



City of
Wanneroo

Chief Executive Officer Delegated Authority Register

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Daniel Simms

Chief Executive Officer: _____

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1. ENTRY ANY LAND, PREMISES OR THING IN AN EMERGENCY

Function to be performed:	In an emergency a local government may lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considers appropriate to deal with the emergency as determined by the Chief Executive Officer.
Power or Duty Assigned:	Section 3.34(1) and (2) of the Local Government Act 1995
Power to Delegate:	s5.44 of the Local Government Act 1995
Chief Executive Officer delegates to:	Director Community Development Director Infrastructure Director Planning & Sustainability
Delegation:	The above officers are delegated the CEO's power under s3.34(2) of the Local Government Act 1995 to determine an emergency exists and therefore the circumstance are such that compliance with the requirements for obtaining entry other than under S3.34 would be impractical or unreasonable because of, or because of the imminent risk of – (a) injury or illness to a person; (b) a natural or other disaster or emergency; or (c) such other occurrence as is prescribed for the purposes of this section.
Reporting Requirements	Details of decisions made to enter property under this delegation are to be retained on the appropriate file and a report provided to the CEO. <i>Financial Interest Returns Required - Yes</i>

2. REPRESENTING LOCAL GOVERNMENT IN COURT

Function to be performed	The Chief Executive Officer may appoint an employee to represent the local government in proceedings either generally or in a particular case.
Legislative power or duty delegated	Section 9.29(2) Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	All Directors
Delegation	All Directors are delegated the power to appoint an employee to represent the local government in proceedings either generally or in a particular case, subject to section 9.29 of the Local Government Act 1995.
Conditions and Exceptions:	The exercise of the delegated power does not include the power of delegation. The appointment is to be in writing signed by the Director.
Reporting Requirements:	The authorisations to be recorded on the appropriate file and the person's personnel file. A copy of the written authorisation to be forwarded to Governance for recording in the "Authorised Officers" Register. <i>Financial Interest Returns Required - Yes</i>

3. CERTIFYING DOCUMENTS

Function to be performed	The authorising of an employee for the purpose of certifying a local law of the City or any other document of or adopted by it to be a true copy.
Legislative power or duty delegated	Section 9.31 Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	All Directors
Delegation	All Directors are delegated the power to appoint persons to be authorised for the purpose of certifying a document to be a true copy, subject to section 9.31 of the Local Government Act 1995.
Conditions and Exceptions	<p>The exercise of the delegated power does not include the power of delegation.</p> <p>The authorisation is to be in writing signed by the Director.</p>
Reporting Requirements	<p>The authorisations to be recorded on the appropriate file and the person's personnel file.</p> <p>A copy of the written authorisation to be forwarded to Governance for recording in the "Authorised Officers" Register.</p> <p><i>Financial Interest Provisions Required - Yes</i></p>

4. ACCOUNTS AND RECORDS

Function to be performed	The CEO has a duty – (a) to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and (b) to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.
Legislative power or duty delegated	Section 6.5 Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy & Performance
Delegation	The above Officer is delegated the duty (a) to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and (b) to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.
Conditions and Exceptions	The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	The accounts and records kept are to be retained in the appropriate record. <i>Financial Interest Provisions Required - Yes</i>

5. DOCUMENTS, HOW AUTHENTICATED

Function to be performed	A document is, unless the <i>Local Government Act 1995</i> requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign
Legislative power or duty delegated	Section 9.49 Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Authorised Persons	All Directors City Lawyer (added 15 April 2011)
Authorisation	The above Officers are authorised to sign documents on behalf of the City without the common seal.
Conditions and Exceptions	The authorisation is subject to a requirement in the Local Government Act 1995 that the common seal be affixed to a document. This delegation is limited to executive functions, not landowner. City of Wanneroo Management Procedure “Signing Category 2 & 3 Documents” The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	Signed documents are to be retained in the appropriate record. <i>Financial Interest Provisions Required - Yes</i>

6. RATEABLE PROPERTY: OWNERSHIP AND OCCUPATION

Function to be performed	If an enrolment eligibility claim is made in respect of rateable property situated in one ward and partly in another ward, it is to be regarded for the purposes of that claim as being in – (i) the ward nominated by the owner or occupier making the claim; or (ii) if no nomination is made, the ward determined by the CEO.
Legislative power or duty delegated	Section 4.31(1)(b)(ii) Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy & Performance
Delegation	The above Officer is delegated the authority to make a determination on an enrolment eligibility claim where no nomination of a ward is made.
Conditions and Exceptions	Subject to section 4.31 of the Local Government Act 1995. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	All documentation relative to the claim are to be retained as required by legislation. <i>Financial Interest Provisions Required - Yes</i>

7. ELIGIBILITY CLAIM TO ENROL UNDER SECTION 4.30

Function to be performed	Within 14 days after receiving the claim the CEO is to decide whether or not the claimant is eligible under section 4.30(1)(a) and (b) and accept or reject the claim accordingly.
Legislative power or duty delegated	Section 4.32(4) Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy & Performance
Delegation	The above Officer is delegated the authority to accept or reject an eligibility enrolment claim submitted under section 4.30(1)(a).
Conditions and Exceptions	Subject to section 4.32 of the Local Government Act 1995. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	All documentation relative to the claim is to be retained as required by legislation. <i>Financial Interest Provisions Required - Yes</i>

