



SHIRE OF MURCHISON

DELEGATED AUTHORITY REGISTER

2015 -2016

**Dianne Daniels
Chief Executive Officer**

Adopted by Council 15th May 2015

Contents

- REGISTER OF DELEGATIONS 3
- DOCUMENT REVIEW 4
 - 1. Payments from the Municipal Fund and Trust Fund..... 5
 - 2. Power to Invest..... 5
 - 3. Use of Common Seal 6
 - 4. Appointment of Acting CEO 6
 - 5. Appointment of Employees & Determination of an Organisational Structure 7
 - 6. Appointment of Contractors & Consultants..... 7
 - 7. Obtaining Legal Advice 8
 - 8. Preparation of the Annual Report 8
 - 9. Making Additional Payments to Employees Award 9
 - 10. Write Off of Monies Owing (Not Rates or Service Charges) 9
 - 11. Amending the Rate Record 10
 - 12. Agreement as to Payment of Rates and Service Charges 10
 - 13. Rates or Service Charges Recoverable in Court 11
 - 14. Consider Objection to the Rate Record..... 11
 - 15. Recovery of Debts (other than Rates or Service Charges) 12
 - 16. Signing of Requisitions and Purchase Orders..... 12
 - 17. Submission of Grants and Subsidy Applications 13
 - 18. Re-Allocation of Funds Within Sub-Programmes..... 13
 - 19. Negotiating Terms and Conditions for Leases and Properties..... 14
 - 20. Representing Local Government in Court 14
 - 21. Certifying Documents..... 14
 - 22. Liquor Control Act 1988 – Issue of Certificates Under Section 39 15
 - 23. Liquor Control Act 1988 – Issue of Certificates Under Section 40 15
 - 24. Bush Fires Act 1954 – Powers and Duties 16
 - 25. Bush Fires Act 1954 – Firebreaks Around Properties..... 16
 - 26. Bushfires Act 1954 – Prohibited Burning Times 17
 - 27. Bush Fires Act 1954 – Prosecutions and Infringement Notices 17
 - 28. Food Act 2008 – Appointment of Authorised Persons..... 18
 - 29. Food Act 2008 – Appointment of Persons to Withdraw Infringement Notices..... 18
 - 30. Food Act 2008 – Registration of Food Businesses..... 19
 - 31. Health Act 1911 – Appointment of Deputy, Discharge of Powers and Duties..... 19

32. Approve a Demolition Permit Other Than for Buildings Classified by the National Trust and Council’s Heritage Register	20
33. Issue Building Orders.....	20
34. Disturbing Local Government Land or Anything on It.....	21
35. Performing Particular Things on Land which is not Local Government Property	21
36. Power of Entry	22
37. Declaring a Vehicle to be an Abandoned Vehicle Wreck	23
38. Disposing of Uncollected Vehicle	23
39. Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)	24
40. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)	24
41. Closing Certain Thoroughfares to Vehicles (Revocation)	25
42. Partial Closure of Thoroughfare for Repairs and Maintenance	25
43. Road Traffic (Events on Roads) Regulations.....	26
44. Disposal of Surplus Plant, Equipment or Material	26
45. Tenders to be Invited for Certain Contracts.....	27
46. Determining That Tenders Do Not Have to be Invited for the Supply of Goods and Services ...	28
47. Determining the Criteria for Accepting Tenders	29
48. Minor Variation in Goods or Services.....	29
49. Seeking Expressions of Interest.....	30
50. Minor Amendments to Policies and Delegations.....	30
51. Complaints Officer.....	31
52. Appointment of Authorised Officers.....	31
53. Dog Act 1976	32
54. Cat Act 2011 – Appointment of Authorised Officers	32
55. Local Government Elections & Other Polls	33
56. Insurance	33

REGISTER OF DELEGATIONS

The Delegations of Authority contained in this manual are made to the Chief Executive Officer pursuant to section 4.52 of the *Local Government Act 1995* (the Act) and to Committees pursuant to section 5.16. Where listed some of these functions are delegated by the Chief Executive Officer to Shire of Murchison employees pursuant to section 5.44 of the Act. All delegations made by Council must be by **Absolute Majority** decision.

