



Shire of **Ngaanyatjaraku**  
ON A JOURNEY

# Register of Delegations

2025/2026



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## Delegation of Authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

Section 5.42 of the Local Government Act 1995 allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under section 5.43).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee however, the powers cannot be further sub delegated. This must be formalised in writing and include any conditions placed on delegations.

### Limitations

The following are decisions that cannot be delegated to the Chief Executive Officer as per section 5.43 of the Act:

- a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- c) appointing an auditor;
- d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- f) borrowing money on behalf of the local government;
- g) hearing or determining an objection of a kind referred to in section 9.5;
- h) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- h) any power or duty that requires the approval of the Minister or the Governor;
- i) such other powers or duties as may be prescribed.

Further to the above limitations, regulation 18G of the Local Government (Administration) Regulations 1996 also stipulates that powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a Chief Executive Officer —

- a) section 7.12A(2), (3)(a) or (4); and
- b) regulations 18C and 18D.

### Register of, and Records Relevant to, Delegations - Section 5.46

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees 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 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 purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer. The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information purposes only and may change at the discretion of the Chief Executive Officer. The register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

## Example Delegation

Delegation Number and Title	
<b>Function Performed</b>	Description of authority being delegated. This text is provided as a reference only. Delegates should only act in full understanding of the delegated statutory power, inclusive of conditions listed in legislation and delegation.
<b>Legislative Power</b>	The express power or duty being delegated. State the legislation and section. Head of Power (Act or Regulation) Section # - Section Title
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	The express power that allows delegation to be made. State the legislation and section. Head of Power (Act or Regulation) Section # - Section Title
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Conditions placed on the delegation that are not already specified in legislation m regulation or Council policy.
<b>Power to Sub-Delegate</b>	The express power that allows delegation to be made. State the legislation and section. Head of Power (Act or Regulation) Section # - Section Title  In some cases the legislation expressly prohibits sub-delegation. Not applicable – Sub-delegations prohibited by section # - Section Title.
<b>Power Sub-delegated to</b>	Staff title or class of staff (e.g., Rangers). The CEO can choose not to sub-delegate. The CEO has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Conditions placed on the delegation by the CEO that are not already specified in legislation m regulation or Council policy.
DELEGATION ADMINISTRATION	
1. Date adopted, reviewed or amended and Council resolution.	
2.	

# 1 Local Government Act 1995 Delegations

## 1.1 Delegations to CEO

1.1.1 Appointment of Authorised Persons	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling particular functions.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b>  Section 3.24 - Authorising persons under this subdivision (Part 3, Division 3, Subdivision 2 – Certain provisions about land).  Section 9.10 - Appointment of authorised persons.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.  Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>• A register of Authorised Persons is to be maintained as a record of the Local Government.</li> <li>• Only persons who are appropriately qualified and trained may be appointed as Authorised Persons.</li> </ul>
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
DELEGATION ADMINISTRATION	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026



### 1.1.2 Payment to Employees in Addition to Contract or Award

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to make a payment to an employee, whose employment with the local government is finishing, an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b>  Section 5.50 (1a) - Power to make payment to an employee whose employment with the local government is finishing an amount in addition to any amount to which the employee is entitled under a contract of employment or award.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.  Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Payment may only be made where policy has been adopted by Local Government under section 5.50(1)(a) and in a manner consistent with such policy.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.

### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

1.1.3 Payment from Municipal Fund or Trust Fund	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to make payments from municipal fund or trust fund in accordance with the provisions of Local Government (Financial Management) Regulation 12.
<b>Legislative Power</b>	<b>Local Government (Financial Management) Regulations 1996:</b>  Regulation 12 (1) (a) Power to make payments from municipal fund or trust fund.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.  Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>• Compliance with regulation 13 of Local Government (Financial Management) Regulations 1996.</li> <li>• Compliance with any applicable Council Policy, including but not limited to Purchasing Policy.</li> <li>• Authority to make payments is subject to annual budget limitations.</li> </ul>
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	General Manager Operations / Governance Manager, Finance Manager/Finance Officer
<b>Conditions of Sub-delegation</b>	<ul style="list-style-type: none"> <li>• Delegates must comply with the Procedures approved by the Chief Executive Officer in accordance with regulation 5 of the Local Government (Financial Management) Regulations 1996.</li> <li>• Delegates must comply with all relevant Policies.</li> </ul>
DELEGATION ADMINISTRATION	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

