

CITY OF ARMADALE

MINUTES

**OF COMMUNITY SERVICES COMMITTEE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 3
JUNE 2025 AT 7:00PM.**

Cr Silver declared the meeting open at 7:00pm

The City of Armadale acknowledge the Traditional Owners and the Custodians of the land upon which we stand, work and play. We acknowledge Aboriginal people as the First Peoples of this land and their connection to the lands and the waters, as they are part of them spiritually and culturally. We acknowledge their ancestors, the Elders past and present, who had led the way for us to follow in their footsteps and the emerging leaders of today and tomorrow.

PRESENT:

Cr M Silver (Chair)
Cr P A Hetherington (Deputy Chair)
Cr K Busby
Cr J Keogh
Cr S Stoneham

APOLOGIES:

Cr K Kamdar
Dr C M Wielinga

OBSERVERS:

Mayor R Butterfield
Cr L Sargeson
Cr G J Smith
Cr S J Mosey (*via Teams*)

IN ATTENDANCE:

Mr R Porter	A/Executive Director Community Services
Mr P Sanders	Executive Director Development Services
Mr J Lyon	Executive Director Corporate Services (<i>via Teams</i>)
Mr P Balley	A/Executive Director Technical Services (<i>via Teams</i>)
M C Halpin	Manager Recreation Services
Mr L Annese	Community Facilities & Recreation Coordinator
Mrs A Dunsmore	Community Facilities Officer - Agreements
Ms J Cranston	Executive Assistant Community Services

PUBLIC:

1

DISCLAIMER

As there were members of the public present, the Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was read.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 6 May 2025 be confirmed.

Moved Cr P A Hetherington

MOTION CARRIED

5/0

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 7 – May 2025

None of the items from the Community Services Information Bulletin required clarification or a report for a decision of Council.

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COMMUNITY SERVICES COMMITTEE

3 JUNE 2025

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1.1 - PARTIES TO THE LICENCE OF BRIAN O'NEILL RESERVE COMMUNITY CENTRE - RESERVE 5247, LOT 29 ON DEPOSITED PLAN 222071

WARD : ALL

FILE No. : M/188/25

DATE : 14 March 2025

REF : AD/LA

RESPONSIBLE : Executive Director
MANAGER Community Services

In Brief:

- Following Council decision (C1/12/24), a workshop was held in March 2025 which covered the proposed use of the reserve, as well as addressing the organisation names: Roleystone Men's Community Shed Inc. and Waterwheel Community Shed Inc.
- Waterwheel Community Shed Inc. have withdrawn their request for the development of a community garden and request to extend the licenced area.
- Authorise the Council adopt the officers recommendation as outlined in the report.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 1.1 A strong sense of community spirit
 - 1.1.1 Provide opportunities to connect individuals to each other and the wider community
 - 1.1.2 Build inter-dependent and resilient community groups
- 1.2 Active community life that is safe and healthy
 - 1.2.1 Recognise, value and support everyone
 - 1.2.2 Provide opportunities to improve health outcomes for everyone
- 1.3 The community has the services and facilities it needs
 - 1.3.1 Plan for services and facilities in existing and emerging communities
- 2.1 Attractive and functional public places

- 2.1.1 Deliver attractive and functional streetscapes, open spaces, City buildings and facilities
- 2.1.2 Protect and enhance the character of the City's spaces

Legal Implications

- *Local Government Act 1995*, section 3.58 –Disposing of Property
- *Local Government (Functions and General) Regulations 1996*, regulation 30(2) (b) – Dispositions of property excluded from Act
- *Land Administration Act 1997*, Part 4 – Reserves

Council Policy/Local Law Implications

Council Policy - Lease and License

Budget/Financial Implications

Nil

Consultation

1. Waterwheel Community Shed Inc.
2. Relevant City Departments
 - a. City Legal
 - b. Parks Operations

BACKGROUND

Brian O'Neill Memorial Reserve is located at 2 Waterwheel Road, Bedfordale and the reserve is Crown Land vested to the City through a Management Order (0955458). The Management Order is for the land use of "Recreation and Community Purposes" and the City has the power to lease or licence for any term not exceeding 21 years, subject to the consent of the Minister for Lands. Brian O'Neill Memorial Reserve Community Centre was built in 1985, and extended in 1994, as a purpose-built facility for the Bedfordale Volunteer Bushfire Brigade. Due to size and site constraints, Council considered the future location of the Bedfordale Bush Fire Brigade in August 2019, where it was resolved (C26/8/19) to investigate options for a new fire station site.

A part of the resolution was to consider;

- e) Potential future options for the current fire station.

In November 2020, Council endorsed (C37/11/20) Armadale Community Men's Shed Inc., and Roleystone Men's Community Shed Inc. as the preferred community groups to occupy the Brian O'Neill Memorial Reserve Community Centre at 2 Waterwheel Road, Bedfordale following the relocation of the Bedfordale Bush Fire Brigade to their new facility. Council resolved:

That Council:

1. *Authorise the Chief Executive Officer to submit a request to the Department of Planning, Lands and Heritage to amend the Management Order purpose of Reserve R5247, (known as Brian O'Neill Memorial Reserve) located at Lot 29 No. 2 Waterwheel Road, Bedfordale, from 'Bushfire Brigade Purposes & Recreation' to 'Public Recreation and Community Purposes' with a Power to Lease to facilitate the occupancy of Community Groups.*
2. *Authorise the Chief Executive Officer to lodge the required application forms and Statutory Declarations to progress Part 1 above, subject to the contamination investigation report being completed.*
3. *Endorse Armadale Community Men's Shed/Roleystone Men's Community Shed as the preferred community group to occupy the facility at 2 Waterwheel Road, Bedfordale, following its vacation by the Bedfordale Volunteer Bushfire Brigade.*
4. *Receive a further report as to:*
 - a. *Proposal for occupancy arrangements, including responsibilities for ongoing costs.*
 - b. *Scope of any proposed capital works, including a proposed funding model.*

In July 2021, Council endorsed (C22/7/21) the occupancy arrangements and responsibilities for ongoing costs for Armadale Community Men's Shed Inc. and Roleystone Men's Community Shed Inc. The peppercorn value of \$100 was split 50/50 between the two groups, with each group having to pay a rental fee of \$50.

In July 2022, Roleystone Men's Community Shed Inc. signed their licence with the City for the Brian O'Neill Memorial Reserve Community Centre. Armadale Community Men's Shed Inc. decided not to sign their respective licence primarily due to limited storage space for the amount of equipment owned as well as the distance from Armadale CBD. Officers met with Armadale Community Men's Shed to discuss solutions to the identified barriers, however, the group maintained their decision. This led to Roleystone Men's Community Shed Inc. being the sole occupants of the Brian O'Neill Memorial Reserve Community Centre.

In July 2023, Waterwheel Community Shed Inc. applied for consideration of a community garden at the premises. This was received by internal departments and initially placed on hold due to the review of the Community Garden Policy. It was also identified that the licenced area would need to be extended to allow for any approved community garden.

In December 2024, a report was presented to Council to consider the extension of the licenced area to include the grassed area to facilitate the development of a community garden at 2 Waterwheel Road, Bedfordale, where Council recommended that a workshop was to be coordinated to provide further information (C1/12/24).

The workshop was held in March 2025 and covered the proposed use of the reserve, as well as addressing organisation names: Roleystone Men's Community Shed and Waterwheel Community Shed Inc.

DETAILS OF PROPOSAL

Request for a Community Garden and Extension to Current Licenced Area

Waterwheel Community Shed Inc. have withdrawn their request for the development of a community garden and request to extend the licenced area at 2 Waterwheel Road, Bedfordale.

