

City of Melville Review of Council Delegations 2020 - Summary of Recommendations

Council Delegation Number	Council Delegation Title	Statutory Power or Duty	Delegation Power	Review recommendation - Council delegation	Recommended delegation changes and reasons
DA-006	Unvested Facilities	Local Government Act s.3.53(3)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-007	Leasing/Licensing of Property	Local Government Act s. 3.58	Local Government Act s.5.42(1)(a)	Substantive Amendment	Amend to rationalise overlapping delegations recorded in DA-009, DA-011 and DA-087, related to disposal by lease/licence and administration of leases/licences.
DA-008	Disposition of Land and other assets	Local Government Act s.3.58, 3.59	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-009	Negotiation of Community & Sporting Rentals/Leases and Management Licences	Local Government Act s.3.58	Local Government Act s.5.42(1)(a)	Revoke	DA-009 is merely a special case of the powers granted under DA-007 and not a separate statutory power. Rationalise into single instrument (DA-007)
DA-011	Assignment of Commercial Leases	Local Government Act s.3.58	Local Government Act s.5.42(1)(a)	Revoke	DA-011 relates to assignment of leases granted under DA-007 and "assignment" is not a separate statutory power of Council. Rationalise into single instrument (DA-007) dealing with disposal and lease administration
DA-012	Authority to sign construction documentation on behalf of the City of Melville	Local Government Act s.9.49A	None	Replace with authorisation	Not a specific statutory power of Council. Persons authorised to sign documents on behalf of the City must be authorised under s.9.49A(4) - replace with authorisation.
DA-015	Bonds for uncompleted works	Local Government (Uniform Local Provisions) Regulations 6, 11 and 17	Local Government Act s.5.42(1)(a)	Substantive Amendment	Amend title and description to clarify that the delegation relates to powers under the Local Government (Uniform Local Provisions) Regulations relating to work affecting thoroughfares and public places.
DA-016	Approvals under local laws	City of Melville Local Laws	Local Government Act s.5.42(1)(a)	Substantive Amendment	Amend to reflect terms used in local laws. Specify that the delegation includes the power to enforce the local laws.
DA-020	Planning and Related Matters	Local Planning Scheme #6 (including deemed provisions)	Planning and Development (Local Planning Scheme) Regulations Schedule 2 clause 82(1)	Substantive Amendment	Align description of delegation to that used in the WAPC delegations and legislative provisions. Clarify legislative references.
DA-022	Notices Bush Fires	Bush Fires Act s.59	Bush Fires Act s.59(3)	Substantive Amendment	Delegate the power to commence legal proceedings to the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer as provided by s.59(3) of the Bush Fires Act.
DA-023	Performance of functions under the Bush Fires Act 1954	Bush Fires Act 1954	Bush Fires Act s.48(1)	No substantive change	Convert to new format only
DA-024	Senior employees	Local Government Act s.5.37 Local Government (Administration) Regulations Regulation 18A	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-026	Determination of criteria for acceptance of tenders and pre-qualified supplier panels	Local Government (Functions and General) Regulations Regulations 14(2a) and 24AD(3)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-027	Rejecting and accepting tenders, expressions of interest and/or applications for pre-qualified supplier panels	Local Government Act s.3.57; 9.49B	Local Government Act s.5.42(1)(a)	Substantive Amendment	Remove inconsistent wording to clarify annual financial threshold, delete reference to capital projects; delete reference to Expressions of Interest in title and description (this is covered under DA-030). Correct title of DA-028.

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DA-028	Contract variations and selection of next successful tenderer	Local Government (Functions and General) Regulations Regulations 20 and 21A	Local Government Act s.5.42(1)(a)	Substantive Amendment	Simplify description of power being delegated and align with wording of regulations. Remove minor variation limitation of 5% of contract value which is inconsistent with the regulation and amend reference to risk.
