56(1) - Rates or service charges recoverable in court • s6.60(2)(3)(4) - Local government may require lessee to pay rent • s6.64(1)(3) - Actions to be taken • s6.69(2)(3) - Right to pay rates, service charges and costs, and stay proceedings • s6.74(1) - Power to have land re-vested in the Crown if rates in arrears 3 years • Schedule 6.2(1)[1] - Provisions relating to lease of land where rates or service charges unpaid [Section 6.65] • Schedule 6.3(1)[4] and (4)[1] Provisions relating to sale or transfer of land where rates or service charges unpaid [Section 6.68(3)]
Description of Power Delegated:	Authority to instigate legal proceedings to recover unpaid rates.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Finance Officer
Conditions:	Legal representation is limited by the Magistrates Court (Civil Proceedings) Act 2004.
Record Keeping requirements:	<ul style="list-style-type: none"> • Local Government Act 1995 – Section 5.46(3) • Local Government (Administration) Regulations 1996 & Regulation 19
Compliance/Reference link:	Council Policy (Finance 4.5)

Delegation FI – D15 Tenders	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995 s3.57 tenders for providing goods and services • Local Government (Functions and General) Regulations 1996 Part 4 Regulations 11 to 24
Description of Power Delegated:	Authority to open tenders
Delegated to:	Chief Executive Officer
Sub Delegated to:	Works Supervisor
Conditions:	<p>Tenders to be opened, in the presence of two persons consisting of a combination of any of the following:</p> <ul style="list-style-type: none"> • (1) Councillor; or • CEO; or • Works Supervisor; or • (1) Other Shire Employee, or • (1) Appointed technical consultant or an employee of consulting firm.
Record Keeping requirements:	<ul style="list-style-type: none"> • Maintain Tender Register, recording details of decisions under this delegation. • Local Government Act 1995 – Section 5.46(3) • Local Government (Administration) Regulations 1996 - Regulation 19.
Compliance/Reference link:	Local Government Act 1995

Delegation FI – D16 Waiver or Concessions - Granting	
Power/Duty Delegated	<ul style="list-style-type: none"> • Local Government Act 1995:- s6.12(1)(b) waive or grant concessions in relation to any amount of money • s6.12(1)(c) write off any amount of money.
Description of Power Delegated:	<p>Authorise a waiver; grant a concession of an amount of money owed to the Shire of Sandstone to a maximum value of \$50.</p> <p>Authorise a write off of any debts (not including rates or other charges) considered irrecoverable to the limit of \$500 per account.</p> <p>Amounts over \$500 to be referred to Council.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	Any write off less than \$500 to be reported to Council for noting.
Record Keeping requirements:	<ul style="list-style-type: none"> • Local Government Act 1995 – Section 5.46(3) • Local Government (Administration) Regulations 1996 Regulation 19
Compliance/Reference link:	Local Government Act 1995

Health

Delegation EH – D01 Environmental Health	
Power/Duty Delegated	Health Act 1911 (As Amended)
Description of Power Delegated:	Authority to exercise and discharge powers and functions, issues such Health Act notices and orders as appropriate. Determine applications for license under the Health Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any person appointed by the local authority to the position of Environmental Health Officer. Nil
Conditions:	Subject to the provisions of the Health Act, Local Laws and Council Policies, the applicant being advised of objections and appeal rights as well as a detailed report to the monthly Council meeting.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Health Act and Regulations s27 & s28

Delegation EH – D02 Fundraising Food Stalls	
Power/Duty Delegated	Food Act 2008, s118(2)(b) – Authorised Officer.
Description of Power Delegated:	Authority to approve food stalls where the proponent is a community or charitable organisation and if food cooked and presented for immediate consumption is low risk.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any person appointed by the local authority to the position of Environmental Health Officer. Nil
Conditions:	Subject to the provisions of the Health Act, Local Laws and Council Policies.
Record Keeping requirements:	Nil
Compliance/Reference link:	Health Act and Regulations

Delegation EH – D03 Serving of Health Orders	
Power/Duty Delegated	Health Act 2011.
Description of Power Delegated:	Authority to initially serve orders in matters relating: <ul style="list-style-type: none"> • Hygiene; • Noise abatement; • Repair of Dwellings; • Declaration of buildings being unfit for human habitation.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any person appointed by the local authority to the position of Environmental Health Officer. Nil
Conditions:	Subject to the provisions of the Health Act, Local Laws and Council Policies.
Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation
Compliance/Reference link:	Authorised officers to be appointed in accordance with s27 of the Health Act.

