

Pursuant to S5.42 of the Local Government Act and other enabling legislation, Council by Absolute Majority delegates to the Chief Executive Officer the exercise of its powers and discharge of its duties in respect of the items listed hereunder:

Delegations to Chief Executive Officer

The following powers and duties have been delegated to the Chief Executive Officer by the Council of the local government of the Shire of Ngaanyatjaraku.

<i>No</i>	1	<i>Date Adopted</i>	Jun-98	<i>Date Reviewed</i>	2 June 00
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References Local Government Act 1995 (as amended) - S5.42
Local government Act 1995 (as amended) - S2.7(2)(b)

Subject **Members - Provision of Supplies**

Actual Delegation To assist Council members in the conduct of their duties, the Chief Executive Officer is authorised to provide members with documents and goods.

Conditions None

<i>No</i>	2	<i>Date Adopted</i>	Jun-98	<i>Date Reviewed</i>	2 June 00
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References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995(as amended) - S3.18(3) and S3.21

Subject **Provision of Services or Facilities**

Actual Delegation Council delegate authority and power to the Chief Executive Officer to undertake executive functions relating to the provisions of services or facilities.

Conditions The services and facilities to be included in the forward plans and conform to the requirements of Sections 3.18(3) and 3.21 of the Local Government Act.

<i>No</i>	3	<i>Date Adopted</i>	Jun-98	<i>Date Reviewed</i>	2 June 00
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References Local Government Act 1995 (as amended) - S9.10
Other Acts and Local Laws

Subject **Appointment of Authorised Persons**

Actual Delegation Council delegate its authority and power to the Chief Executive Officer to appoint persons or classes of persons in relation to enforcement and legal proceedings.

Conditions Refer Local Government Act 1995 (as amended) S9.23. Dog Act 1976, Bushfire Act 1954, Health Act 1911, Local Laws and Council Policy (if any).

No 4 **Date Adopted** Jun-98 **Date Reviewed** 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S9.1 & S9.4

Subject **Administration of Local Laws**

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to administer its local laws (if any) and initiate legal action if considered necessary.

Conditions S.9.1 Regard to be taken of any Council Policy (if any) in respect to the particular subject and and 9.4 of the L.G.Act.

No 5 **Date Adopted** Jun-98 **Date Reviewed** 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.38

Subject **Annual Performance Reviews**

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to ensure that the performance of each employee who is employed for a term of more than one (1) year is to be reviewed at least once in relation to every year of employment. The Council will undertake an annual Performance Review of the Chief Executive Officer.

Conditions Chief Executive Officer to undertake an annual review of Senior Officers and to make appropriate arrangements for Annual Performance Reviews of other employees.

No 6 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - Part 5 Division 5

Subject

Annual Reports and Plan of Principal Activities

Actual Delegation

Council delegates authority to Chief Executive Officer to prepare an annual report for each financial year and the Plan of Principle Activities for the next four or more financial years and once these have been accepted by Council to take the necessary action pursuant to S.5.55, 5.57, 5.58 of the Local Government Act.

Conditions

None

No 7 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42
Part 4 Elections and Other Polls

Subject

Delegation of Power - Promotion of Elections

Actual Delegation

The Chief Executive Officer is the Returning Officer for the conduct of Elections and Polls and the Council delegates its authority to the Chief Executive Officer to take the necessary action to promote the conduct of elections and polls.

Conditions

None

No 8 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42

Subject

Delegation of Power

Actual Delegation

In the absence, for any reason of the appointed Chief Executive Officer, the officer authorised to exercise delegations is the person acting as Chief Executive Officer which shall be the Social Justice Project Development Officer.

Conditions

None

No 9 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.42(1)

Subject

Management-Engagement of professional services

Actual Delegation

Council delegates its authority to the Chief Executive Officer to take the action deemed necessary with the view to engaging the services of legal advisers, valuers and media consultants to provide the appropriate services to facilitate and/or promote the conduct of Council business.

Conditions

None

No 10 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.48

Subject

Long Service Leave

Actual Delegation

Council delegates authority to the Chief Executive Officer to consider and decide on applications received from employees under the Local Government (Long Service Leave) Regulations.

Conditions

Chief Executive Officer to ensure operations of Council will not be unduly hindered by absence on long service leave of the applicant.