DA-030	Consideration of expressions of interest to supply products of services	Local Government (Functions and General) Regulations 1996 Regulation 23(3)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-031	Reimbursement of expenses and payment of cash advances	Local Government Act s5.101(2)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-032	Granting of a concession or writing off debts owned to the Council	Local Government Act s.6.12(1)(b)	Local Government Act s.5.42(1)(a)	Minor Amendment	Specify that this delegation is separate to DA-115 (Community Partnership Fund concessions) which is a special and limited version of this delegated power.
DA-033	Power to invest	Local Government Act s.6.14(1)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-035	Payment of accounts from municipal or trust funds	Local Government Act s.6.7(2) and 6.9(2)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-036	Release of confidential information	Local Government Act s.5.95(7)	Local Government Act s.5.42(1)(a)	Minor Amendment	Amend the description to clarify that this power may be exercised only when Council has resolved that the information may be released but has not specified a release date.
DA-038	District boundary adjustment	Local Government Act s.2.1	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-039	Boundary review consideration of submissions and conduct of review	Local Government Act Schedule 2.2 cl.4	Local Government Act s.5.42(1)(a)	Revoke	Local Government Act Schedule 2.2 Clauses 4(1) and 4(4) are covered by the statutory functions of the CEO under s.5.41(a) of the Local Government Act to advise the council.
DA-044	Disputes between multiple local governments	Local Government Act s.9.63(1)	Local Government Act s.5.42(1)(a)	Substantive Amendment	Add a condition requiring the CEO to consult with the Mayor prior to referral of a dispute to the Minister, prohibit sub-delegation which is not appropriate in these circumstances.
DA-046	Notice to occupier requiring certain actions to be undertaken	Local Government Act s.3.25	Local Government Act s.5.42(1)(a)	Substantive Amendment	All the powers under sections 3.25 and 3.26 are inter-dependent. Amend to rationalise powers delegated under DA-046, DA-047 and DA-048 in a single delegation (DA-046).
DA-047	Additional powers when notice is given	Local Government Act s.3.26(2)	Local Government Act s.5.42(1)(a)	Transfer record	Record of delegation transferred to instrument DA-046
DA-048	Recovery of costs in performing an unactioned notice	Local Government Act s.3.26(3)	Local Government Act s.5.42(1)(a)	Transfer record	Record of delegation transferred to instrument DA-046
DA-049	Power to carry out works on private land	Local Government Act s.3.27(1)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-050	Notice of entry on to private land	Local Government Act sections 3.30, 3.31, 3.32, 3.34	Local Government Act s.5.42(1)(a)	Substantive Amendment	Remove reference to "authorise persons" as this power is conferred by s.9.10(1) and delegated under DA-055. Amend title and description to capture the entry powers provided in Par 3 Division 3 Subdivision 3 of the Act, including entry in an emergency (s.3.34)
DA-051	Making an opening in a fence	Local Government Act s.3.36	Local Government Act s.5.42(1)(a)	Minor Amendment	Add the word "prescribed" before "works" to align with legislative provision

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DA-052	Removal and impoundment of goods	Local Government Act s.3.39	Local Government Act s.5.42(1)(a)	Revoke	Section 3.39 does not confer the power to authorise. The power to authorise employees to perform functions is conferred by s.9.10 and delegated under DA-055.
DA-053	Authorisation to remove and impound goods	Local Government Act s.9.10 for purposes of s.3.40A(1); s.3.40A(4)	Local Government Act s.5.42(1)(a)	Substantive Amendment	Remove reference to authorisation. Section 3.40A does not confer the power to authorise. The power to authorise employees to perform functions is conferred by s.9.10 and delegated under DA-055.
DA-054	Sale and disposal of impounded and confiscated goods	Local Government Act s.3.47; 3.48(1)	Local Government Act s.5.42(1)(a)	Substantive Amendment	Amend to also delegate related power under s.3.46 to withhold impounded goods until costs paid. Edit description of power with respect to animals to align with statutory power delegated under s.3.48
DA-055	Appointment of authorised persons	Local Government Act s.9.10 Public Health Act s.24	Local Government Act s.5.42 Public Health Act s.21	Substantive Amendment	Remove record of delegation under s.24 of Public Health Act currently in instrument DA-055 to a new instrument of delegation (DA-124) to differentiate between similar delegations made under different statutory powers. Amend DA-055 title to cite Local Government Act (since similar delegations exist under other legislation) Allow for sub-delegation as per s.5.44 (Note that amendments to the Local Government Act will confer this power on the CEO when they commence operation.)