Parties to the Licence for Brian O'Neill Memorial Community Centre

The licence for the occupancy of Brian O'Neill Memorial Community Centre is currently between the City of Armadale and Roleystone Men's Community Shed Inc. It is proposed that the City and Roleystone Men's Community Shed Inc. mutually terminate the existing licence and the City enter into a new licence for the occupancy of Brian O'Neill Memorial Reserve Community Centre with Waterwheel Community Shed Inc. under the key terms outlined below:

Licensee	Waterwheel Community Shed Inc.
Licensed Area	<p><u>Land</u> Reserve 5247, Lot 29 on Deposited Plan 222071 being the whole of the land comprised in Crown Land Title Volume LR3009 Folio 196.</p> <p><u>Licensed Premises</u> The community facility constructed on the land and known generally as the Brian O'Neill Memorial Reserve Community Centre, including all structures, alterations, additions and improvements therein and adjoining car park as shaded in blue on the plan annexed hereto as Annexure 1.</p>
Term	Five (5) years with a further five (5) year option.
Commencement	The date on which the last party executing the licence executes the licence
Rent	\$50.00 per annum plus GST per annum, payable annually in advance.
Insurance	Licensee to be responsible for Public Liability Insurance and Workers Compensation Insurance to the value of \$20 Million.
Licensee responsibilities	<p>Cost of all claims resulting from the group's activities that fall within the City excess on building insurance (currently \$5,000 per incident);</p> <ul style="list-style-type: none"> • Insurance for any property or equipment owned by the licensee; • Insurance for community groups hiring spaces.
Outgoings	Licensee to be responsible for normal outgoings for occupied premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.
Permitted Purpose	Community Shed and uses reasonably ancillary thereto.
Additional Terms	<ul style="list-style-type: none"> • City to retain responsibility for the bio-waste and potable water systems under normal and compliant operations. Licensee to be responsible for any costs, which are not considered ordinary maintenance costs. • Notwithstanding subclause 4.2(1)(c) (Outgoings), the Licensee will only be responsible for eighty percent (80%) of outgoings related to electricity charges including but not limited to meter rents and the cost of installation of any meter(s) or wiring and the Licensor will be responsible for the remaining twenty percent (20%) of such electricity charges. • The Licensee agrees to provide to the Licensor: <ul style="list-style-type: none"> - a copy of the Licensee's audited annual statement of

	<ul style="list-style-type: none">accounts for each year;- advice of any changes in its office holders during the Term; and- any other information on the Licensee reasonably required by the Licensor• The Licensee agrees that it will not materially change its rules of association under the Associations Incorporations Act 2015.
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COMMENT

Organisation Names

Roleystone Men's Community Shed Inc. (A1015844L) and Waterwheel Community Shed Inc. (A1044295A) are two legally separate entities registered with the Department of Energy, Mines, Industry Regulation and Safety. Additionally, both of these entities have separate ABNs. Both organisations have the same office bearers, hold concurrent annual general meetings and have a similar purpose.

Roleystone Men's Community Shed Inc did not initially change their name to Waterwheel Community Shed Inc. for a variety of reasons including implications to existing grants, GST and charitable status. Officers understand that the intention was for Roleystone Men's Community Shed Inc. to be deregistered once all grants had been acquitted and once the existing licence was available for renewal.

Roleystone Men's Community Shed Inc. and Armadale Community Men's Shed Inc. first considered the name Waterwheel Community Shed Inc. when both organisations were anticipated to enter into a licence for the occupancy of Brian O'Neill Memorial Reserve Community Centre. Waterwheel Community Shed Inc. was considered to be reflective of the new facility location as it is situated on Waterwheel Road, Bedforddale. Additionally, Waterwheel Community Shed Inc's intention is to be inclusive to the entire community and shift the focus from being primarily male based. Although both organisations legally exist, the main operations and activities are conducted under Waterwheel Community Shed. It's important that the parties to the agreement are reflective of those who are conducting business at the licenced premises.

Disposition of Property

In accordance with section 3.58(5) of the Act and regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*, the disposition of the property (as in, a proposed licence to Waterwheel Community Shed Inc.) is a disposition that is exempt from the requirements of the Act because it is a disposition (lease, sale or otherwise dispose of) to an incorporated body the objects of which are charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members are not entitled or permitted to receive any pecuniary profit from the body's transactions. Accordingly, public notice is not required to be given.

Mutually Agreeing to Terminate the Current Licence and Enter into a New Agreement Under the Same Terms as Current Licence

The City and Roleystone Men's Community Shed Inc. can mutually agree to bring the current licence to an end for the purpose of entering into a new licence under the same terms as their current licence with Waterwheel Community Shed Inc.

The current licence expires in July 2027 with a further five year option available. The termination of the current licence could take effect once the new licence with Waterwheel Community Shed Inc. is executed to ensure that there is no lapse of time between the two agreements being in effect and reducing the associated risks.

This process is contingent on both the City and Roleystone Men's Community Shed Inc. being mutually agreeable to terminate the current licence for the purposes of entering into a new licence with Waterwheel Community Shed Inc. City officers met with the group and they have indicated that they are willing to mutually terminate the licence if the terms (with a minor amendment outlined below to electricity usage) remain the same. The group would be reluctant to terminate their current licence prior to its expiry if the City were to propose significant changes to the current terms. The City is unable to terminate the agreement with Roleystone Men's Community Shed Inc. unless it is mutually agreed or there is other cause.

Agreement Terms

Term

As per the Policy – Lease and Licence, it recommended that the term of the agreement be five years (5) with a 5 year option.

Rent

It is proposed that Waterwheel Community Shed Inc would pay \$50 per annum which is consistent with the current licence with Roleystone Men's Community Shed Inc. This deviates from the Policy - Lease and Licence which states that peppercorn rent is as determined annually in the City's Schedule of Fees and Charges. Peppercorn rent is \$104 within the 2024/25 Fees and Charges.

Outgoings

The group have recently enquired about the electricity usage at the Brian O'Neil Memorial Reserve. After investigation, it has been discovered that the group are paying 100% electricity costs for the whole premises, which includes the on-site bore, which primarily services the building (responsibility of the group) but also the irrigation on the reserve (responsibility of the City). After consultation with the City's Parks Department, an estimate was provided that the irrigation of the reserve would use approximately 20% of the overall power consumption. As part of the updated key terms, it's being proposed to reflect this change in outgoings of electricity. Officers understand the group are agreeable to this proposal.

Management Order

The Management Order allows for Council to lease or licence this property for "Recreation and Community Purposes" which is consistent with the purposes of Waterwheel Community Shed Inc. and Roleystone Men's Community Shed Inc. The City will be required to apply to the Minister of Lands for approval.

OPTIONS

That Council:

1. Notes that Waterwheel Community Shed Inc. have withdrawn their request for development of a community garden and corresponding request to the extend the licenced area.

2. Pursuant to section 18(7) of the *Land Administration Act 1997*, authorise the CEO to obtain the approval of the Minister for Lands for the purpose of –
 - (a) disposal of a portion of Reserve 5247, Part Lot 29 on Deposited Plan 222071, Brian O'Neill Memorial Reserve Community Centre to the Waterwheel Community Shed Inc. by way of licence in accordance with section 3.58 of the *Local Government Act 1995* and regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*;
3. Terminates the existing user licence with Roleystone Community Men's Shed Inc. granted by Council on 12 July 2021 (C22/7/21) on the day the licence agreement is executed by the parties.
4. Does not proceed with a licence with Armadale Community Men's Shed.
5. Endorse the key terms as outlined below and in accordance with section 9.49A of the *Local Government Act 1995*, authorise the Mayor and Chief Executive Officer to execute the licence document on behalf of the local government and apply the City's Common Seal; and