The Act provides that 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 that exceeds an amount set by the local government,
- ✚ Appointing an auditor,
- ✚ Acquiring or disposing of property valued at an amount higher than that determined by the local government,
- ✚ Any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A 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 9.49A (4) to authorise a person to sign documents on behalf of the local government,
- ✚ Any power or duty that requires the approval of the Minister or the Governor, or
- ✚ Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee – this must be done in writing. These powers cannot, however, be further sub-delegated. The Act also allows the delegator to place conditions on any delegations if required.

A register of delegations (being this document) is to be kept and reviewed at least once every financial year.

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

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

Each instrument of delegation in this register describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of Council, which may provide guidance in the exercise of the delegation.

In accordance with the Act this delegations register will be reviewed on an annual basis.

DOCUMENT REVIEW

Description of Review	Council Resolution Number
15 May 2015 - Full Delegation Register Review	18.1

1. Payments from the Municipal Fund and Trust Fund

Function to be performed:	Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to make payments from the municipal fund or the trust fund, pursuant to the <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 12(1) .
Conditions	Subject to the requirements of the <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 13 . As per the requirements of the <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 13 .
Statutory reference	<i>Local Government (Financial Management) Regulations 1996</i> , Regulation 12(1)(a) .

2. Power to Invest

Function to be performed:	Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with the <i>Trustees Act 1962</i> , Part III.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to invest money and establish investment internal control procedures, pursuant to the <i>Local Government Act 1995</i> , Section 6.14 and <i>Local Government (Financial Management) Regulation 1996</i> , Regulation 19.
Conditions:	Subject to Council Policy No. 5.2 " <i>Investments & Borrowing</i> ".
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.14(1) ; and <i>Local Government (Financial Management) Regulation 1996</i> , Regulation 19 .

3. Use of Common Seal

Function to be performed	To give permission to the President and CEO to affix the Common Seal of the Shire of Murchison to relevant legal documents.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer and Shire President
Sub-delegation to:	Nil
Conditions	<ul style="list-style-type: none"> • Where the document is the initial document, it must be approved by council prior to affixing the seal. • Where it is a renewal or extension of an existing document and there is no significant variation in clauses or conditions the seal may be affixed without prior referral to Council. • The Common Seal is to be kept in the safe.
Statutory reference	The Act does not make reference to this matter.

4. Appointment of Acting CEO

Function to be performed	The Chief Executive Officer to appoint an Acting Chief Executive Officer.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Conditions	Subject to: <ul style="list-style-type: none"> • Appointments being no longer than 35 working days; • Council Members to be advised of Acting Chief Executive Officer. • The CEO must be satisfied that the person appointed as Acting CEO is suitably qualified for the position (refer to section 5.36(2)(a) of the <i>Local Government Act</i>).
Statutory reference	Local Government Act 1995; section 5.36 and section 5.41(g)

5. Appointment of Employees & Determination of an Organisational Structure

Function to be performed:	The CEO has the authority to appoint employees
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint Employees and determine an Organisational Structure.
Conditions:	Subject to funding being available in the Budget
Statutory reference:	<i>Local Government Act 1995, Sections 5.36 and 5.41(g)</i> inclusive.