No 11 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References

Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S6.10

Subject

Receipt of Revenue

Actual Delegation

Council delegates its authority and power to the Chief Executive Officer to receive revenue or income from rates, service charges, fees and charges, borrowings, investments or any other source authorised by or under the Local Government Act or any other written law, or from dealings in property or grants or gifts.

Conditions

Clause 5 of the Local Government (Financial Management) Regulations 1996.

No 12 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References Local Government Act 1995 - S5.47

Subject Superannuation

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to provide superannuation and other benefits for its employees.

Conditions As required by law.

No 13 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.42(1)

Subject Administration-Execution and affixing of Common Seal to documents

Actual Delegation Notwithstanding the provisions of Section 9.49 of the Local Government Act, the Chief Executive Officer is authorised to affix the Common Seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council.

Conditions Council to be notified has completed documents via a report to be submitted to each Council meeting.

No 14 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local government Act 1995 (as amended) - S5.50

Subject Payment to employees in addition to contract or award

Actual Delegation Council delegates to the Chief Executive Officer authority to implement Council's Policy relating to gratuities to officers and employees who are retiring.

Conditions None

No 15 ***Date Adopted*** Jun-98 ***Date Reviewed*** 2 June 00

References Local Government Act 1995 (as amended) - S6.12

Subject **Granting of Concessions**

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to grant concessions in relation to fees, levies or charges by the Council for the use of its facilities and services.

Conditions Refer Council Policy

No 16 ***Date Adopted*** Jun-98 ***Date Reviewed*** 2 June 00

References Local Government Act 1995 - S6.10 and Local Government (Financial Management)

Subject **Payment from Trust and Municipal Funds**

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to make payment from the Trust and Municipal Funds

Conditions Refer to Local Government (Financial Management) Regulation 13.

No 17 ***Date Adopted*** Jun-98 ***Date Reviewed*** 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S5.42(1)

Subject **Application for donations or financial assistance**

Actual Delegation Council delegates to the Chief Executive Officer authority and power to consider applications received for financial assistance and make the appropriate donation/contribution.

Conditions Council to be notified of the results of applications received and donations/contributions made if appropriate.

Where applications are received for financial assistance/contribution the Extended Executive Functions Test shall be applied.

No 18 **Date Adopted** Jun-98 **Date Reviewed** 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S6.14, 6.15

Subject Investments

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to invest money held in the municipal or trust funds that is not required for the time being for any purposes in accordance with part III of the Trustees Act 1962 or in an investment approved by the Minister.

Conditions (i) to establishing document internal control procedures to be followed to ensure control over the investments;
(ii) compliance with Clause 19(2) Local Government (Financial Management) Regulations
1996.

No 19 **Date Adopted** Jun-98 **Date Reviewed** 2 June 00

References Local Government Act 1995 (as amended) - S5.42
Local Government Act 1995 (as amended) - S3.57

Subject Tenders for Works and Services exceeding \$50,000; acceptance of quotations or tenders not exceeding \$50,000.

Actual Delegation Council delegates its authority and power to the Chief Executive Officer to call quotations and tenders in the following circumstances:
(i) tenders for works or services prior to entering into contract with others in respect to supply of goods or services exceeding \$50,000;
(ii) quotations or tenders for the provision of works or services not exceeding a value of \$50,000 and to accept what is deemed the most advantageous quotation or tender.

Conditions None

No 20 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References Telecommunications Act 1991. Telecommunications National Code 1996.

Subject **Telecommunication Proposals Lodged in Accordance with the Telecommunications Act**

Actual Delegation Council delegate its authority and power to the Chief Executive Officer
(I) to consult with telecommunication carriers regarding disagreement with impact classifications, level of notification consultation and requirements for additional information.

(ii) the authority to comment on low impact facilities which are the subject of notification

No 21 *Date Adopted* Jun 98 *Date Reviewed* 2 June 00

References Local Government (Miscellaneous Provisions) Act 1960 - S374
Building Regulations 1989 - Cl 14 and 16

Subject **Building Licences**

Actual Delegation Council delegate its authority and power to the Chief Executive Officer in respect of:
1. Approval or refusal of plans and specifications relating to applications for building licences and the authority to issue or refuse building licences, including the authority to impose conditions as appropriate.
2. The authority to extend, for a period not exceeding six months, time for an applicant who has been issued a licence, to complete construction.
3. The authority to approve or refuse amended plans and/or specifications including the authority to impose conditions as appropriate.