<b>1.1.4 Power to Invest and Manage Investments</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.</li> <li>Establish and document internal control procedures to be followed in the investment and management of investments.</li> </ol>
<b>Legislative Power</b>	<b>Local Government Act 1995:</b> Section 6.14(1) - Power to invest monies held in municipal or trust fund. <b>Local Government (Financial Management) Regulations 1996:</b> Regulation 19 - Investments, control procedures for.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>Investments must comply with regulation 19c of the Local Government (Financial Management) Regulations 1996 and be in accordance with any applicable Council Policy.</li> <li>Procedures for control of investments must be documented and reviewed to the Chief Executive Officer's satisfaction within each two-year period.</li> </ul>
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025

4. Reviewed 29 June 2022

8. Reviewed 25 February 2026

## 1.1.5 Tenders and Expressions of Interest for Supply of Goods and Services

<p><b>Function Performed</b></p>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Determine because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier [reg.11(f), Local Government (Functions and General) Regulations 1996 (<b>FG Reg</b>)]</li> <li>2. Publicly invite tenders where required to do so [s. 3.57; reg. 11, FG Reg]</li> <li>3. Publicly invite tenders although not required to do so [reg. 13 FG Reg]</li> <li>4. Call tenders for the disposal of impounded goods in accordance with section 3.58 [s.3.47]</li> <li>5. Determine written criteria for acceptance of tenders [reg. 14(2a), FG Reg]</li> <li>6. Determine the information that is to be disclosed to those interested in submitting a tender [reg.14(4)(a), FG Reg]</li> <li>7. Vary tender information after public notice of invitation to tender and before the close of tenders [reg. 14(5), FG Reg]</li> <li>8. Seek clarification from tenderers in relation to information contained in their tender submission [reg. 18(4a), FG Reg]</li> <li>9. Evaluate tenders by means of written evaluation and decide which is the most advantageous [reg. 18(4), FG Reg]</li> <li>10. Accept, reject or decline any tender [reg. 18(2),(4),(5) FG Reg]</li> <li>11. Make minor variations in relation to the goods or services required under an accepted tender before entering into a contract [reg. 20(1), FG Reg]</li> <li>12. Choose the next most advantageous tender to accept where chosen tenderer is unable or unwilling to form a contract or minor variation cannot be agreed with the successful tenderer [reg. 20(2), FG Reg]</li> <li>13. Determine when to seek expressions of interest and to invite expressions of interest to supply goods or services [reg. 21, FG Reg].</li> <li>14. Consider expressions of interest and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [reg. 23, FG Reg].</li> </ol>
<p><b>Legislative Power</b></p>	<p><b>Local Government Act 1995:</b></p> <p>Section 3.57 - Tenders for providing goods or services.</p> <p><b>Local Government (Functions and General) Regulations 1996:</b></p> <p>Regulation 11 - When tenders have to be publicly invited.</p>

	<p>Regulation 13 - Requirements when local government invites tenders though not required to do so.</p> <p>Regulation 14 - Publicly inviting tenders, requirements for</p> <p>Regulation 18 - Rejecting and accepting tenders.</p> <p>Regulation 20 - Variation of requirements before entry into contract.</p> <p>Regulation 21- Invite expressions of interest.</p> <p>Regulation 23 - Consider expressions of interest.</p>
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ol style="list-style-type: none"> <li>1. Delegates may only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new Annual Budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the Shire, with an imminent expiry date and the value of the proposed contract has been included in the draft Annual Budget papers.</li> <li>2. Delegates may only accept a tender where the consideration under the resulting contract is \$250,000 or less and the item is identified in the adopted Annual Budget.</li> <li>3. Compliance with any applicable Council Policy, including but not limited to Purchasing Policy.</li> </ol>
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023

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<b>1.1.6 Declare Vehicle is Abandoned Wreck</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to declare that an impounded vehicle is an abandoned vehicle wreck.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b> Section 3.40A(4) - Abandoned vehicle wreck may be taken.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.7 - Disposing of Confiscated or Uncollected Goods, or alternatively referred for Council decision.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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### 1.1.7 Disposing of Confiscated or Uncollected Goods

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to sell or dispose of, in accordance with section 3.47 of the Local Government Act 1995, any vehicles or goods that have been impounded, seized or confiscated under the provisions of section 3.39 and 3.40A (Delegation A02), or any goods that have been ordered to be confiscated under section 3.43 of the Act.</p> <p>The Chief Executive Officer may recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.</p>
<b>Legislative Power</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 3.47 - Confiscated or uncollected goods, disposal of.</p> <p>Section 3.48 - Impounding expenses, recovery of.</p>
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.

#### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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### 1.1.8 Close Thoroughfare to Vehicles

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks.</li> <li>2. Determine to close a thoroughfare for a period exceeding 4 weeks and before doing so give public notice and consider submissions relevant to the road closure/s proposed.</li> <li>3. Authority to revoke an order to close a thoroughfare.</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare.</li> <li>5. Where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made.</li> </ol>
<b>Legislative Power</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 3.50 - Closing certain thoroughfares to vehicles.</p> <p>Section 3.50A - Partial closure of thoroughfare for repairs or maintenance.</p> <p>Section 3.51 - Affected owners to be notified of certain proposals.</p>
<b>Power Originally Assigned to</b>	<p>Local Government</p>
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	<p>Chief Executive Officer</p>
<b>Conditions of Delegation</b>	<p>Not applicable.</p>
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>
<b>Power Sub-delegated to</b>	<p>General Manager Operations</p>
<b>Conditions of Sub-delegation</b>	<p>Not applicable.</p>

## DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
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4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

<b>1.1.9 Disposal of Property</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Dispose of property to the highest bidder at public auction.</li> <li>2. Dispose of property to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders.</li> <li>3. Dispose of property by private treaty in accordance with section 3.58(3) [s.3.58(3)].</li> </ol>
<b>Legislative Power</b>	<b>Local Government Act 1995:</b> Section 3.58(2) & (3) - Disposing of Property.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

## 1.1.10 Obstructions on Thoroughfare

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [reg. 6(2) and (4) Local Government (Uniform Local Provisions) Regulations 1996 (ULP Reg)].</li> <li>2. Renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [reg. 6(6), ULP Reg].</li> <li>3. Require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [reg.7A, ULP Reg].</li> <li>4. Require an owner or occupier of land to remove any part of a structure, tree or plant that is encroaching without lawful authority on a public thoroughfare [reg. 7, ULP Reg].</li> </ol>
<b>Legislative Power</b>	<p><b>Local Government (Uniform Local Provisions) Regulations 1996:</b></p> <p>Regulation 5 – Interfering with, or taking from, local government land.</p> <p>Regulation 6 - Obstruction of public thoroughfare by things placed and left.</p> <p>Regulation 7A - Obstruction of public thoroughfare by fallen things.</p> <p>Regulation 7 - Encroaching on public thoroughfare.</p>
<b>Power Originally Assigned to</b>	<p>Local Government</p>
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	<p>Chief Executive Officer</p>
<b>Conditions of Delegation</b>	<p>Grant of permission for obstruction of public thoroughfare must comply with Local Government (Uniform Local Provisions) Regulations 1996.</p>

<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	General Manager Operations
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

### 1.1.11 Gates Across Public Thoroughfare

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of motor traffic and prevents livestock straying [reg. 9(1), ULP Reg].</li> <li>2. Require an applicant to publish a notice of the application for the purpose of informing persons who may be affected by the proposed gate or device [reg. 9(2), ULP Reg].</li> <li>3. Impose conditions on granting permission [reg. 9(4), ULP Reg].</li> <li>4. Renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [reg.. 9(5), ULP Reg].</li> <li>5. Cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [reg. 9(6), ULP Reg].</li> </ol>
<b>Legislative Power</b>	<p><b>Local Government (Uniform Local Provisions) Regulations 1996:</b></p> <p>Regulation 9 - Permission to have gate across public thoroughfare.</p>
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>• Permission granted must comply with regulation 9(3), Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>• Each approval provided must be recorded in the Shire of Ngaanyatjarraku's statutory Register of Gates in accordance with regulation 8, Local Government (Uniform Local Provisions) Regulations 1996.</li> </ul>
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>
<b>Power Sub-delegated to</b>	General Manager Operations

<b>Conditions of Sub-delegation</b>	Not applicable.	
<b>DELEGATION ADMINISTRATION</b>		
1. Adopted 25 October 2017	5. Reviewed 25 October 2023	
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024	
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025	
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026	