Licensee	Waterwheel Community Shed Inc.
Licensed Area	<u>Land</u> Reserve 5247, Lot 29 on Deposited Plan 222071 being the whole of the land comprised in Crown Land Title Volume LR3009 Folio 196. <u>Licensed Premises</u> The community facility constructed on the land and known generally as the Brian O'Neill Memorial Reserve Community Centre, including all structures, alterations, additions and improvements therein and adjoining car park as shaded in blue on the plan annexed hereto as Annexure 1.
Term	Five (5) years with a further five (5) year option.
Commencement	The date on which the last party executing the licence executes the licence
Rent	\$50.00 per annum plus GST per annum, payable annually in advance.
Insurance	Licensee to be responsible for Public Liability Insurance and Workers Compensation Insurance to the value of \$20 Million.
Licensee responsibilities	Cost of all claims resulting from the group's activities that fall within the City excess on building insurance (currently \$5,000 per incident); <ul style="list-style-type: none"> • Insurance for any property or equipment owned by the licensee; • Insurance for community groups hiring spaces.
Outgoings	Licensee to be responsible for normal outgoings for occupied premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.
Permitted Purpose	Community Shed and uses reasonably ancillary thereto.
Additional Terms	<ul style="list-style-type: none"> • City to retain responsibility for the bio-waste and potable

	<p>water systems under normal and compliant operations. Licensee to be responsible for any costs, which are not considered ordinary maintenance costs.</p> <ul style="list-style-type: none">• Notwithstanding subclause 4.2(1)(c) (Outgoings), the Licensee will only be responsible for eighty percent (80%) of outgoing charges related to electricity charges including but not limited to meter rents and the cost of installation of any meter(s) or wiring and the Licensor will be responsible for the remaining twenty percent (20%) of such electricity charges.• The Licensee agrees to provide to the Licensor:<ul style="list-style-type: none">- a copy of the Licensee's audited annual statement of accounts for each year;- advice of any changes in its office holders during the Term; and- any other information on the Licensee reasonably required by the Licensor• The Licensee agrees that it will not materially change its rules of association under the Associations Incorporations Act 2015.
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6. Authorise the Chief Executive Officer to undertake any additional administrative actions required to give effect to Council's resolution.
7. Do nothing.

CONCLUSION

Roleystone Men's Community Shed Inc. and Waterwheel Community Shed Inc. are two legally separate entities. Mutually agreeing to terminate the existing licence with Roleystone Men's Community Shed Inc. and entering into a new licence with Waterwheel Community Shed Inc. ensures that the appropriate organisation is party to the licence.

The key terms of the proposed new licence agreement with Waterwheel Community Shed Inc. are consistent with Roleystone Men's Community Shed Inc's existing licence with a minor change to outgoing charges.

Options 1, 2, 3, 4, 5 and 6 are recommended for reasons outlined in the report.

ATTACHMENTS

There are no attachments for this report.

RECOMMEND

C1/6/25

That Council:

1. **Notes that Waterwheel Community Shed Inc. have withdrawn their request for development of a community garden and corresponding request to the extend the licenced area.**

2. Pursuant to section 18(7) of the *Land Administration Act 1997*, authorise the Chief Executive Officer to obtain the approval of the Minister for Lands for the purpose of –
 - (a) disposal of a portion of Reserve 5247, Part Lot 29 on Deposited Plan 222071, Brian O'Neill Memorial Reserve Community Centre to the Waterwheel Community Shed Inc. by way of licence in accordance with section 3.58 of the *Local Government Act 1995* and regulation 30(2)(b) of the *Local Government (Functions and General) Regulations 1996*;
3. Terminates the existing user licence with Roleystone Community Men's Shed Inc. granted by Council on 12 July 2021 (C22/7/21) on the day the licence agreement is executed by the parties.
4. Does not proceed with a licence with Armadale Community Men's Shed.
5. Endorse the key terms as outlined below and in accordance with section 9.49A of the *Local Government Act 1995*, authorise the Mayor and Chief Executive Officer to execute the licence document on behalf of the local government and apply the City's Common Seal; and

Licensee	Waterwheel Community Shed Inc.
Licensed Area	<p><u>Land</u> Portion of Reserve 5247, Lot 29 on Deposited Plan 222071 being the whole of the land comprised in Crown Land Title Volume LR3009 Folio 196.</p> <p><u>Licensed Premises</u> The community facility constructed on the land and known generally as the Brian O'Neill Memorial Reserve Community Centre, including all structures, alterations, additions and improvements therein and adjoining car park as shaded in blue on the plan annexed hereto as Annexure 1.</p>
Term	Five (5) Two (2) years. with a further five (5) year option.
Commencement	The date on which the last party executing the licence executes the licence.
Rent	\$50.00 per annum plus GST per annum, payable annually in advance.
Insurance	Licensee to be responsible for Public Liability Insurance and Workers Compensation Insurance to the value of \$20 Million.
Licensee responsibilities	Cost of all claims resulting from the group's activities that fall within the City excess on building insurance (currently \$5,000 per incident); <ul style="list-style-type: none"> • Insurance for any property or equipment owned by the licensee; • Insurance for community groups hiring spaces.
Outgoings	Licensee to be responsible for normal outgoings for occupied premises.
Maintenance	In accordance with the Maintenance Schedule outlining City and Occupant responsibilities.

Permitted Purpose	Community Shed and uses reasonably ancillary thereto.
Additional Terms	<ul style="list-style-type: none"> • City to retain responsibility for the bio-waste and potable water systems under normal and compliant operations. Licensee to be responsible for any costs, which are not considered ordinary maintenance costs. • Notwithstanding subclause 4.2(1)(c) (Outgoings), the Licensee will only be responsible for eighty percent (80%) of outgoing related to electricity charges including but not limited to meter rents and the cost of installation of any meter(s) or wiring and the Licensor will be responsible for the remaining twenty percent (20%) of such electricity charges. • Notwithstanding subclause 4.2(1)(c) (Outgoings), the Licensor will deduct from the electricity charges an amount equivalent to the Licensor's cost of running the bore, to be determined by the Licensor. • The Licensee agrees to provide to the Licensor: <ul style="list-style-type: none"> - a copy of the Licensee's audited annual statement of accounts for each year; - advice of any changes in its office holders during the Term; and - any other information on the Licensee reasonably required by the Licensor • The Licensee agrees that it will not materially change its rules of association under the Associations Incorporations Act 2015.

Amended
at
Council
Meeting
of 9 June
2025

6. Authorise the Chief Executive Officer to undertake any additional administrative actions required to give effect to Council's resolution.

Moved Cr S Stoneham, Opposed Cr J Keogh
Seconded Cr M Silver
MOTION CARRIED

****2.1 - ANNUAL REVIEW OF DELEGATIONS - COMMUNITY SERVICES
DIRECTORATE**

WARD : ALL
FILE No. : M/284/25
DATE : 2 May 2025
REF : DB
RESPONSIBLE : Manager City
MANAGER Governance

In Brief:

- Section 5.46(2) of the *Local Government Act 1995* requires delegations made under the Act to be reviewed at least once annually.
- Delegations for *Dog Act 1976* and *Cat Act 2011* functions have a similar annual review requirement.
- Recommend that Council review and adopt the delegations presented.

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

The City's adopted Strategic Community Plan 2020-2030 contains the following relevant outcome:

4.1.3 Develop organisational frameworks to achieve consistency, transparency and clarity of decision making processes.

Legal Implications

Delegations of authority are made using enabling legislation (in this case, *Local Government Act 1995*, *Dog Act 1976*, *Cat Act 2011*) to allow officers to exercise functions and powers that would otherwise require to be exercised by Council.

Section 5.46(2) of the *Local Government Act 1995* requires delegations made under the Act to be reviewed at least once by the delegator in every financial year. Similar annual review requirements exist in the *Dog Act 1976* (s. 10AB(2)) and the *Cat Act 2011* (s. 47).

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

1. Community Services Directorate.

BACKGROUND

At Council's ordinary meeting of 12 June 2023 (C15/6/23), Council adopted new delegations of authority to the Chief Executive Officer for functions and powers of the –

- *Local Government Act 1995*
- *Dog Act 1976*
- *Cat Act 2011*.