6. Appointment of Contractors & Consultants

Function to be performed:	The Chief Executive Officer to appoint consultants and Contractors to enable the proper administration of the Shire's business and operations.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint consultants and contractors, including but not limited to Architects, auctioneers, engineers, planners, quantity surveyors, solicitors, surveyors, valuers, selling and leasing agents, to enable the proper administration of the Shire's business and operations.
Conditions:	Subject to: <ul style="list-style-type: none"> • funding being available in the Budget; • The value of the contract shall not exceed \$100,000. • Quotations to be obtained, in accordance with Council Purchasing Policy.
Statutory reference:	<i>Local Government Act 1995, Sections 3.1, 3.18, 5.41(d) and 6.8.</i>

7. Obtaining Legal Advice

Function to be performed:	A local government may at times require legal advice or assistance.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to obtain legal advice and assistance to enable the proper administration of the Shire's business and operations and to provide advice to the Council, as required.
Conditions:	Subject to Council Policy No 6.1 "Legal Advice"..
Statutory reference:	<i>Local Government Act 1995, Section 5.41(a), (b) and (d).</i>

8. Preparation of the Annual Report

Function to be performed:	A local government is to prepare an annual report for each financial year.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to prepare an annual report for each financial year.
Conditions:	The Annual Report is to be submitted to the Council for adoption.
Statutory reference:	<i>Local Government Act 1995, Section 5.53.</i>

9. Making Additional Payments to Employees Award

Function to be performed:	A local government can approve of payments to employees in addition to their contract or Award.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to approve of making payment to employees in addition to their contract or Award.
Conditions:	Subject to Council Policy “ <i>Gratuity and Redundancy Payments</i> ” and budget provisions.
Statutory reference:	<i>Local Government Act 1995, Sections 5.42 and 5.50.</i>

10. Write Off of Monies Owing (Not Rates or Service Charges)

Function to be performed:	A local government may waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the Shire, pursuant to the <i>Local Government Act 1995, Section 6.12(1)</i> .
Conditions:	Subject to: <ul style="list-style-type: none"> • The debt not exceeding \$500; • The Chief Executive Officer to be a joint signatory with the Deputy Chief Executive Officer to approve any monies to be written off or waived. • The full details of the waiver, concession or write off to be recorded on the appropriate financial record.
Statutory reference:	<i>Local Government Act 1995, Section 6.12(1)</i> .

11. Amending the Rate Record

Function to be performed:	A local government is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Deputy Chief Executive Officer
Delegation:	The Chief Executive Officer is delegated the power to determine whether to amend the rate record for the preceding five years, pursuant to the <i>Local Government Act 1995</i> , Section 6.39 .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.39(2) .

12. Agreement as to Payment of Rates and Service Charges

Function to be performed:	A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, pursuant to the <i>Local Government Act 1995</i> , Section 6.49 .
Conditions:	Subject to: <ul style="list-style-type: none"> the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following. Council Policy No. 5.1 – “<i>Budgets and Rating</i>”. The full details of the determination to be recorded in the appropriate rate record.
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.49 .

13. Rates or Service Charges Recoverable in Court

Function to be performed:	If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine that court action will be taken, pursuant to the <i>Local Government Act 1995</i> , Section 6.56(1) .
Conditions:	Council Policy No. 5.1 – “ <i>Budgets and Rating</i> ”.
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.56(1) .

14. Consider Objection to the Rate Record

Function to be performed:	A local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to consider any objection to the rate record and may either disallow it or allow it, wholly or in part, pursuant to the <i>Local Government Act 1995</i> , Section 6.76(5) .
Conditions:	The full details of the determination to be recorded in the appropriate rate record.
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.76(5) .

15. Recovery of Debts (other than Rates or Service Charges)

Function to be performed:	If a debt (other than a rate or service charge) remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to take action to recover any outstanding debts pursuant to the <i>Local Government Act 1995</i> , Section 6.10 .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 6.10 ; and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 5 .