DA-061	Prosecutions, notices and legal proceedings - town planning matters	Planning and Development Act 2005 s.214(2), (3) & (5) Local Government (Uniform Local Provisions) Regulations Schedule 2 Part 10 Division 1 Powers of local government	Local Government Act s.5.42(1)(b) Local Government (Uniform Local Provisions) Regulations Schedule 2 clause 82(1)	Substantive Amendment	Other than section 214(2), (3) and (5) regarding the issuing of directions, which may be delegated under s.3.42 of the Local Government Act, there is no provision for a responsible authority to delegate its powers under Part 13 of the Planning and Development Act. Delegation is not required for infringements as this power is given by s.228 of the Act to designated officers appointed by the CEO under s.234. Since the Act does not specify who may commence prosecution, s.20 of the Criminal Procedure Act applies, under which an employee of a public authority is an authorised person for the purposes of commencing a prosecution under s.20(3) of that Act. No delegation is required for this function. Amend title to reflect powers being delegated.
DA-062	Notices - objections and appeals	Local Government Act Part 3, Division 3, Subdivision 2; Local Government (Uniform Local Provisions) Regulations Schedule 2 Part 10	Local Government Act s.5.42(1)(a)	Substantive Amendment	Remove reference to objections and appeals as these are not delegable powers. Remove reference to Part 3, Division 3 Subdivision 2 of the Local Government Act as this is already covered by DA-046. Add the power to grant, vary and renew permissions under the Local Government (Uniform Local Provisions) Regulations as this is related to the existing delegation of the power to issue notices under those Regulations.
DA-063	Management of land	Local Government Act s.3.54(1)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only

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DA-065	Establishment of offensive trades premises	City of Melville Health Local Laws Health (Miscellaneous Provisions) Act s.192	None	Replace with appointment	The Act does not contain delegation powers - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-067	Connection to sewer mains	Health (Miscellaneous Provisions) Act s.72	None	Replace with appointment	The Act does not contain delegation powers - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-068	Prosecutions legal proceedings Health Act 1911 s.26	Health (Miscellaneous Provisions) Act s.358(1)	None	Replace with appointment	The Act does not contain delegation powers - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-069	Health orders	Health (Miscellaneous Provisions) Act s.139	None	Replace with appointment	The Act does not contain delegation powers - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-070	Health Act licences and registrations	Health (Miscellaneous Provisions) Act s.139, s.178, 192, 357 City of Melville Health Local Laws	None	Replace with appointment	Not delegable powers unless delegation provided for in local laws - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-071	Public building occupancy	Health (Miscellaneous Provisions) Act s.178	None	Replace with appointment	The Act does not contain delegation powers - replace with appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-073	Delegations under the Food Act 2008	Food Act 2008	Food Act s.118(2)(b)	Substantive Amendment	Delete reference to sub-delegation as sub-delegations have not been prescribed by the Food Regulations. Delegate the enforcement agency functions directly to the Coordinator Environmental Health Services, the Senior Environmental Health Officer, and Manager Building and Environmental Health Services;
DA-074	Due date of rates and service charges	Local Government Act s.6.50	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-075	Actions against lessees of land where rates or service charges are unpaid	Local Government Act s.6.60(2)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-076	Lodgements of caveats against land where rates or service charges are unpaid	Local Government Act s.6.64(3)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-077	Actions in respect to land where rates or service charges are unpaid after three years	Local Government Act s.6.64	Local Government Act s.5.42(1)(a)	Substantive Amendment	Remove reference to lodging caveats over land as this is covered in DA-076
DA-079	Compensation to the owners of property	Local Government Act s.3.22	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-081	Thoroughfares	Local Government Act s.3.50; 3.50A	Local Government Act s.5.42(1)(a)	Minor Amendment	Amend title to reflect delegated powers relate to closure
DA-082	Revoke an order to close a thoroughfare	Local Government (Functions and general) Regulations 1996 Regulation 6(3)	Local Government Act s.5.42(1)(a)	Revoke	This power was contained in a transitional regulation that has ceased to have effect
DA-083	Fixing, altering or realigning a public thoroughfare	Local Government Act s.3.51(3) and (4)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-084	Local laws relating to residential parking permits	City of Melville Parking Local Law Part 5	Local Government Act s.5.42(1)(a)	Revoke	The power to issue parking permits is already delegated under DA-016

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DA-085	Parking control schemes	City of Melville Parking Local Law Clause 1.10	Local Government Act s.5.42(1)(a)	Minor Amendment	Remove the word "schemes" from title as it causes confusion; clarify statutory reference (Parking Local Law) and amend description to reflect the actual power being delegated as stated in the legislation.