This represented the outcome of a wide ranging assessment of the City's existing delegations, which included benchmarking against other local governments in the Perth metropolitan area, as well as against templates provided by the Western Australian Local Government Association (WALGA). Legislative requirements were reviewed, and where necessary, advice obtained from external legal service providers on particular powers and the delegable status of those powers.

Council reviewed these delegations on 10 June 2024 to ensure compliance with the Act (C16/6/24).

DETAILS OF PROPOSAL

The delegations are presented to Council for review.

An amendment is requested to delegation '**1.1.7 Dealing with confiscated, impounded or uncollected goods**' to ensure the proper authority is given to exercise the power.

Due to the wording used by the Act, where differing terms are used in order to authorise a person to perform some functions, ambiguity arises as to whether authorising a person to impound an item under section 3.39 of the Act is something that is given directly by the CEO under section 9.10(2) of the Act, or given by the local government (i.e. Council).

Advice obtained by the City’s external legal service provider noted that there are nuances between s. 9.10(2) of the Act where the CEO “...*may appoint persons...to be authorised persons for the purposes of 1 or more specified laws...*” (where the Act is one such specified law) and section 3.39 that provides “...*an employee authorised by a local government for the purpose...*”

The advice in essence is that these heads of power are not the same. The power to authorise a person under section 3.39 of the Act is a power vested in the local government, meaning a delegation to the CEO will be required to authorise persons to perform the task.

The draft delegation attached to this report details the change required.

With respect to the remainder of the delegations for Community Services Directorate, no amendments are requested from what Council adopted on 12 June 2023 and reviewed on 10 June 2024. The full list is as follows.

1.1.3	Administration of leases and licences	No change requested
1.1.5	Power of entry	No change requested
1.1.6	Declare vehicle is an abandoned vehicle wreck	No change requested
1.1.7	Dealing with confiscated, impounded or uncollected goods	Change requested – see attached
1.1.8	Disposal of sick or injured animals	No change requested
1.1.30	Appointment of Poundkeepers	No change requested
1.1.31	Free use of local government facilities	No change requested
1.1.32	Donations, community grants and requests for financial assistance	No change requested
1.1.34	Sponsorship and grant applications, agreements and acquittals	No change requested
2.1.1	Local Law Relating to Dogs – licencing and administration	No change requested
2.1.3	Local Government Property Local Law – Approve, issue and determine conditions of permits	No change requested
2.1.4	Local Government Property Local Law - administration	No change requested
5.1.1	Cat Act 2011 – administration of functions and powers	No change requested
6.1.1	Dog Act 1976 – registration functions	No change requested
6.1.2	Dog Act 1976 – dog control and enforcement functions	No change requested
6.1.3	Dog Act 1976 – administration	No change requested

OPTIONS

Council can review and affirm the delegations as they are or make changes to the functions or powers delegated.

CONCLUSION

The delegations adopted by Council are working appropriately for the City to acquit its responsibilities. Aside from the single delegation highlighted for amendment, it is recommended that there is no change required to the delegations presented in the attachment to this report.

ATTACHMENTS

1. 1 Community Services Directorate - review of delegations

RECOMMEND

C2/6/25

That Council:

1. **For the purposes of compliance with section 5.46(2) of the *Local Government Act 1995*, section 10AB(2) of the *Dog Act 1976* and section 47 of the *Cat Act 2011*, reviews the delegations of authority contained in the attachment to this report;**
2. **Amends delegation of authority ‘1.1.7 Dealing with confiscated, impounded or uncollected goods’, as attached; and**
3. **Authorise the Chief Executive Officer to correct any identified minor grammatical, formatting or punctuation errors to the delegations, provided the correction does not represent a change to the function or power delegated.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

Moved Cr P A Hetherington
MOTION CARRIED

5/0

COUNCILLORS' ITEMS

Nil

This refers to any brief updates from Councillors from their attendance at Working Group or Advisory Group meetings on which they represent Council.

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT 7:35PM

COMMUNITY SERVICES COMMITTEE		
SUMMARY OF ATTACHMENTS		
3 JUNE 2025		
ATT NO.	SUBJECT	PAGE
2.1 ANNUAL REVIEW OF DELEGATIONS - COMMUNITY SERVICES DIRECTORATE		
2.1.1	Community Services Directorate - review of delegations	20

For amendment

Delegation	1.1.7 Dealing with confiscated, impounded or uncollected goods [DRAFT]
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers or duties to the CEO. s. 5.43 - Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 <u>s. 3.39 - Power to remove and impound</u> <u>s. 3.40A - Abandoned vehicle wreck may be taken</u> s. 3.42 - Impounded non-perishable goods s. 3.44 - Notice to collect goods if not confiscated s. 3.46 - Goods may be withheld until costs paid s. 3.47 - Confiscated or uncollected goods, disposal of s. 3.48 - Impounding expenses, recover of
Function	<ol style="list-style-type: none"> <u>1. Authorise an employee of the local government to remove and impound any goods that are involved in a contravention that can lead to impounding [Act, s. 3.39(1)].</u> <u>2. Authorise an employee of the local government to remove and impound a vehicle that is determined to be an abandoned vehicle wreck [Act, 3.40A(1)].</u> 3. Issue a notice to an alleged offender that impounded goods may be collected from a specified place at a specified time [Act, s. 3.42(1)(b) and Act s. 3.44]. 4. Authority to refuse<u>Refuse</u> to allow goods impounded under s.3.39 or s.3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [Act, s. 3.46]. 5. Authority to sell<u>Sell</u> or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [Act, s. 3.47(1)]. 6. Authority<u>Sell to or recover</u><u>otherwise dispose of any vehicle that has not been collected within the period prescribed by the Act [Act, s. 3.47(2)].</u> <u>7. Recover</u> expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [Act, s. 3.48].
Delegates	Chief Executive Officer
Conditions	Nil. <u>Impounding of goods, where the goods are involved in a contravention of a local law or regulations, is limited to the grounds prescribed by regulation 29 of the Local Government (Functions and General) Regulations 1996.</u>
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate some powers and duties to other employees.
Subdelegate conditions	<u>N/A</u>

Statutory framework	Local Government Act 1995 s. 3.58 - Disposing of Property s. 3.47 - Confiscated or uncollected goods, disposal of r. 30 of the <i>Local Government (Functions and General) Regulations 1996</i> - dispositions of property excluded from Act s. 3.58
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

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No amendment required

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DELEGATIONS

Delegation	1.1.3 Administration of leases and licences
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42(1) - Delegation of some powers and duties to CEO
Express power or duty delegated	Local Government Act 1995 s. 9.49A(4) - Execution of documents (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
Function	Sign and exercise all rights, functions or duties incumbent on the City in respect of any lease or licence agreement that is in effect, or Council has given its approval to bring into effect.
Delegates	Chief Executive Officer
Conditions	Unless it is an exempt disposition, if the dealing with the lease or licence will be one that falls under the disposition of property provisions of s. 3.58 of the Act, then the dealing is not to occur unless it has been referred to Council for determination.
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate powers and duties to other employees
Statutory framework	Local Government Act 1995 s. 3.58 - Disposing of property s. 5.42 - Delegation of some powers and duties to CEO s. 5.43 - Limits on delegations to CEO s. 5.44 - CEO may delegate powers and duties to other employees Local Government (Functions and General) Regulations 1996 r. 30 - Dispositions of property excluded from Act s. 3.58
Policy	Policy - Lease and Licence
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	26 June 2023
Adoption references	CS20/6/23