16. Signing of Requisitions and Purchase Orders

Function to be performed:	A local government can sign Requisitions and Purchase Orders.								
Delegated by:	The Shire of Murchison Council								
Delegated to:	Chief Executive Officer								
Sub-delegation to:	<table> <tr> <td>Deputy Chief Executive Officer</td> <td>\$20,000 maximum</td> </tr> <tr> <td>Works Supervisor</td> <td>\$20,000 maximum</td> </tr> <tr> <td>Administration Officer</td> <td>\$ 2,000 maximum</td> </tr> <tr> <td>Plant Mechanic</td> <td>\$ 2,000 maximum</td> </tr> </table>	Deputy Chief Executive Officer	\$20,000 maximum	Works Supervisor	\$20,000 maximum	Administration Officer	\$ 2,000 maximum	Plant Mechanic	\$ 2,000 maximum
Deputy Chief Executive Officer	\$20,000 maximum								
Works Supervisor	\$20,000 maximum								
Administration Officer	\$ 2,000 maximum								
Plant Mechanic	\$ 2,000 maximum								
Delegation:	The Chief Executive Officer is delegated the power to sign Requisitions and Purchase Orders.								
Conditions:	Limit as per Signing Authority determined by the CEO. In accordance with Council " <i>Purchasing</i> " Policy								
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.1 ; and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 5 .								

17. Submission of Grants and Subsidy Applications

Function to be performed:	A local government can submit grant and subsidy applications.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	<ul style="list-style-type: none"> • Council's grant officer – at the request of the CEO • Council's Engineers – at the request of the CEO • Council's Accountants – at the request of the CEO • Staff as directed by the CEO
Delegation:	The Chief Executive Officer is delegated the authority to submit grant and subsidy applications.
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995, Section 3.1</i> ; and <i>Local Government (Financial Management) Regulations 1996, Regulation 5.</i>

18. Re-Allocation of Funds Within Sub-Programmes

Function to be performed:	A local government can re-allocate funds within Sub-Programmes.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the authority to re-allocate funds within Sub-Programmes.
Conditions:	<p>The funds to be reallocated are surplus to the requirements of completed projects within the sub-programme.</p> <p>The re-allocation of funds are to accommodate over expenditure variances, to ensure adequate control over funding levels within the sub-programme.</p> <p>The full details of the transaction to be recorded on the appropriate record.</p>
Statutory reference:	<i>Local Government Act 1995, Section 3.1</i> ; and <i>Local Government (Financial Management) Regulations 1996, Regulation 5.</i>

19. Negotiating Terms and Conditions for Leases and Properties

Function to be performed:	A local government can negotiate Terms and Conditions for Leases and Properties.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the authority to negotiate Terms, Conditions and Assignment of Rent for Leases and Properties.
Conditions:	Settled Terms and Conditions to be Approved by the Council as soon as practicable.
Statutory reference:	<i>Local Government Act 1995, Section 3.1.</i>

20. Representing Local Government in Court

Function to be performed:	A local government shall, in writing, appoint persons to represent the local government in court.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to appoint a person to represent the local government in court proceedings either generally or in a particular case.
Conditions:	The Authorisation is to be recorded on the Person's personnel file.
Statutory reference:	<i>Local Government Act 1995, Section 9.29 (2).</i>

21. Certifying Documents

Function to be performed:	A local government shall authorise an employee for the purpose of certifying a local law or any other document to be a true copy.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to certify a local law or any other document to be a true copy.
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995, Section 9.31.</i>

22. Liquor Control Act 1988 – Issue of Certificates Under Section 39

Function to be performed:	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the Shire of Murchison, pursuant to the <i>Liquor Control Act 1988</i> , Section 39 .
Conditions:	Nil
Statutory reference:	<i>Liquor Control Act 1988</i> , Section 39 .

23. Liquor Control Act 1988 – Issue of Certificates Under Section 40

Function to be performed:	An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to issue a certificate on behalf of the Council, pursuant to the <i>Liquor Control Act 1988</i> , Section 40 .
Conditions:	Nil
Statutory reference:	<i>Liquor Control Act 1988</i> , Section 40 .

24. Bush Fires Act 1954 – Powers and Duties

Function to be performed:	A local government is empowered with all powers, duties and functions under the <i>Bush Fires Act 1954</i> .
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	BFB Captain
Delegation:	The Chief Executive Officer is delegated the power to perform all powers, duties and functions of the <i>Bush Fires Act 1954</i> .
Conditions:	Excludes powers and duties that are prescribed in the Act with the requirement for a resolution by the local government.
Statutory reference:	<i>Bush Fires Act 1954</i> , Section 48 .