### 1.1.12 Dangerous Excavations in or Near Public Thoroughfare

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Fill in or fence an excavation considered to be dangerous, or request the owner or occupier to fill in or fence the excavation, on land that adjoins a thoroughfare.</li> <li>2. Grant permission, and impose conditions as thought fit, to make or make and leave an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare.</li> <li>3. Renew permission and vary any condition imposed effective upon written notice to the person to whom permission was granted (reg. 11(8), ULP Reg]</li> </ol>
<b>Legislative Power</b>	<b>Local Government (Uniform Local Provisions) Regulations 1996:</b>  Regulation 11 - Dangerous excavation in or near public thoroughfare.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.  Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Permission must comply with regulation 11, Local Government (Uniform Local Provisions) Regulations 1996.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	General Manager Operations
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025

4. Reviewed 29 June 2022

8. Reviewed 25 February 2026

### 1.1.13 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [reg. 12(1), ULP Reg].</li> <li>2. Give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP reg. 13(1), ULP Reg].</li> <li>3. Construct or repair a crossing where the person fails to comply with a notice under reg. 13(1) and recover 50% of the cost of doing so as a debt due from the person [reg. 13(2), ULP Reg].</li> </ol>
<b>Legislative Power</b>	<p><b>Local Government (Uniform Local Provisions) Regulations 1996:</b></p> <p>Regulation 12(1) - Authority to approve or refuse to approve applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land.</p> <p>Regulation 13(1) - Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing.</p> <p>Regulation 13(2) - Authority to construct or repair a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.</p>
<b>Power Originally Assigned to</b>	<p>Local Government</p>
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	<p>Chief Executive Officer</p>
<b>Conditions of Delegation</b>	<p>Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p>
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>

<b>Power Sub-delegated to</b>	General Manager Operations	
<b>Conditions of Sub-delegation</b>	Not applicable.	
<b>DELEGATION ADMINISTRATION</b>		
1. Adopted 25 October 2017	5. Reviewed 25 October 2023	
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024	
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025	
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026	

### 1.1.14 Private Works On, Over or Under Public Places

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [reg. 17(3), ULP Reg].</li> <li>2. Impose conditions on permission [reg. 17(5), ULP Reg].</li> </ol>
<b>Legislative Power</b>	<b>Local Government (Uniform Local Provisions) Regulations 1996:</b> Regulation 17 - Private works on, over, or under public places.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Permission must comply with regulation 17(4), Local Government (Uniform Local Provisions) Regulations 1996.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	General Manager Operations
<b>Conditions of Sub-delegation</b>	Not applicable.

#### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

<b>1.1.15 Power to Write Off Debts</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to write off any amount of money, which is owed to the local government.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b> Section 6.12(1) – Power to defer, grant discounts, waive or write off debts.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>• Maximum amount that can be written off for any one debtor account is \$20.00.</li> <li>• Compliance with any Council policy, including but not limited to Financial Hardship (Rates Relief) policy.</li> </ul>
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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### 1.1.16 Legal Representation Costs for an Elected Member or Employee

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to refuse or grant an application for payment of legal representation costs from the municipal fund where a delay would be detrimental to the legal rights of the applicant.
<b>Legislative Power</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 6.7(2) – Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.</p> <p>Section 9.56 - Certain persons protected from liability for wrongdoing.</p>
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.</p> <p>Section 5.43 - Limitations on delegations to the Chief Executive Officer.</p>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	<ul style="list-style-type: none"> <li>• Maximum amount of legal representation costs to be authorised by this delegation is \$10,000.</li> <li>• Compliance with any Council policy, including but not limited to Legal Representation – Costs Indemnification policy.</li> </ul>
<b>Power to Sub-Delegate</b>	<p><b>Local Government Act 1995:</b></p> <p>Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.</p>
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.

### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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### 1.1.17 Determine Application for Rates Exemption

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to consider applications for rates exemption.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b> Section 6.26(2)(g) - Ratable land for charitable purposes.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Compliance with any Council policy, including but not limited to Rating Exemption policy.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.

### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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### 1.1.18 Authorise Persons to Receive Complaints and Withdrawals of Complaints

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to authorise one or more persons to receive complaints and withdrawals of complaints under Division 3 of the Model Code of Conduct.
<b>Legislative Power</b>	<b>Local Government (Model Code of Conduct) Regulations 2021:</b> Clause 11(3) of the Model Code of Conduct, Schedule 1.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b> Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer. Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b> Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.

#### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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4. Reviewed 29 June 2022	

<b>1.1.19 Appointment of Acting CEO</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to appoint an employee as Acting Chief Executive Officer.
<b>Legislative Power</b>	<b>Local Government Act 1995:</b>  Section 5.36(1)(a) & (b) – A local government is to employ a person to be the Chief Executive Officer of local government and such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
<b>Power Originally Assigned to</b>	Local Government
<b>Power to Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.42 - Delegation of some powers or duties to the Chief Executive Officer.  Section 5.43 - Limitations on delegations to the Chief Executive Officer.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	The exercise of delegated power must comply with Policy 3.2 Appointment of Acting CEO.
<b>Power to Sub-Delegate</b>	<b>Local Government Act 1995:</b>  Section 5.44 – The Chief Executive Officer may delegate some powers and duties to other employees.
<b>Power Sub-delegated to</b>	The Chief Executive Officer has elected not to sub-delegate this role.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

## 2 Building Act 2011 Delegations

### 2.1 Delegations to CEO

2.1.1 Grant or Refuse a Building Permit	
<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Require an applicant to provide any documentation or information required to determine a building permit application [section 18(1)]</li> <li>2. Grant or refuse to grant a building permit [section 20(1),(2) and section 22].</li> <li>3. Impose, vary or revoke conditions on a building permit [section 27(1),(3)].</li> <li>4. Determine an application to extend time during which a building permit has effect [regulation 23].</li> <li>5. Impose any condition on the building permit extension that could have been imposed under section 27 [regulation 24(2)].</li> <li>6. Approve, or refuse to approve, an application for a new responsible person for a building permit [regulation 26].</li> </ol>
<b>Legislative Power</b>	<p><b>Building Act 2011:</b></p> <p>Section 18 - Further information.</p> <p>Section 20 - Grant of building permit.</p> <p>Section 22 - Further grounds for not granting an application.</p> <p>Section 27(1), (3) - Impose conditions on permit.</p> <p><b>Building Regulations 2012:</b></p> <p>Regulation 23 - Application to extend time during which permit has effect (section 32).</p> <p>Regulation 24 - Extension of time during which permit has effect (section 32(3)).</p> <p>Regulation 26 - Approval of new responsible person (section 35(c)).</p>
<b>Power Originally Assigned to</b>	Permit Authority (Local Government)
<b>Power to Delegate</b>	<p><b>Building Act 2011:</b></p> <p>Section 127 - Delegation: special permit authorities and local governments.</p>
<b>Power Delegated to</b>	Chief Executive Officer

<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<b>Building Act 2011:</b> Section 127(6A) - Delegation: special permit authorities and local governments (powers of sub-delegation limited to Chief Executive Officer).
<b>Power Sub-delegated to</b>	Environmental Health & Building Surveyor
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

## 2.1.2 Grant or Refuse a Demolition Permit

<b>Function Performed</b>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Require an applicant to provide any documentation or information required to determine a demolition permit application [section 18(1)].</li> <li>2. Grant a demolition permit [section 21(1)].</li> <li>3. Refuse a demolition permit [section 21(2)].</li> <li>4. Impose, vary or revoke conditions on a demolition permit [section 27(1)]</li> <li>5. Determine an application to extend time during which a demolition permit has effect [regulation 23]</li> <li>6. Approve, or refuse to approve, an application for a new responsible person for a demolition permit [regulation 26]</li> </ol>
<b>Legislative Power</b>	<p><b>Building Act 2011:</b></p> <p>Section 18 - Further information.</p> <p>Section 21 - Grant of demolition permit.</p> <p>Section 22 - Further grounds for not granting an application.</p> <p>Section 27(1), (3) - Impose conditions on permit.</p> <p><b>Building Regulations 2012:</b></p> <p>Regulation 23 - Application to extend time during which permit has effect (section 32).</p> <p>Regulation 24 - Extension of time during which permit has effect (section 32(3)).</p> <p>Regulation 26 - Approval of new responsible person (section 35(c)).</p>
<b>Power Originally Assigned to</b>	<p>Permit Authority (Local Government)</p>
<b>Power to Delegate</b>	<p><b>Building Act 2011:</b></p> <p>Section 127 - Delegation: special permit authorities and local governments.</p>
<b>Power Delegated to</b>	<p>Chief Executive Officer</p>
<b>Conditions of Delegation</b>	<p>Not applicable.</p>
<b>Power to Sub-Delegate</b>	<p><b>Building Act 2011:</b></p> <p>Section 127(6A) - Delegation: special permit authorities and local governments (powers of sub-delegation limited to Chief Executive Officer).</p>
<b>Power Sub-delegated to</b>	<p>Environmental Health &amp; Building Surveyor</p>