Delegation EH – D04 Septic Tank Approvals	
Power/Duty Delegated	Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974 – Reg 4.
Description of Power Delegated:	Authority to exercise and discharge powers and functions conferred on Local Government for the purpose of Regulation 4 of the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any person appointed by the local authority to the position of Environmental Health Officer. Nil
Conditions:	Nil

Record Keeping requirements:	Records of correspondence issued are kept under the provisions of GDA for Local Government Records Legislation
Compliance/Reference link:	Nil

Delegation EH – D05 Temporarily Accommodation - Caravans	
Power/Duty Delegated	Caravan Parks and Camping Ground Regulations 1997 - Authorised Officer.
Description of Power Delegated:	Authority to approve short-term use of an on-site caravan (up to three (3) months).
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any person appointed by the local authority to the position of Environmental Health Officer. Nil
Conditions:	Nil
Record Keeping requirements:	Nil
Compliance/Reference link:	Nil

Town Planning Services

Delegation TP – D01 Development Applications	
Power/Duty Delegated	Town Planning Scheme and Town Development Act
Description of Power Delegated:	To approve development applications where proposals comply with the Town Planning and Development Act, Council Planning Scheme, Codes and all other statutory provisions. To approve development application where such applications vary only to a minor extent from Council's Planning Scheme, Policies or Codes.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil

Conditions:	Subject to consultation with appropriate managerial and technical staff. All applications to be recommended for refusal are to be determined by Council.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Nil

Delegation TP- D03 Development Applications – Extension of Time	
Power/Duty Delegated	Town Planning Scheme and Town Development Act
Description of Power Delegated:	To approve application for a reasonable extension of time in respect to development applications previously approved by Council or approved under delegated authority.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil
Conditions:	The delegation powers of the TPS No.2 do not allow the delegate to delegate. As the legislative power is via the planning scheme, the Local Government Act is irrelevant.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy to be developed.

Delegation TP- D04 Discretion to Modify Standards – Town Planning	
Power/Duty Delegated	Town Planning Scheme and Town Development Act
Description of Power Delegated:	To modify the development standards of the planning scheme as allowed for under the provisions of the Act.
Delegated to:	Chief Executive Officer
Sub Delegated to:	Nil

Conditions:	Provided such modifications are not considered of a controversial nature and sound justification exists for the use of discretion.
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy to be developed.

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Delegation TP- D05 Legal Proceedings	
Power/Duty Delegated	Town Planning Scheme and Town Development Act
Description of Power Delegated:	<p>Instigate prosecution proceedings in a court of competent jurisdiction.</p> <p>Represent Council where necessary at prosecutions, appeals and enquiries pertaining to enforcement of the provisions of the Town Planning and Development Act and the implementation of Council's scheme.</p> <p>Seek legal advice if considered necessary.</p>
Delegated to:	Chief Executive Officer
Sub Delegated to:	Any Legal company appointed by the local authority to represent Council.
Conditions:	Nil
Record Keeping requirements:	Records are retained in the Shire of Sandstone's record keeping systems under the provision of GDA for Local Government Records Legislation.
Compliance/Reference link:	Council Policy to be developed.