25. Bush Fires Act 1954 – Firebreaks Around Properties

Function to be performed:	A local government can take measures for preventing a bush fire, including requesting firebreaks around properties.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	BFB Captain
Delegation:	The Chief Executive Officer is delegated the power to take measures for preventing a bush fire, including requesting firebreaks around properties.
Conditions:	Nil
Statutory reference:	<i>Bush Fires Act 1954</i> , Section 33 .

26. Bushfires Act 1954 – Prohibited Burning Times

Function to be performed:	A local government can determine to vary Prohibited Burning Times, in accordance with the <i>Bush Fires Act 1954</i> , Sections 17(7) and (8) , regarding: <ul style="list-style-type: none"> • shortening, extending, suspending or reimposing a period of prohibited burning times; or • imposing a further period of prohibited burning times.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	BFB Captain
Delegation:	The Chief Executive Officer is delegated the power to: <ul style="list-style-type: none"> • shortening, extending, suspending or reimposing a period of prohibited burning times; or • imposing a further period of prohibited burning times.
Conditions:	Nil
Statutory reference:	<i>Bush Fires Act 1954</i> , Section 17(10) .

27. Bush Fires Act 1954 – Prosecutions and Infringement Notices

Function to be performed:	A local government can consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to institute and carry out legal proceedings for alleged offences against the <i>Bush Fires Act 1954</i> , including the power to issue an Infringement Notice.
Conditions:	Chief Executive Officer to sign any Prosecution Notices. <i>Note: s59A(3) and Bush Fires (Infringements) Regulations 1958, Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.</i>
Statutory reference:	<i>Bush Fires Act 1954</i> , Section 59(3) Prosecution of Offences and Section 59A(2) Alternative Procedure – Infringement Notices.

28. Food Act 2008 – Appointment of Authorised Persons

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer
Delegation:	The Chief Executive Officer is delegated the power to appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of the <i>Food Act 2008</i> .
Conditions:	For the purposes of section 126 (2) of the <i>Food Act 2008</i> , the Chief Executive Officer can appoint persons or classes of persons to be designated persons for the purposes of giving an infringement notice pursuant to section 126 (2) of the Act:
Statutory reference:	<i>Local Government Act 1995, Section 9.10(1).</i> <i>Food Act 2008, Section 122, s.126 (2).</i>

29. Food Act 2008 – Appointment of Persons to Withdraw Infringement Notices

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the authority to withdraw an Infringement or grant an extension of time for payment pursuant to section 126 (6), (7) & (13) of the Act.
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995, Section 9.10(1).</i> <i>Food Act 2008, S.126 (6), (7) & (13).</i>

30. Food Act 2008 – Registration of Food Businesses

Function to be performed:	A local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer
Delegation:	The Chief Executive Officer is delegated the power to sign and issue any registration approvals to operate a Food Business under the <i>Food Act 2008</i> , s.110 .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 9.10(1) .

31. Health Act 1911 – Appointment of Deputy, Discharge of Powers and Duties

Function to be performed:	A local government may appoint and authorise any person to be its Health Act 1911 deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Environmental Health Officer
Delegation:	The Chief Executive Officer is delegated the power to be its Health Act 1911 deputy to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.
Conditions:	The Chief Executive Officer, shall: (i) approve of all legal action and sign Prosecution Notices; and (ii) sign all Notices.
Statutory reference:	<i>Health Act 1911</i> , Section 26 .

32. Approve a Demolition Permit Other Than for Buildings Classified by the National Trust and Council's Heritage Register

Function to be performed:	To grant or refuse to approve applications for a Demolition Permit.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract Building Surveyor
Delegation:	The CEO is delegated authority to grant or refuse a Demolition Permit other than for buildings classified by the National Trust and Council's Heritage Register, pursuant to the <i>Building Act 2011</i> , Sections 21, 22 & 127 .
Conditions:	Nil
Statutory reference:	<i>Building Act 2011</i> , Sections 21, 22 and 127 .