<b>Conditions of Sub-delegation</b>	Not applicable.	
<b>DELEGATION ADMINISTRATION</b>		
1. Adopted 25 October 2017	5. Reviewed 25 October 2023	
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024	
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025	
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### 2.1.3 Grant of Occupancy Permit or Building Approval Certificate

<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Impose, add, vary or revoke conditions on an occupancy permit or building approval certificate [s.62(1) and (3)].</li> <li>4. Extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Legislative Power</b>	<p><b>Building Act 2011:</b></p> <p>Section 55 - Further information.</p> <p>Section 58 - Grant of occupancy permit, building approval certificate.</p> <p>Section 62(1) and (3) - Conditions imposed by permit authority.</p> <p>Section 65(4) - Extension of period of duration.</p> <p><b>Building Regulations 2012:</b></p> <p>Regulation 40 - Extension of period of duration of time limited occupancy permit or building approval certificate (section 65).</p>
<b>Power Originally Assigned to</b>	Permit Authority (Local Government)
<b>Power to Delegate</b>	<p><b>Building Act 2011:</b></p> <p>Section 127 - Delegation: special permit authorities and local governments.</p>
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Form and content of occupancy permit and building approval certificate is to comply with section 61 of the Building Act 2011.
<b>Power to Sub-Delegate</b>	<p><b>Building Act 2011:</b></p> <p>Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</p>
<b>Power Sub-delegated to</b>	Environmental Health & Building Surveyor
<b>Conditions of Sub-delegation</b>	Not applicable.

### DELEGATION ADMINISTRATION

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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## 2.1.4 Building Orders

<p><b>Function Performed</b></p>	<p>The Chief Executive Officer is delegated authority to:</p> <ol style="list-style-type: none"> <li>1. Make Building Orders in relation to:             <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)]</li> </ol> </li> <li>2. Give notice of a proposed building order and consider submissions received in response [s.111(1)]</li> <li>3. Revoke a building order [s.117]</li> <li>4. If there is non-compliance with a building order, cause an authorised person to:             <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease. [s.118(2)]</li> </ol> </li> <li>5. Take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order. [s.118(3)]</li> <li>6. Initiate a prosecution for non-compliance with a building order [s.133(1)]</li> </ol>
<p><b>Legislative Power</b></p>	<p><b>Building Act 2011:</b></p> <p>Section 110(1) - A permit authority may make a building order.</p> <p>Section 111(1) - Notice of proposed building order other than building order (emergency).</p> <p>Section 117(1) - Revoke a building order.</p> <p>Section 118(2) and (3) - Permit authority may give effect to building order if non-compliance.</p> <p>Section 133(1) - A permit authority may commence a prosecution for an offence against this Act.</p>
<p><b>Power Originally Assigned to</b></p>	<p>Permit Authority (Local Government)</p>
<p><b>Power to Delegate</b></p>	<p><b>Building Act 2011:</b></p> <p>Section 127 - Delegation: special permit authorities and local governments.</p>
<p><b>Power Delegated to</b></p>	<p>Chief Executive Officer</p>

<b>Conditions of Delegation</b>	Approval of the use of a battery powered smoke alarm to be granted only in accordance with regulation 61(1) of the Building Regulations 2012; and Council Policy DS 3.5 Dwelling Smoke Detectors.
<b>Power to Sub-Delegate</b>	<b>Building Act 2011:</b> Section 127(6A) - Delegation: special permit authorities and local governments (powers of sub-delegation limited to Chief Executive Officer).
<b>Power Sub-delegated to</b>	Environmental Health & Building Surveyor
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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<b>2.1.5 Grant or Refuse Approval of Battery Powered Smoke Alarms</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Approve of the use, in a dwelling or part of a dwelling, of a battery powered smoke alarm [r. 61(1)]</li> <li>2. Approve of the use, in a dwelling or part of a dwelling, of a battery powered smoke alarm where the alarm was installed before the approval is to be given (r. 61(2))</li> </ol>
<b>Legislative Power</b>	<b>Building Regulations 2012:</b> Regulation 61(1) - Local government approval of battery powered smoke alarms.  Regulation 61(2) - Approval of battery powered smoke alarms where the alarm was installed before the approval is to be given.
<b>Power Originally Assigned to</b>	Permit Authority (Local Government)
<b>Power to Delegate</b>	<b>Building Act 2011:</b> Section 127 - Delegation: special permit authorities and local governments.
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Approval of the use of a battery powered smoke alarm to be granted only in accordance with regulation 61(1) of the Building Regulations 2012; and Council Policy DS 3.5 Dwelling Smoke Detectors.
<b>Power to Sub-Delegate</b>	<b>Building Act 2011:</b> Section 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
<b>Power Sub-delegated to</b>	Environmental Health & Building Surveyor
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
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## 3 Food Act 2008 Delegations