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Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.5 Power of entry
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers or duties to the CEO
Express power or duty delegated	Local Government Act 1995 s. 3.31 - General procedure for entering property s. 3.32 - Notice of entry s. 3.33 - Entry under warrant s. 3.34 - Entry in an emergency s. 3.36 - Opening fences
Function	<ol style="list-style-type: none"> 1. Authorise a person to enter land, premises or thing without the consent of the owner or occupier unless the owner or occupier objects to the entry [Act, s. 3.31(2)] 2. Give notice of entry [Act, s. 3.32] 3. Seek and execute an entry under warrant [Act, s. 3.33(2)] 4. Execute entry in an emergency, using such force as is reasonable [Act, s. 3.34(1) and (3)] 5. Give notice of intent to open a fence [Act, s. 3.36]
Delegates	Chief Executive Officer
Conditions	<p>The authority is to be exercised in accordance with the criteria contained within the following sections of the Act -</p> <ol style="list-style-type: none"> 1) General procedure for entering property [s. 3.31(1)] 2) Notice of entry [s. 3.32] 3) Entry under warrant [s. 3.33] 4) Entry in emergency [s. 3.34] 5) Opening fences [s. 3.36]
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate powers and duties to other employees.
Statutory framework	Local Government Act 1995 Part 3, Division 3, Subdivision 3 - prescribes statutory processes for Powers of Entry.
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	T2/6/23

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Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	T2/6/23
16 Oct 2023	Amended delegation	Added authority to appoint authorised persons	CS45/10/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.6 Declare vehicle is abandoned vehicle wreck
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers or duties to CEO s. 5.43 - Limitations on delegations to CEO
Express power or duty delegated	Local Government Act 1995 s. 3.40A Abandoned vehicle wreck may be taken
Function	Give notice to the owner of a vehicle removed pursuant to s. 3.40A(1) that the vehicle may be collected from a place specified during such hours as are specified in the notice [Act, s. 3.40A (2)]. Declare that an impounded vehicle is an abandoned vehicle wreck [Act, s. 3.40A(4)].
Delegates	Chief Executive Officer
Conditions	1. Subject to the requirements for sections 3.40A(1), (2) and (3) being undertaken as required; 2. s. 3.45 Notice to including warning - a notice is to include a short statement of the effect of the relevant provisions of sections 3.46, 3.47 and 3.48; 3. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.7 - Dealing with confiscated, impounded or uncollected goods. 4. Compliance with - r. 29A Abandoned vehicle wrecks, value etc. prescribed for [Act, s. 3.40A (5)(c)] NOTE: Declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1).
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate some powers and duties to other employees.
Statutory framework	Part 3, Division 3, Subdivision 4 of the <i>Local Government Act 1995</i> .
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

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Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.7 Dealing with confiscated, impounded or uncollected goods
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers or duties to the CEO. s. 5.43 - Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 s. 3.42 - Impounded non-perishable goods s. 3.44 - Notice to collect goods if not confiscated s. 3.46 - Goods may be withheld until costs paid s. 3.47 - Confiscated or uncollected goods, disposal of s. 3.48 - Impounding expenses, recover of
Function	<ol style="list-style-type: none"> 1. Issue a notice to an alleged offender that impounded goods may be collected from a specified place at a specified time [Act, s. 3.42(1)(b) and Act s. 3.44]. 2. Authority to refuse to allow goods impounded under s.3.39 or s.3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [Act, s. 3.46]. 3. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [Act, s. 3.47]. 4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [Act, s. 3.48].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate some powers and duties to other employees.
Statutory framework	Local Government Act 1995 s. 3.58 - Disposing of Property s. 3.47 - Confiscated or uncollected goods, disposal of r. 30 of the <i>Local Government (Functions and General) Regulations 1996</i> - dispositions of property excluded from Act s. 3.58
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

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Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.8 Disposal of sick or injured animals
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 Delegation of some powers or duties to the CEO. s. 5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995 s. 3.47A Sick or injured animals, disposal of s. 3.48 Impounding expenses, recover of
Function	<ol style="list-style-type: none"> 1. Determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [Act, s. 3.47A(1)]. 2. Recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [Act, s. 3.48]
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1) An animal must not be destroyed unless — <ol style="list-style-type: none"> a) because of the state of the animal, destroying it is urgent; or b) reasonable steps have been taken to notify the owner and allowed the owner a reasonable opportunity to collect the animal. 2) Sub-condition (b) does not justify the destruction of an animal before it has been impounded for at least 7 days.
Express power to subdelegate	Local Government Act 1995 s. 5.44 CEO may delegate some powers and duties to other employees.
Statutory framework	Local Government Act 1995 s. 3.47A Sick or injured animals, disposal of
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.30 Appointment of Poundkeepers
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42(1) - Delegation of some powers and duties to CEO
Express power or duty delegated	Local Government (Miscellaneous Provisions) Act 1960 s. 449 - Pounds, establishing; poundkeepers and rangers, appointing
Function	Appoint fit and proper persons to be poundkeepers [Act, s. 449] (Miscellaneous Provisions)
Delegates	Chief Executive Officer
Conditions	1. The CEO is to decide that the appointee is a fit and proper person to be appointed as a poundkeeper. 2. The appointee is to be furnished with a Certificate of Appointment, signed by the CEO.
Express power to subdelegate	Nil.
Statutory framework	Local Government Act 1995 s. 5.42(1) - Delegation of some powers and duties to CEO Local Government (Miscellaneous Provisions) Act 1960 s. 2 - Act to be read as part of <i>Local Government Act 1995</i> s. 449 - Pounds, establishing; poundkeepers and rangers, appointing
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	26 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.31 Free use of local government facilities
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42(1) - Delegation of some powers and duties to CEO
Express power or duty delegated	Local Government Act 1995 s. 6.12(1)(b) - waive or grant concessions in relation to any amount of money
Function	Waive or grant a concession in relation to hire, use or leasing of a building or facility of the local government, where the building or facility would ordinarily attract a fee for such use.
Delegates	Chief Executive Officer
Conditions	The function shall only be used where - 1. The grant, concession or otherwise 'free' use of a facility is in association with a partnership agreement already in effect between the local government and an external organisation, or as a component of a partnership agreement that is being considered by the local government; or 2. The grant, concession or otherwise 'free' use of a facility is of a "one off" nature by a community organisation or other not-for-profit entity that benefits the residents of the City; and 3. The term does not exceed twelve (12) months; and 4. The agreement does not apply to a commercial organisation; or 5. The grant, concession or otherwise 'free' use of a facility is at the request of a State or Commonwealth Government agency in direct connection with an emerging or ongoing emergency.
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate powers and duties to other employees
Statutory framework	Local Government Act 1995 s. 5.42(1) s. 5.44
Policy	Policy - Lease and Licence
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

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Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.32 Donations, community grants and requests for financial assistance
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers and duties to CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996 r. 12(1)(a) Payments from municipal fund or trust fund, restrictions on making (1) A payment may only be made from the municipal fund or the trust fund — (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO
Function	Make a donation, or award a grant, to an eligible organisation or individual as prescribed by relevant Council policy.
Delegates	Chief Executive Officer
Conditions	A donation or grant shall only be made if the applicant meets the criteria prescribed by Council Policy COMD1 - Financial Assistance.
Express power to subdelegate	Local Government Act 1995 s. 5.44 - CEO may delegate powers and duties to other employees
Statutory framework	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
Policy	COMD1 - Financial Assistance
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	1.1.34 Sponsorship and grant applications, agreements and acquittals
Category	Community Services Directorate
Head of power	Part 1 - Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 Delegation of some powers to CEO
Express power or duty delegated	Local Government Act 1995 s. 9.49A(4) (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
Function	Sign sponsorship or grant applications, agreements and acquittals on behalf of the City of Armadale.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Delegates are authorised to apply for and execute sponsorship and grant agreements where the City's contribution component falls within an adopted budget, forms part of the four year budget, or is consistent with a Council resolution to consider a budget allocation in a future budget; or 2. If such a sponsorship or grant is opportunistic in nature, not in the current budget, but is consistent with a plan, or strategy and has a clear benefit to the community. 3. Delegates are not authorised to apply for and execute grants where any additional contribution of funds in excess of the City's budget amount is required. This will require a budget variation to be approved by Council* before the CEO can exercise this delegation. <p>*Absolute majority required</p>
Express power to subdelegate	Local Government Act 1995 Subdelegation of this function is prohibited by s. 5.43(ha) of the Act.
Subdelegate conditions	N/A
Statutory framework	Local Government Act 1995 s. 5.42, s. 5.43(ha) and s. 9.49A(4).
Policy	Nil
Record keeping	<p>Exercise of the authority is to be recorded in the City's records management system and Attain.</p> <p>Where the common seal is affixed the particulars are to be recorded in the Common Seal Register.</p>