DA-087	Commercial parking leases	Local Government Act s.3.58	Local Government Act s.5.42(1)(a)	Revoke	DA-087 is merely a special case of the powers granted under DA-007 and not a separate statutory power. Rationalise into single instrument (DA-007)
DA-088	Severance payment to employees	Local Government Act s.5.50(2)	Local Government Act s.5.42(1)(a)	No substantive change	Convert to new format only
DA-089	Grant of building permit	Building Act s.20	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-126
DA-090	Grant of demolition permit	Building Act s.21	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-126
DA-091	Refuse an application for building or demolition permit	Building Act s.22	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-126
DA-092	Impose conditions on permits	Building Act s.27	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-126
DA-093	Seek further information	Building Act s.55	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-127
DA-094	Grant occupancy permit or building approval certificate	Building Act s.58	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-127
DA-095	Impose conditions on occupancy permits and building approval certificate	Building Act s.62	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-127
DA-096	Extend period of duration	Building Act s.65	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-127
DA-097	Finishes of walls close to boundaries	Building Act s.88	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instruments DA-126 and DA-128
DA-098	Authorised persons	Building Act s.96(3)	Building Act s.127(1)	Substantive Amendment	Transfer into DA-098 the record of the delegation under Building Regulations r.70 to appoint authorised and approved officers for the purpose of the Criminal Procedure Act 2004 (currently recorded in instrument DA-123). This groups all appointment powers under the Building Act into a single instrument of delegation. Clarify legislative references and amend title to specify that this delegation relates to the Building Act.
DA-099	Building orders	Building Act s.110	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-128
DA-100	Notice of proposed building orders	Building Act s.111	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-128
DA-101	Revocation of building order	Building Act s.117	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-128
DA-102	Give effect to building order	Building Act s.118	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-128

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DA-103	Inspection and copies of building records	Building Act s.131	Building Act s.127(1)	Substantive Amendment	Extend to also delegate the power under s.129(2) to provide, on application, copies of permits, certificates and orders kept on the building register. Amend title accordingly.
DA-104	Extend period of duration for building or demolition permit	Building Regulations r.24	Building Act s.127(1)	Transfer record	Record of delegation transferred to new instrument DA-126
DA-105	Prosecutions, orders and legal proceedings - building matters	Building Act s.133	Building Act s.127(1)	Substantive Amendment	Remove redundant statements: authorised persons already have the statutory power to issue directions and infringements, further delegation is unnecessary. Align delegation with s.133 of the Act.
DA-106	Authority to appoint authorised persons under the Cat Act 2011	Cat Act s.48	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-107	Authority to notify a person of decision in relation to breeding of cats	Cat Act s.40	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-108	Authority to recover costs of having cat destroyed under the Cat Act 2011	Cat Act s.49	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-109	Authority to require an applicant to give documents of information relating to cat registration	Cat Act s.9(5)	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-110	Authority to cancel the registration of a cat	Cat Act s.10	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-111	Authority to refuse an application to breed cats if the applicant has received an infringement in the previous 12 months	Cat Act s.37	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-112	Authority to grant, renew or refuse an approval to breed application	Cat Act s.37	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-113	Authority to issue a cat control notice under the Cat Act 2011	Cat Act s.26	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-114	Authority to approve in writing an operator of a cat management facility	Cat Act s.37	Cat Act 2011 s.44	Revoke	Covered under new delegation DA-125
DA-115	Approval of non-monetary grants - Community Partnership Fund	Local Government Act s.6.12(1)(b)	Local Government Act s.5.42(1)(a)	Substantive Amendment	There is no statutory power held by Council to make "non-monetary grants". This is an informal name applied to a special limited application of the power to waive or grant a concession in relation to money owed (delegated more broadly under DA-032). Amend title and description to clarify the statutory power being delegated.