### 3.1 Delegations to CEO

3.1.1 Prohibition Orders	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Legislative Power</b>	<b>Food Act 2008:</b> Section 65(1) - Prohibition orders Section 66 - Certificate of clearance to be given in certain circumstances. Section 67(4) - Request for re-inspection.
<b>Power Originally Assigned to</b>	Enforcement Agency (Local Government)
<b>Power to Delegate</b>	<b>Food Act 2008:</b> Section 118(2)(b) - Local government (enforcement agency) may delegate a function conferred on it. Section 118 (3) - Delegation subject to conditions [s119] and guidelines adopted [s120].
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<b>Food Act 2008:</b> Section 118(4) Sub-delegation only permissible if expressly provided in regulations. Food Regulations 2009 do not provide for sub-delegation.
<b>Power Sub-delegated to</b>	Not applicable.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	

1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

<b>3.1.2 Registration of Food Businesses</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: 1. Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Vary the conditions of registration or cancel the registration of a food business [s.112].
<b>Legislative Power</b>	<b>Food Act 2008:</b> Section 110(1) and (5) - Registration of food business. Section 112 - Variation of conditions or cancellation of registration of food businesses.
<b>Power Originally Assigned to</b>	Enforcement Agency (Local Government)
<b>Power to Delegate</b>	<b>Food Act 2008:</b> Section 118(2)(b) - Local government (enforcement agency) may delegate a function conferred on it. Section 118 (3) - Delegation subject to conditions [s119] and guidelines adopted [s120].
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	Not applicable.
<b>Power to Sub-Delegate</b>	<b>Food Act 2008:</b> Section 118(4) Sub-delegation only permissible if expressly provided in regulations. Food Regulations 2009 do not provide for sub-delegation.
<b>Power Sub-delegated to</b>	Not applicable.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026

<b>3.1.3 Appoint Authorised Officers and Designated Officers</b>	
<b>Function Performed</b>	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> <li>1. Appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s. 122(1)].</li> <li>2. Designate authorised person to be a designated officer [s. 126(13)].</li> </ol>
<b>Legislative Power</b>	<b>Food Act 2008:</b> Section 122 (1) - Appointment of authorised officers. Section 126 (13) - Enforcement agency may in writing designate authorised officers to be designated officers.
<b>Power Originally Assigned to</b>	Enforcement Agency (Local Government)
<b>Power to Delegate</b>	<b>Food Act 2008:</b> Section 118(2)(b) - Local government (enforcement agency) may delegate a function conferred on it. Section 118 (3) - Delegation subject to conditions [s119] and guidelines adopted [s120].
<b>Power Delegated to</b>	Chief Executive Officer
<b>Conditions of Delegation</b>	In accordance with section 118(3)(b) of the Food Act 2008, this delegation is subject to relevant Department of Health CEO Guidelines.
<b>Power to Sub-Delegate</b>	<b>Food Act 2008:</b> Section 118(4) Sub-delegation only permissible if expressly provided in regulations. Food Regulations 2009 do not provide for sub-delegation.
<b>Power Sub-delegated to</b>	Not applicable.
<b>Conditions of Sub-delegation</b>	Not applicable.
<b>DELEGATION ADMINISTRATION</b>	
1. Adopted 25 October 2017	5. Reviewed 25 October 2023
2. Reviewed 24 June 2020	6. Reviewed 30 November 2024
3. Reviewed 28 April 2021	7. Reviewed 28 May 2025
4. Reviewed 29 June 2022	8. Reviewed 25 February 2026