Conditions
Council's
i) Subject to the provisions of Section 374 of the Local Government (Miscellaneous Provisions) Act 1960, and subject to the relevant Building Codes, Local Laws (if any),
Policies and specific resolutions of the Council.

No 22 *Date Adopted* Jun 98 *Date Reviewed* 2 June 00

References Local Government Act 1995 - S3.25

Subject **Building - Notices**

Actual Delegation Council delegate its authority and power to the Chief Executive Officer to issue notices pursuant to Section 3.25 of the Local Government Act 1995.

Conditions
(a) Subject to the express provisions contained in the Act, Council's Policies and Resolutions of Council.
(b) applicant being advised of objection and/or appeal rights.

No 23 *Date Adopted* Jun-98 *Date Reviewed* 2 June 00

References Health Act 1911 - Parts IV, V, VI, VII, VIIA, VIII, IX , XV

Subject **Administration of the Health Act 1911 and Relevant Regulations**

Actual Delegation The exercise and discharge of all the following powers and functions of the Shire under the Health Act 1911 (as amended)

1. The forming of opinions and making of declarations;
2. The grant and issue of licenses, permits, certificates and approvals;
3. The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions;
4. The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made thereunder.

Conditions (if any). (a) Subject to the provisions of the Health Act, Local Laws (if any) and Council Policies (if any).

Pursuant to S5.44 of the Local Government Act Chief Executive Officer delegates to employees of the local government, powers or duties as detailed in Delegations Re-assigned by the Chief Executive Officer to authorise specific employees to perform certain functions.

Delegations Re-Assigned by Chief Executive Officer

Pursuant to the provisions of S5.44 of the Local Government Act 1995 (as amended), the Chief Executive Officer had delegated the exercise of the following powers and duties assigned to the Chief Executive Officer by the Council of the local government of the Shire of Ngaanyatjarraku.

The exercise of the powers and duties delegated to employees is subject to:

- (i) The conditions imposed by the Council of the local government of the Shire of Ngaanyatjarraku on the delegation to the Chief Executive Officer.
- (ii) Employees exercising the delegation assigned keeping a written record of:
 - (a) how the person exercised the power or discharged the duty;
 - (b) when the person exercised the power or discharged the duty; and
 - (c) 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.

No 21 *Date Adopted* Jun 98 *Date Delegation*
2 June 00
Re-Assigned

References Local Government (Miscellaneous Provisions) Act 1960 - S374

Subject

Building Licences

Actual Delegation

Council delegate its authority and power to the Shire Building Surveyor in respect of:
1. Approval or refusal of plans and specifications relating to applications for building licences and the authority to issue or refuse building licences, including the authority to impose conditions as appropriate.

2. The authority to extend, for a period not exceeding six months, time for an applicant who has been issued a licence, to complete construction.

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3. The authority to approve or refuse amended plans and/or specifications including authority to impose conditions as appropriate.

Conditions

Council's

i) Subject to the provisions of Section 374 of the Local Government (Miscellaneous Provisions) Act 1960, and subject to the relevant Building Codes, Local Laws (if any),

Policies and specific resolutions of the Council.

No 22

Date Adopted

Jun- 98

Date Delegation

2 June 00

Re-

Assigned

References

Local Government Act 1995 - S3.25

Subject

Building - Notices

Actual Delegation

Council delegate its authority and power to the Chief Executive Officer to issue notices pursuant to Section 3.25 of the Local Government Act 1995.

Conditions

(a) Subject to the express provisions contained in the Act, Council's Policies and Resolutions of Council.

(b) applicant being advised of objection and/or appeal rights.

No 23

Date of Delegation to CEO

Jun-98

Date Delegation

2 June 00

Re-Assigned

References

Health Act 1911 - Parts IV, V, VI, VII, VIIA, VIII, IX , XV

Title of Delegation

Administration of the Health Act 1911 and Relevant Regulations

Actual Delegation

The exercise and discharge of all the following powers and functions of the Shire under the Health Act 1911 (as amended)

1. The forming of opinions and making of declarations;
2. The grant and issue of licenses, permits, certificates and approvals;
3. The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions;
4. The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made thereunder.

Conditions

(a) Subject to the provisions of the Health Act, Local Laws and Council Policies.