Chief Executive Officer

Delegation DR – D02	
In accordance with the following legislation, the Council of the Shire of Sandstone, resolved by absolute majority to delegate the following powers to the CEO	
<u>Roles and Responsibilities:</u>	
<i>Local Government Act 1995 s5.42 (1)</i>	
<u>Executive Officers</u>	
EO-D01 – Authorized Officers EO-D02 – Prosecutions EO-D03 – Public Interest Disclosure EO-D04 – Powers of Entry EO-D05 – Impounding of Goods	
<u>Administration</u>	
AD-D01 – Award Industrial Matters AD-D02 – Common Seal AD-D03 – Council Members – Register of Delegations to Committee AD-D04 – Council Vehicles – Conditions of Use AD-D05 – Contract Variations AD-D06 – Variation of Meeting Date – Annual Electors Meeting AD-D07 – Enforcement and Legal Procedures AD-D08 – Legal Advice AD-D09 – Liquor – Sales & Consumption at Recreation Centre AD-D10 – OSH – Injury Management AD-D11 – Salaries – Negotiation & Review AD-D12 – Staff Housing AD-D13 – Staff Relocation Expenses	
<u>Building</u>	
<i>The Building Act 2011 s127:</i>	
BU-D01 – Building Order – Removal of Dilapidated Buildings BU-D02 – Building Order – Unlawful Works BU-D03 – Building Permit BU-D04 – Building Permit – Fees BU-D05 – Demolition Permit BU-D06 – Depositing Materials on Street	

Bush Fire

The Bushfires Act 1954 48 (1):

BF-D01 – Burning – Prohibited and Restricted Times – Variations

BF-D02 – Firebreak Order – Variations

BF-D03 – Powers and Functions

Engineering

Local Government Act 1995 s5.42 (1)

Land Administration Act 1997 s38, s55 & s56

Road Traffic Act 1974 Part VA

Public Works Act 1902 including s82, s83A (Local Government Act s3.31 (3) entry is not restricted by the conditions set out in the Public Works Act 1902)

EN-D01 – Crossovers

EN-D02 – Dangerous Excavation in or near Public Thoroughfare

EN-D03 – Drilling on Roadsides

EN-D04 – Events on Roads

EN-D05 – Gates and Other Devices Across Thoroughfare

EN-D06 – Land for Roads

EN-D07 – Light Vehicle Replacement

EN-D08 – Matters on Land that is Not Local Government Property

EN-D09 – Pipelines Under Thoroughfare

EN-D10 – Plant and Equipment Disposal

EN-D11 – Powers of Entry onto Land

EN-D12 – Public Thoroughfare – Levels, Alignments, Drainage – to Adjoining Land

EN-D13 – Road Closures

EN-D14 – Road Trains

EN-D15 – Street Tree removal

EN-D16 – Temporary Closure of Thoroughfare to Vehicles

EN-D17 – Temporary Rural Road Closures

EN-D18 – Traffic Control Signs

EN-D19 – Use of Contractors

Finance

Local Government Act s5.42 (1) & s5.43 (b, d):

FI-D01 – Acceptance of Tenders

FI-D02 – Bank Accounts

FI-D03 – Budget Allocation and Implementation

FI-D04 – Calling for Tenders

FI-D05 – Conferences, Seminar, Training Courses – Expenses and Councillors and Staff

FI-D06 – Donations

FI-D07 – Expenditure Prior to Adoption of Budget
FI-D08 – Insurance – Public Liability Claims
FI-D09 – Investment of Council's Fund
FI-D10 – Loan Raising and Borrowing on Credit
FI-D11 – Payment Procedure – Municipal Fund
FI-D12 – Payment Procedure – Trust Fund
FI-D13 – Purchase Order Authorisation
FI-D14 – Recovery of Unpaid Rates
FI-D15 – Tenders
FI-D16 – Waiver or Concessions – Granting

Health

Food Act 2008 s118, s122:

Health Act 1911 s26:

Caravan Parks and Camping Ground Act 1995:

EH-D01 – Environmental Health
EH-D02 – Fundraising Food Stalls
EH-D03 – Serving of Health Orders
EH-D04 – Septic Tank Approvals
EH-D05 – Temporary Accommodation – Caravans

Town Planning Services

Local Government Act 1995 s5.42 (1) (b):

Town Planning Scheme

TP-D01 – Development Applications
TP-D02 – Development Applications – Advertising
TP-D03 – Development Applications – Extension of Time
TP-D04 – Discretion to Modify Standards – Town Planning
TP-D05 – Legal Proceedings

Prohibition s 5.71 and Code of Conduct

If an employee has been delegated a power or duty relating to a matter in which the employee has an interest, the employee is prohibited from exercising the power or duty and must refer the matter to the President as soon as practicable.