8. ELIGIBILITY TO ENROL UNDER SECTION 4.30 HAS ENDED

Function to be performed	The CEO may decide that a person is no longer eligible under section 4.30 to be enrolled to vote at elections for a district or ward if – (a) the person has given the CEO written notice that the person is no longer eligible to be so enrolled; (b) the CEO is satisfied that the person is dead; or (c) the CEO is satisfied that the person is no longer eligible to be so enrolled.
Legislative power or duty delegated	Section 4.35(1) and (6) Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy & Performance
Delegation	The above Officer is delegated the authority to decide that a person is no longer eligible under section 4.30 to be enrolled to vote at elections for a district or ward.
Conditions and Exceptions	Subject to section 4.35 of the Local Government Act 1995. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	All documentation relative to the decision is to be retained as required by legislation. <i>Financial Interest Provisions Required - Yes</i>

9. EMPLOYMENT OF A PERSON BY THE LOCAL GOVERNMENT

Function to be performed	A person is not to be employed by a local government in any other position unless the CEO – (a) believes that the person is suitably qualified for the position; and (b) is satisfied with the proposed arrangements relating to the person’s employment.
Legislative power or duty delegated	Section 5.36(3) Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	All Directors
Delegation	The above Officers are delegated the authority to be satisfied that a person is qualified for a position and be satisfied with the proposed arrangements relating to the person’s employment.
Conditions and Exceptions	Subject to section 5.40 of the Local Government Act 1995 and adopted employment practices. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	All documentation relative to the person’s employment are to be retained as required by legislation. <i>Financial Interest Provisions Required - Yes</i>

10. LIMITS ON RIGHT TO INSPECT LOCAL GOVERNMENT INFORMATION

Function to be performed	<p>A person's right to inspect information referred to in section 5.94 does not extend to the information –</p> <p>(a) which is not current at the time of inspection; and</p> <p>(b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of the local government's resources away from its other functions.</p> <p>A person's right to inspect information referred to in paragraphs (n) or (p) of section 5.94 does not extend to the inspection of information if the meeting or that part of the meeting –</p> <p>(a) was closed to members of the public; or</p> <p>(b) in the CEO's opinion, could have been closed to members of the public but was not closed.</p>
Legislative power or duty delegated	<p>Section 5.95(1) and (3) Local Government Act 1995</p>
Legislative power to Delegate	<p>Section 5.44, Local Government Act 1995</p>
Delegation to:	<p>Director Corporate Strategy & Performance Manager Governance & Executive Services</p>
Delegation	<p>The above Officer is delegated the authority to deny a persons the right to inspect information referred to in section 5.94 which is not current at the time of inspection and would divert a substantial and unreasonable portion of the local government's resources away from its other functions or was closed to members of the public or could have been closed to members of the public but was not closed.</p> <p>.</p>
Conditions and Exceptions	<p>Subject to section 5.95 of the Local Government Act 1995 and the Freedom of Information Act.</p> <p>The exercise of the delegated power does not include the power of delegation.</p>
Reporting Requirements	<p>All documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed.</p> <p><i>Financial Interest Provisions Required - Yes</i></p>

11. PUBLIC INSPECTION OF CERTAIN DOCUMENTS RELATING TO COUNCIL OR COMMITTEE MEETINGS

Function to be performed	<p>A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —</p> <p>(a) are to be tabled at the meeting; or</p> <p>(b) have been produced by the local government or a committee for presentation at the meeting, and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.</p> <p>(2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).</p>
Legislative power or duty delegated	Regulation 14 Local Government (Administration) Regulations 1996
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy & Performance Manager Governance & Executive Services
Delegation	The above Officer is delegated the authority to deny a person the right to inspect information in notice papers for Council or Committee meetings if in the Officer's opinion the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.
Conditions and Exceptions	<p>Subject to Regulation 14 Local Government (Administration) Regulations 1996.</p> <p>The exercise of the delegated power does not include the power of delegation.</p>
Reporting Requirements	<p>All documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed.</p> <p><i>Financial Interest Provisions Required - Yes</i></p>

12. DESTRUCTION OF LOCAL GOVERNMENT ELECTION MATERIAL

Function to be performed	Regulation 82(4) of the <i>Local Government (Elections) Regulations 1997</i> states as follows: <i>“If, after the period mentioned in sub regulation 9(3), the parcels are to be destroyed, the destruction is to be carried out by or under the supervision of the CEO in the presence of at least 2 employees.”</i>
Legislative power or duty delegated	Regulation 82(4) Local Government (Elections) Regulations 1997
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Manager Governance & Executive Services
Delegation	The above Officer is delegated the authority to carry out or supervise the destruction of election material in accordance with Regulation 82 of the Local Government (Elections) Regulations 1997.
Conditions and Exceptions	The authorisation is subject to the requirements of the State Records Act 2000 and its subsidiary legislation. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements	Disposal Authority Approval to be recorded by the City’s Archivist as appropriate <i>Financial Interest Provisions Required - Yes</i>

13. DETERMINATION OF ISSUES RELATED TO EMPLOYMENT OF MR MICHAEL SIMMS

Function to be performed	The determination of all issues related to the employment of Mr Michael Simms as an officer of the City of Wanneroo.
Legislative power or duty delegated	Section 5.41(g), Local Government Act 1995
Legislative power to Delegate	Section 5.44, Local Government Act 1995
Delegation to:	Director Corporate Strategy and Performance
Delegation	The above Officer is delegated the authority to determine all issues related to the employment of Mr Michael Simms as an officer of the City of Wanneroo, including (but not limited to) HR and compliance.
Conditions and Exceptions	<p>This delegation will lapse in the event that Mr Michael Simms ceases to be employed by the City of Wanneroo.</p> <p>The exercise of the delegated power does not include the power of delegation.</p>
Reporting Requirements	<p>All documentation relevant to Mr Simms' employment is to be retained as required by legislation.</p> <p><i>Financial Interest Provisions Required - Yes</i></p>