33. Issue Building Orders

Function to be performed:	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) a particular building or incidental structure, whether completed before or after commencement day.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Contract Building Surveyor
Delegation:	The Chief Executive Officer is delegated the power to issue Building Orders for works in contravention of the Act, pursuant to the <i>Building Act 2011</i> , Sections 110, 111 and 112 .
Conditions:	1. Chief Executive Officer to sign the Building Order. 2. Subject to Sub-Section 112(2)(b) being conditional as follows; " <i>The Order to demolish, dismantle or remove a building or incidental structure that has been, or is being, built or occupied in suspected contravention of a provision of the Building Act 2011, SHALL only be issued where the building is assessed to be in a state that is dangerous and which cannot be easily rectified</i> ".
Statutory reference:	<i>Building Act 2011</i> , Sections 110, 111 and 112 .

34. Disturbing Local Government Land or Anything on It

Function to be performed:	A person who, without lawful authority interferes with the soil of, or anything on, land that is local government property; or takes anything from land that is local government property, commits an offence.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Works Supervisor
Delegation:	The Chief Executive Officer is delegated the power to interfere with soil or take anything from local government land, pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996, Regulation 5(1)</i> and Schedule 3.1, Division 2, Item 2 and <i>Local Government Act 1995, Section 3.25(1)(b)</i> .
Conditions:	Nil
Statutory reference:	<i>Local Government (Uniform Local Provisions) Regulations 1996, Regulation 5(1)</i> .

35. Performing Particular Things on Land which is not Local Government Property

Function to be performed:	A local government may perform its general functions of the things prescribed in Schedule 3.2 of the Act on land, even though the land is not local government property and the local government does not have consent to do it.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Works Supervisor
Delegation:	The Chief Executive Officer is delegated the power to carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to do it, as follows: <ol style="list-style-type: none"> 1. Carry out works for the drainage of land. 2. Do earthworks or other works on land for preventing or reducing flooding. 3. Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate.

	<p>4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engage in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.</p> <p>5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.</p> <p>6. Place on land signs to indicate the names of public thoroughfares.</p> <p>7. Make safe a tree that presents serious and immediate danger, without having to give the owner the notice otherwise required by regulations.</p> <p>8. Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier.</p>
Conditions:	The Chief Executive Officer may form an opinion that the thing to be performed is essential to protect and/or enhance the health, safety or amenity of the persons in the district or to remove a nuisance.
Statutory reference:	<i>Local Government Act 1995, Section 3.27.</i>

36. Power of Entry

Function to be performed:	The power of entry is conferred on a local government which is performing any function under the <i>Local Government Act 1995</i> .
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to authorise persons with the powers of entry, when performing any function of the local government.
Conditions:	Record in the appropriate file
Statutory reference:	<i>Local Government Act 1995, Section 3.28.</i>

37. Declaring a Vehicle to be an Abandoned Vehicle Wreck

Function to be performed:	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to declare that a vehicle is an abandoned vehicle wreck under the <i>Local Government Act 1995</i> , Section 3.40A(4) .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.40A(4) .

38. Disposing of Uncollected Vehicle

Function to be performed:	A local government may sell or otherwise dispose of any vehicle that has not been collected within two months of a notice having been given under Section 3.40(3) or seven days of declaration being made that a vehicle is an abandoned vehicle wreck.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to sell or otherwise dispose of any vehicle not collected pursuant to the <i>Local Government Act 1995</i> , Section 3.47(2) .
Conditions:	Details of the sale or disposal of uncollected vehicles is to be recorded in the appropriate record.
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.47(2) .