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Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	2.1.1 Local Law Relating to Dogs - licencing and administration
Category	Community Services Directorate
Head of power	Part 2 - Local Laws
Delegator	Council
Express power to delegate	Dog Act 1976 s. 10AA - Delegation of local government powers and duties
Express power or duty delegated	<p>Local Government Act 1995 s. 3.18 Performing executive functions</p> <p>(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p>Dog Act 1976 s. 10AA(3) Authorise the delegate to further delegate the power or duty</p> <p>Local Law Relating to Dogs Clause 3.2 - Limitation on the number of dogs Clause 3.2(4) - determination of application for exemption [Dog Act 1976, s. 26(3)] Clause 4.5 - When application can be determined Clause 4.6 - Determination of application Clause 4.7(b) - Where application cannot be approved Clause 4.8 - Conditions of approval Clause 4.11 - Determine form of licence Clause 4.13 - Variation or cancellation of licence Clause 4.14 - Transfer Clause 4.15 - Notification Clause 7.4 - Failure to pay modified penalty</p>
Function	<ol style="list-style-type: none"> 1. Approve an application for an exemption to keep or permit to be kept on premises more than two (2) dogs but not greater than six (6) dogs [cl. 3.2(4)] 2. Revoke or vary an approval for an exemption granted by the local government [cl. 3.2(4)(c)] 3. Determine an application for a kennel licence in accordance with the requirements of clause 4.5 and 4.6 [cl. 4.5, 4.6] 4. Form an opinion that an applicant will not be sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare [cl. 4.7(b)] 5. Impose conditions on an approval for a kennel licence [cl. 4.8(1)] 6. Determine the form of a kennel licence to be issued to a licensee [cl. 4.11] 7. Vary the conditions of a kennel licence [cl. 4.13(1)] 8. Cancel a kennel licence for any of the grounds prescribed by the Local Law [cl. 4.13(2)] 9. Approve the transfer of a kennel licence to another person with or without conditions as considered appropriate [cl. 4.14(2), (3)] 10. Give written notice for any of the matters prescribed by clause 4.15 of the Local Law [cl. 4.15] 11. Allow such further time to a person to pay a modified penalty of an infringement notice issued for a breach of the Local Law [cl. 7.4, 7.5] 12. Further delegate the power or duty [s. 10AA(3)]
Delegates	Chief Executive Officer
Conditions	Nil.

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Express power to subdelegate	<i>Dog Act 1976</i> s. 10AA(3) - The delegation may expressly authorise the delegate to further delegate the power or duty
Statutory framework	<i>Dog Act 1976</i> Local Law Relating to Dogs
Policy	Nil.
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	2.1.3 Local Government Property Local Law - Approve, issue and determine conditions of permits
Category	Community Services Directorate
Head of power	Part 2 - Local Laws
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 - Delegation of some powers or duties to CEO s. 5.44 - CEO may delegate powers and duties to other employees
Express power or duty delegated	Local Government Act 1995 s. 3.18 Performing executive functions (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act. Local Government Property Local Law cl. 2.1 Determinations as to use of local government property cl. 3.2 Application for permit cl. 3.3 Decision on application for permit cl. 3.4 Conditions which may be imposed on a permit cl. 3.5 Imposing conditions under a policy cl. 3.6 Compliance with and variation of conditions cl. 3.9 Renewal of permit cl. 3.10 Transfer of permit cl. 3.11 Production of permit cl. 3.12 Cancellation of permit cl. 3.13 Activities needing a permit

Function	<ol style="list-style-type: none"> 1. Make a Determination in accordance with clause 2.2 of the Local Law [cl. 2.1(1)]. 2. Determine the form of an application for a permit under the local law [cl. 3.2(2)(a)]. 3. Require an applicant to provide additional information reasonably related to an application for determining an application [cl. 3.2(3)]. 4. Require an applicant to give local public notice of an application for a permit [cl. 3.2(4)]. 5. Refuse to consider an application for a permit which is not in accordance with clause 3.2 (2) of the local law [cl. 3.2(5)]. 6. Approve, or refuse, an application for a permit unconditionally or subject to conditions [cl. 3.3(1)(a) and (b)]. 7. Determine a form of permit and issue a permit to an applicant [cl. 3.3(2)]. 8. Give written notice of a refusal to approve an application for a permit, to an applicant [cl. 3.3(3)]. 9. Impose conditions that are not prescribed by a clause of the local law on a permit [cl. 3.3(4)]. 10. Refuse an application for a permit on grounds that are not prescribed by a clause of the local law [cl. 3.3(5)]. 11. Impose conditions on a permit as specified in the Local Law [cl. 3.4]. 12. Impose conditions on a permit by reference to a policy [cl. 3.5(2)]. 13. Vary the conditions of a permit [cl. 3.6(1)]. 14. Renew a permit, prior to the expiry of the permit [cl. 3.9(1)]. 15. Approve the transfer of a permit to another person subject to any conditions [cl. 3.10 (2)]. 16. Refuse the transfer of a permit to another person [cl. 3.10(1)(c), 3.10(2)]. 17. Cancel a permit if the permit holder has not complied with the local law or a condition of the permit [cl. 3.12(1)]. 18. Exempt a person from compliance with clause 3.13(1) upon application by that person [cl. 3.13(2)].
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Local Government Act 1995 s. 5.44 CEO may delegate powers and duties to other employees
Subdelegate conditions	N/A
Statutory framework	Local Government Act 1995 City of Armadale Local Government Property Local Law
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

City of Armadale

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	2.1.4 Local Government Property Local Law - administration
Category	Community Services Directorate
Head of power	Part 2 - Local Laws
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42(1) Delegation of some powers and duties to CEO
Express power or duty delegated	<p>Local Government Act 1995 s. 3.18 Performing executive functions (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p>Local Government Property Local Law cl. 2.3 Discretion to erect sign cl. 3.7 Agreement for building cl. 4.7 Removing or damaging flora cl. 4.8 Signs cl. 6.1(2) Unauthorised entry to function - fees cl. 8.4 Disposal of lost property cl. 8.5 Liability for damage cl. 9.2 Local government may undertake requirements of notice</p>
Function	<ol style="list-style-type: none"> 1. Erect a sign on local government property to give notice of the effect of a determination which applies to that property [cl. 2.3] 2. Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building [cl. 3.7] 3. Give written consent to a person to remove flora on or above local government property [cl. 4.7(1)] 4. Erect a sign on local government property specifying any conditions of use which apply to that property (subject to sub-clause (3) [cl. 4.8(1)] 5. Exempt a person from paying an admission fee to a function on local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised [cl. 6.1(2)] 6. Dispose of an article of lost property left on any local government property if not claimed after 1 month [cl. 8.4(1)] 7. Dispose of an item of property left on any local government property that is of minor clothing, undergarments, consumable personal effects or other item of nominal financial value [cl. 8.4(2)] 8. Issue a notice to a person who has unlawfully damaged local government property, that the person is required to pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage; or replace that property. [cl. 8.5(1)] 9. Undertake the requirements of a notice issued by the local government and recover the costs of doing so from the person to whom the notice was issued, as a debt [cl. 9.2]
Delegates	Chief Executive Officer
Conditions	Nil.
Express power to subdelegate	Local Government Act 1995 s. 5.44(1) CEO may delegate powers and duties to other employees