DA-117	Authority to sign documents	Local Government Act s.9.49A	None	Replace with authorisation	This is not a delegable power - Council must authorise signatories under s.9.49A(4). Council may not delegate the power to authorise signatories. Common seal element of delegation is already covered under the Act and Meeting Procedures Local Law. Replace with authorisation in accordance with s.9.49A(4)

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DA-121	Graffiti vandalism	Graffiti Vandalism Act 2016	Graffiti Vandalism Act s.16(1)	Substantive Amendment	Amend the delegation to cover all local government powers and duties under Part 3 of the Act - "administration" is not a defined statutory power. It is unclear from the current delegation wording that it includes the powers under s.25 (removal of graffiti on land not local government property) and Part 3 Division 4 (powers of entry)
DA-122	Delegation of powers and duties under the Dog Act 1976	Dog Act 1976	Dog Act 1976 s.10AA	No substantive change	Convert to new format only
DA-123	Appointment of authorised and approved officers for the purposes of the Criminal Procedure Act Part 2	Building Regs 2012 r. 70 Health (Asbestos) Regs r.15D for purposes of the Criminal Procedure Act Part 2	Building Act s.127(1) Health (Asbestos) Regs r.15D(7)	Transfer record	Transfer the component of this delegation made under the Building Regulations to DA-098 to keep similar delegated powers under the same legislation together
DA-124 New	Designation of authorised persons (Public Health Act)	Public Health Act s.24	Public Health Act s.21(1)(b)(i)	New instrument	Transfer existing delegation currently recorded in DA-055 to a new instrument of delegation to maintain separation between similar delegations under different legislation
DA-125 New	Delegation of duties and powers under the Cat Act 2011	Cat Act 2011	Cat Act 2011 s.44	New delegation	Improve administrative efficiency by rationalising narrow delegations DA-106, DA-107, DA-108, DA-109, DA-110, DA-111, DA-112, DA-113 and DA-114 into a single delegation of powers and duties required to register and manage cats and enforce the provisions of the Cat Act.
DA-126 New	Building and Demolition Permits	Building Act s.18, s.20, s.21, s.22, s.27, s.88 Building Regulations r.24	Building Act s.127(1)	New instrument	The powers under sections 20, 21, 22, 27 and 88 of the Building Act and r.24 of the Building Regulations are inter-dependent powers required for the function of regulating building and demolition permits under Part 2 Division 2 of the Building Act. This instrument incorporates into a single document the already delegated powers currently recorded in DA-089, DA-090, DA-091, DA-092, DA-097 (part) and DA-104. Add delegation of the power under section 18 to seek further information to determine a permit application.
DA-127 New	Occupancy Permits and Building Approval Certificates	Building Act s.55, s.58, s.62, s.65	Building Act s.127(1)	New instrument	The powers under sections 55, 58, 62 and 65 of the Building Act are inter-dependent powers required for the function of regulating occupancy permits and building approval certificates under Part 2 Division 3 of the Building Act. This instrument incorporates into a single document the already delegated powers currently recorded in DA-093, DA-094, DA-095 and DA-096.
DA-128 New	Building Orders	Building Act s.88, s.110, s.111, s.117, s.118	Building Act s.127(1)	New instrument	The powers under sections 88, 110, 111, 117 and 118 of the Building Act are inter-dependent powers required for the function of using building orders under Part 8 Division 5 of the Building Act. This instrument incorporates into a single document the already delegated powers currently recorded in DA-097 (part), DA-099, DA-100, DA-101 and DA-102.