39. Closing Certain Thoroughfares to Vehicles (Not Exceeding 4 Weeks)

Function to be performed:	A local government may close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Works Supervisor
Delegation:	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995</i> , Section 3.50(1) .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.50(1) .

40. Closing Certain Thoroughfares to Vehicles (Exceeding 4 Weeks)

Function to be performed:	A local government may, after providing public notice of its intentions and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding four weeks.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Works Supervisor
Delegation:	The Chief Executive Officer is delegated the power to close a thoroughfare, wholly or partially, pursuant to the <i>Local Government Act 1995</i> , Sections 3.50 .
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Sections 3.50(1a) and 3.50(4) .

41. Closing Certain Thoroughfares to Vehicles (Revocation)

Function to be performed:	An order to close a thoroughfare may be revoked by the local government.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to revoke an order to close a thoroughfare, pursuant to the <i>Local Government Act 1995</i> , Section 3.50(6) .
Conditions:	Details of the revocation of an order to close thoroughfares must be recorded in the appropriate register
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.50(6) .

42. Partial Closure of Thoroughfare for Repairs and Maintenance

Function to be performed:	A local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Works Supervisor
Delegation:	The Chief Executive Officer is delegated the power to partially and temporarily close a thoroughfare, pursuant to the <i>Local Government Act 1995</i> , Section 3.50A .
Conditions:	<ul style="list-style-type: none"> • The road closure being limited to a minimum period as is practicable. • All affected persons being advised at least 7 days in advance of closure being carried out • Access being maintained to properties. • Compliance with the Local Government Act 1995. <p>Details of the closure to be recorded on the appropriate record.</p>
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.50A .

43. Road Traffic (Events on Roads) Regulations

Function to be performed:	Temporarily close roads in order to hold events.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.
Conditions:	The Chief Executive Officer shall have regard to Section 3.50 of the <i>Local Government Act 1995</i> .
Statutory reference:	Road Traffic (Events on Roads) Regulations 1991

44. Disposal of Surplus Plant, Equipment or Material

Function to be performed:	A local government can dispose of surplus plant, equipment or material
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to dispose of plant, equipment or material.
Conditions:	Nil
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.1 .

45. Tenders to be Invited for Certain Contracts

Function to be performed:	A local government is to publicly invite tenders before it enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than \$100,000.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to publicly invite tenders before the Shire enters into a contract for the supply of goods or services if the consideration under the contract is, or is expected to be, worth more than \$100,000, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 11(1) and <i>Local Government Act 1995</i> , Section 3.57(1) .
Conditions:	<p>Tenders can only be invited for those goods and services identified in the Annual Budget, Corporate Business Plan and Long Term Financial Plan or separately approved by the Council.</p> <p><i>Acceptance of the most advantageous tender is subject to the Regulations.</i></p> <p>The invitation to tender is to be entered into the Tender Register in the prescribed manner.</p>
Statutory reference:	<i>Local Government Act 1995</i> , Section 3.57(1) ; and <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 11(1) .

46. Determining That Tenders Do Not Have to be Invited for the Supply of Goods and Services

Function to be performed:	A local government does not have to publicly invite tenders before it enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$100,000 if it has good reason to believe that, because of the unique nature of the goods or services required or for any other reasons, it is unlikely that there is more than one potential supplier.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine that the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$100,000.
Conditions:	The determination is to be supported by a detailed report. The determination is to be recorded in the appropriate record.
Statutory reference:	<i>Local Government Act 1995, Section 3.57(1); and Local Government (Functions and General) Regulations 1996, Regulation 11(2)(f).</i>

47. Determining the Criteria for Accepting Tenders

Function to be performed:	Where a local government is inviting tenders, the local government must determine in writing the criteria for deciding which tender should be accepted.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to determine in writing the criteria for deciding which tender should be accepted, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 14(2a) .
Conditions:	Criteria must be recorded in the appropriate record and comply with the requirements of the Regulations.
Statutory reference:	<i>Local Government (Functions and General) Regulations 1996</i> , Regulation 14(2a) .