City of Armadale

Subdelegate conditions	N/A
Statutory framework	<p>Local Government Act 1995</p> <p>s. 3.18(1) Performing executive functions s. 5.42(1) Delegation of some powers and duties to CEO s. 5.44(1) CEO may delegate powers and duties to other employees</p> <p>Local Government Property Local Law</p>
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	2.1.8 Bush Fire Brigades Local Law
Category	Community Services Directorate
Head of power	Part 2 - Local Laws
Delegator	Council
Express power to delegate	<p><i>Bush Fires Act 1954</i> s. 48 - Delegation by local governments</p> <p><i>Local Government Act 1995</i> s. 5.42 - Delegation of some powers and duties to CEO</p>
Express power or duty delegated	<p><i>Local Government Act 1995</i></p> <p>3.18. Performing executive functions (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</p> <p>Bush Fire Brigades Local Law</p> <p>cl. 2.2 - Name and officers of bush fire brigade cl. 3.1 - Local government responsible for structure cl. 3.3 - Appointment of training coordinator Rule 2.7 - Termination of membership Rule 2.11 - Objection rights</p>
Function	<p>1. Appoint persons to be - a) a Captain; b) a First Lieutenant; c) a Second Lieutenant; d) additional Lieutenants if the local government considers it necessary; e) an Equipment Officer; f) a Training Officer; g) a Secretary; and h) a Treasurer [cl. 2.2(1)(c)]</p> <p>2. Determine an appropriate structure through which the organisation of bush fire brigades is maintained [cl. 3.1]</p> <p>3. Appoint a Training Coordinator for the district [cl. 3.3]</p> <p>4. Dismiss a person from a membership of a bush fire brigade [Rule 2.7(1)(d)]</p> <p>5. Deal with an objection to a decision involving clauses 2.5(1)(b), 2.7(1)(c), 2.7(1)(d) 2.8(3)(b), 2.8(1) or 2.8(3)(a) of the Local Law by - a) dismissing the objection; b) varying the decision objected to; or c) revoking the decision objected to, with or without - (i) substituting for it another decision; or (ii) referring the matter, with or without directions, for another decision by the Committee.</p>
Delegates	Chief Executive Officer

City of Armadale

Conditions	When considering the appointment of office holders of a bush fire brigade, the local government is to have regard to the qualifications and experience which may be required to fill each position.
Express power to subdelegate	Nil.
Subdelegate conditions	N/A
Statutory framework	<p>Bush Fires Act 1954</p> <p>s. 48 - Delegation by local governments s. 63 - Local government may make local laws</p> <p>Local Government Act 1995</p> <p>s. 3.18 - Performing executive functions s. 5.42 - Delegation of some powers and duties to CEO</p> <p>Bush Fire Brigades Local Law</p>
Record keeping	Exercise of the delegation is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23

Delegation	5.1.1 Cat Act 2011 - administration of functions and powers
Category	Community Services Directorate
Head of power	Part 5 - Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011 s. 44 - Delegation by local government.
Express power or duty delegated	Cat Act 2011 <ul style="list-style-type: none"> s. 9 - Registration s. 10 - Cancellation of registration s. 11 - Registration numbers, certificates and tags s. 12 - Register of cats s. 13 - Notice to be given of certain decisions made under this Subdivision s. 26 - Cat control notice may be given to owner s. 33 - Operator of cat management facility may have cat microchipped and sterilised s. 32 - Notice to be given to cat's owner, if identified s. 34 - Dealing with unidentified and unclaimed cats s. 37 - Approval to breed cats s. 38 - Cancellation of approval to breed cats s. 39 - Certificate to be given to approved cat breeder s. 40 - Notice to be given of certain decisions made under this subdivision s. 42 - Administration by local governments - local laws s. 49(3) - Recovery of costs to destroy a cat s. 77(4) - Administer regulations made under the Act
Function	<ul style="list-style-type: none"> 1. Grant, or refuse to grant, the registration or the renewal of the registration of a cat [Cat Act, s. 9(1)] 2. Refuse an application under section 9(1) of the Act if the delegate is satisfied one or more of the proscriptions of s. 9(2) of the Act apply [Cat Act, s. 9(2)] 3. Require an applicant to give to the local government within a specified time of not more than 21 days, any document or information the local government requires to determine the application [Cat Act, s. 9(5)] 4. Refuse to consider an application if the applicant does not provide the information required under section 9(5) of the Act [Cat Act, s. 9(6)] 5. Cancel the registration of a cat for any of the grounds prescribed [Cat Act, s. 10] 6. Allot a registration number to a cat that the local government registers, and give the owner a registration certificate and a registration tag for the cat showing the registration number [Cat Act s. 10(1)] 7. Replace a lost, stolen or destroyed registration certificate or registration tag [Cat Act s. 11(2)] 8. Maintain a register of cats containing the information prescribed, in a form the delegate thinks fit and correct any error or omission in the register [Cat Act, s. 12]

	<p>9. Issue a notice of decision to an applicant [Cat Act, s. 13]</p> <p>10. Give a cat control notice to a person who is the owner of a cat [Cat Act, s. 26]</p> <p>11. Give notice to the owner of a cat that their cat is held in the City's cat management facility [Cat Act, s. 32]</p> <p>12. Do anything necessary to ensure that a cat is microchipped or sterilised, or both, as is relevant, before the cat is reclaimed or otherwise transferred from a cat management facility [Cat Act, s. 33]</p> <p>13. Deal with an unidentified or unclaimed cat in the manner prescribed by section 34 of the Act [Cat Act, s. 34]</p> <p>14. Grant, or refuse to grant, the approval or the renewal of an approval to breed cats [Cat Act, s. 37(1)]</p> <p>15. Refuse an application under section 37(1) of the Act if the delegate is satisfied one or more of the proscriptions of s. 37(2) of the Act apply [Cat Act, s. 37(2)]</p> <p>16. Require an applicant to give to the local government within a specified time of not more than 21 days, any document or information the local government requires to determine the application [Cat Act, s. 37(3)]</p> <p>17. Refuse to consider an application if the applicant does not provide the information required under section 37(3) of the Act [Cat Act, s. 37(4)]</p> <p>18. Cancel an approval to breed cats if one or more of the things set out in section 37(2) of the Act apply [Cat Act, s. 38]</p> <p>19. Give a certificate to an approved cat breeder when the local government has given approval, and replace a certificate if it is stolen, lost or destroyed [Cat Act, s. 39]</p> <p>20. Issue a notice of decision to an applicant [Cat Act, s. 40]</p> <p>21. Administer a local law made under the Act and do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act [Cat Act, s. 42]</p> <p>22. Where an authorised person causes a cat to be destroyed in a humane manner, recover the amount of the costs involved in said destruction from the owner of the cat in a court of competent jurisdiction [Cat Act s. 49(3)]</p> <p>23. Administer any regulation made under section 77 of the Act to the extent that it relates to any place where the local government may perform functions, as if the regulation were a local law [Cat Act, s. 77(4)]</p>
Delegates	Chief Executive Officer
Conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express power to subdelegate	<i>Cat Act 2011</i> s. 45 - Delegation by CEO of local government
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>

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Record keeping	Exercise of authority to be recorded in Record Management System
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

City of Armadale

Delegation	6.1.1 Dog Act 1976 - registration functions
Category	Community Services Directorate
Head of power	Part 6 - Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976 s. 10AA - Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976 s. 3 Appoint registration officer (<i>Terms Used - Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>) s. 10AA(3) Authorise the delegate to further delegate the power or duty s.15(2) and (4A) Registration periods and fees s.16(3) and (4) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration s. 26(3) Limitation as to numbers - exemptions s. 26(3)(a) Limitation as to numbers - exemptions - imposing conditions s. 26(3)(c) Limitation as to numbers - exemptions - revoke or vary s. 62(2)(a) Transitional provision for centralised registration system