Disclosure Requirements

The delegation of a power or duty to an employee triggers the requirement to make disclosures in a primary and annual return. The Local Government Act contains severe penalties for failure to comply.

SIGNED

<hr/>		
SHIRE PRESIDENT		Date
REPLY REQUIRED:	YES / NO	BY:
 ACKNOWLEDGMENT		
I acknowledge receipt of this instrument of delegation and that I have also read the information in regard to prohibition under s 5.71 and disclosure of interest requirements of the <i>Local Government Act 1995</i>		
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CHIEF EXECUTIVE OFFICER		Date

Works Supervisor

Delegation DR – D03	
In accordance with the following legislation, the CEO of the Shire of Sandstone, delegates the following powers to the Works Supervisor:	
<u>Roles and Responsibilities:</u>	
<u>Engineering</u>	
<i>Local Government Act 1995 s5.42 (1)</i>	
<i>Land Administration Act 1997 s38, s55 & s56</i>	
<i>Road Traffic Act 1974 Part VA</i>	
<i>Public Works Act 1902 including s82, s83A (Local Government Act s3.31 (3) entry is not restricted by the conditions set out in the <i>Public Works Act 1902</i>)</i>	
EN-D01 - Crossovers	Formatted: Font color: Auto
EN-D02 – Dangerous Excavation in or near Public Thoroughfare	
EN-D03 – Drilling on Roadsides	
EN-D04 – Events on Roads	Formatted: Font color: Auto
EN-D05 – Gates & Other Devices Across Thoroughfares	Formatted: Font color: Auto
EN-D09 – Pipelines Under Thoroughfares	
EN-D10 – Plant and Equipment Disposal	
EN-D14 – Road Trains	Formatted: Font color: Auto
EN-D15 – Removal of Trees	Formatted: Font color: Auto
EN-D17 – Temporary Rural Road Closures	
EN-D18 – Traffic Control Signs	
<u>Finance</u>	
<i>Local Government Act s5.42 (1) & s5.43 (b, d):</i>	
FI-D11 – Payment Procedure – Municipal Fund	
FI-D13 – Purchase Order Authorisation	Formatted: Font color: Auto
..... Chief Executive Officer	

Finance Officer

Delegation DR – D04	
In accordance with the following legislation, the CEO of the Shire of Sandstone, delegates the following powers to the Finance officer:	
<u>Roles and Responsibilities:</u>	
<u>Administration</u>	
<i>Injury Management Act 1981</i>	
AD-D10 – OSH – Injury Management	
<u>Finance</u>	
<i>Local Government Act s5.42 (1) & s5.43 (b, d):</i>	
FI-D12 – Payment Procedure – Trust Fund	
FI-D14 – Recovery of Unpaid Rates	
.....	
Chief Executive Officer	

Administration Officer

Delegation DR – D05	
In accordance with the following legislation, the CEO of the Shire of Sandstone, delegates the following powers to the Administration Officer:	
<p><u>Roles and Responsibilities:</u></p> <p><u>Administration</u></p> <p><i>Injury Management Act 1981</i></p> <p>AD-D10 – OSH – Injury Management</p> <p><u>Finance</u></p> <p><i>Local Government Act s5.42 (1) & s5.43 (b, d):</i></p> <p>FI-D12 – Payment Procedure – Trust Fund FI-D14 – Recovery of Unpaid Rates</p> <p>..... Chief Executive Officer</p>	