48. Minor Variation in Goods or Services

Function to be performed:	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power, with the approval of the tenderer, to make a minor variation in the contract for goods or services before the City enters the contract with the successful tenderer, pursuant to the <i>Local Government (Functions and General) Regulations 1996</i> , Regulation 20(1).
Conditions:	That the variation is minor having regard to the total goods or services that tenderers were invited to supply.
Statutory reference:	<i>Local Government (Functions and General) Regulations 1996</i> , Regulation 20(1) .

49. Seeking Expressions of Interest

Function to be performed:	If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services before entering the tender process.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated the power to seek expressions of interest with respect to the supply of the goods or services before entering the tender process, pursuant to the <i>Local Government (Functions and General) Regulations 1996, Regulation 21(1)</i> .
Conditions:	Details of the expression of interest sought must be recorded in the appropriate record and in the Tender Register as required by the <i>Local Government (Functions and General) Regulations 1996, Regulation 17</i> .
Statutory reference:	<i>Local Government (Functions and General) Regulations 1996, Regulation 21(1)</i> .

50. Minor Amendments to Policies and Delegations

Function to be performed:	Minor amendments to existing policies and delegations
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	That the Chief Executive Officer be delegated authority to make administrative amendments to Delegations and Policies, due to any changes in name or title of an officer or committee, re-numbering, reformatting or similar administrative requirement.
Conditions:	Providing any such amendment does not constitute a major change of duties or responsibilities of an officer or committee affected.
Statutory reference:	Local Government act 1995 - 5.42

51. Complaints Officer

Function to be performed:	Designation of a Complaints Officer
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	
Delegation:	Appoints the CEO as the complaints officer for the Shire of Murchison for the purposes of compliance with the <i>Local Government Act 1995 s. 5.120</i>
Conditions:	
Statutory reference:	<i>Local Government Act 1995 s. 5.120</i>

52. Appointment of Authorised Officers

Function to be performed:	To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the <i>Local Government Act 1995</i> .
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	
Conditions:	
Statutory reference:	<i>Local Government Act 1995 s3.24 Authorising persons under this subdivision (Subdivision 2 – Certain provisions about land)</i> s9.10 Appointment of authorised persons

53. Dog Act 1976

Function to be performed:	Enforcement of the provisions of the Dog Act and Local-Laws is delegated to the CEO. Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary. The CEO is to make such arrangements as is considered necessary for staff, temporary, part-time or otherwise, to effectively administer the Dog Act, within the limitations of the Budget.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Formally Gazette: <ul style="list-style-type: none"> • Authorised Officers(s); and • Registered Officer(s)
Delegation:	That the Chief Executive Officer be delegated any power or duty under the Dog Act 1976
Conditions:	
Statutory reference:	<i>Dog Act 1976, Section 10AA</i>

54. Cat Act 2011 – Appointment of Authorised Officers

Function to be performed:	To appoint officer(s) to administer the Cat Act 2011.
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to appoint Authorised Persons as required for the purposes of administering the requirements of the <i>Cat Act 2011</i> .
Conditions:	Nil
Statutory reference:	Cat Act 2011 (s44 and s48)

55. Local Government Elections & Other Polls

Function to be performed:	Fix a date for an extraordinary election
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	Council delegates its power to the Chief Executive Officer under Section 4.9(1)(b) of the Local Government Act to fix the day on which a poll is held for an extraordinary election if the President has not already done so.
Conditions:	Compliance with the Local Government (Elections) Regulations 1997.
Statutory reference:	Local Government Act 1995 Part 4.9

56. Insurance

Function to be performed:	Ensure that the Shires is adequately covered by insurance
Delegated by:	The Shire of Murchison Council
Delegated to:	Chief Executive Officer
Sub-delegation to:	Nil
Delegation:	The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance on behalf of the Shire.
Conditions:	Nil
Statutory reference:	Local Government Act 1995 – S6.7(2)