Function	<ol style="list-style-type: none"> 1. Authorise a person for the purposes of performing the prescribed office of Registration Officer [Act, s. 3] 2. Determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 3. Direct the Registration Officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i> [Act, s. 16(3)(a)]; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease [Act, s. 16(3)(b)]; or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept [Act, s. 16(3)(c)]; or iv. the dog is required to be microchipped but is not microchipped [Act, s. 16(3)(da)]; or v. the dog is a dangerous dog [Act, s. 16(3)d)]. 4. Discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the City of Armadale's District [s15(4A)]. 5. Where the registration of a dog is refused, not renewed or cancelled pursuant to s. 16(3) notify the applicant or the person in whose name the registration was effected, and that notification shall be accompanied by a statement in writing of the grounds upon which the decision of the local government was made [Act, s. 16(4)]. 6. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. 7. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]. 8. Where the City of Armadale Local Law Relating to Dogs places a limit on the keeping of dogs in any specified area but the delegate is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the delegate may grant an exemption in respect of those premises [Act, s. 26(3)]. 9. Impose conditions in respect of an exemption given pursuant to s. 26(3) of the Act [Act, s. 26 (3)(a)]. 10. Revoke or vary an exemption given pursuant to s. 26(3) of the Act or a condition on an exemption [Act, s. 26(3)(c)]. 11. Record in the centralised registration system any information that the local government is required under the Act to record in a register maintained by it [Act, s. 62(2)(a)]. 12. Further delegate the power or duty [s. 10AA(3)]
Delegates	Chief Executive Officer

Conditions	<p>1. The CEO may further delegate (sub delegate) to employees whom the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p> <p>2. This delegation excludes powers and duties that are prescribed in the Act with the requirement for a resolution by local government, and the following clauses of the City's Local Law Relating to Dogs;</p> <p>a) cl. 2.1-Determining of charges and costs</p> <p>b) cl. 3.3(2) - Fees determined for the lodgement of an exemption</p> <p>c) cl. 4.10(4) - Fees determined for the lodgement of an application for a licence for a kennel establishment.</p> <p>3. Item 11 above may only be used if the Director General has permitted the City to use and add information to the centralised registration system.</p>
Express power to subdelegate	<p>Dog Act 1976 s. 10AA(3) - Delegation of local government powers and duties.</p> <p>NOTE: Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation).</p>
Statutory framework	<p>Dog Act 1976: s.17A - If no application for registration made – procedure for giving notice of decision under s16(3).</p> <p>City of Armadale Local Law Relating to Dogs</p> <p>NOTE: Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s.16A, 17(4) and (6)].</p>
Record keeping	Exercise of the authority is to be recorded in the City's records management system and Attain.
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

City of Armadale

Delegation	6.1.2 Dog Act 1976 - dog control and enforcement functions
Category	Community Services Directorate
Head of power	Part 6 - Dog Act 1976
Delegator	Council
Express power to delegate	<i>Dog Act 1976</i> s. 10AA - Delegation of local government powers and duties.
Express power or duty delegated	<i>Dog Act 1976</i> s. 10AA(3) Authorise the delegate to further delegate the power or duty s. 29(5) Recovering monies due in court s. 29(11) Power to seize dogs s. 33E(1) Individual dog may be declared to be dangerous dog (declared) s. 33F(1) Issue a notice to owner - dangerous dog declaration s. 33F(6) Owners to be notified of making of declaration s. 33G(4) Seizure and destruction s. 33H(1) and (2) Local government may revoke declaration or proposal to destroy s. 33H(3) give notice in writing to the owner of the dog where 33H(1) is exercised s. 33H(5) Local government may revoke declaration or proposal to destroy s. 33M(1)(a) Local Government expenses to be recoverable s. 39(1) Application for destruction order s. 44 Enforcement proceedings

Function	<p>1. Recover monies due under the Act in relation to a dog for which the owner is liable [Act, s. 29 (5)].</p> <p>2. Dispose of or sell a dog which is liable to be destroyed [Act, s. 29(11)].</p> <p>3. Declare an individual dog to be a dangerous dog [Act, s. 33E(1)].</p> <p>4. Give written notice declaring a dog to be a dangerous dog (declared) to the owner of that dog [Act, s. 33F(1)].</p> <p>5. Consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [Act, s.33F(6)].</p> <p>6. Consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [Act, s.33G(4)].</p> <p>7. Revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [Act, s.33H(1)].</p> <p>8. Before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</p> <p>9. Give notice in writing to the owner of a dog where s.33H(1) has been exercised to revoke a notice made under s. 33F(1) or s. 33G of the Act [Act, s. 33H(3)].</p> <p>10. Consider and determine to either dismiss or uphold an objection to a decision to revoke: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed [Act, s.33H(5)].</p> <p>11. Determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [Act, s. 33M(1)(a)].</p> <p>12. Apply to the court for an order to destroy a dog [Act, s. 39(1)].</p> <p>13. Authorise an employee to take proceedings under the Act, whether civil or penal [Act, s. 44 (2)(b)]</p> <p>14. Further delegate the power or duty [Act, s. 10AA(3)]</p>
Delegates	Chief Executive Officer
Conditions	The CEO may further delegate (sub delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	<p>Dog Act 1976: s.10AA(3) - Delegation of local government powers and duties.</p> <p>NOTE: Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation</p>

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Statutory framework	<p>Dog Act 1976 s. 17A - If no application for registration made – procedure for giving notice of decision under s. 16(3).</p> <p>Criminal Procedure Act 2004 s. 3(1) Terms used - public authority for the purposes of the Act</p> <p>s. 20(1)(b) Who can commence prosecution</p> <p>NOTE: Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s. 16A, s. 17(4) and (6)].</p>
Policy	Delegation - Legal proceedings
Record keeping	Exercise of authority to be recorded in Record Management System
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24

Delegation	6.1.3 Dog Act 1976 - administration
Category	Community Services Directorate
Head of power	Part 6 - Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976 s. 10AA - Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976 s. 9 Administrative responsibility s. 10AA(3) - Delegation of local government powers and duties. s. 10A Payments to veterinarians towards cost of sterilisation s. 11(1) Staff and services - dog management facilities s. 14 Register of dogs s. 19 Refund of fee on cancellation s. 27 Licensing of approved kennel establishments s. 48(4) Administration of regulations
Function	<ol style="list-style-type: none"> 1. Duty of the local government to administer and enforce the Act [Act, s. 9] 2. Make payments to veterinarians towards the cost of sterilisation of a dog owned by an eligible person and issue directions to such veterinarians to be complied with as a condition of receipt of a payment [Act, s. 10A(1)]. 3. Establish and maintain a dog management facility [Act, s. 11(1)]. 4. Keep an accurate and up-to-date register of dogs registered by the local government, containing the form of information prescribed, and cause any error in, or omission from, the register to be corrected [Act, s. 14] 5. Where on the cancellation of the registration of a dog that was registered for an extended period, the person who was the registered owner returns the registration tag to the local government, the local government shall refund to the person such proportion of the registration fee as may be prescribed [Act, s. 19] 6. Grant or refuse to grant a kennel licence [Act, s. 27(4)] 7. Cancel a kennel licence if the delegate is dissatisfied with the conduct of the establishment [Act, s. 27(5) and (6)]. 8. Undertake civil proceedings under this Act in the name of the local government [Act, s. 44(2)(b)] 9. Administer regulations made under section 48 of the Act to the extent that it relates to any place where the local government may perform functions, as if the regulation was a local law [Act, s. 48(4)]. 10. Authorise the delegate to further delegate the power or duty [Act, s. 10AA(3)]
Delegates	Chief Executive Officer

Conditions	<p>1. The CEO may further delegate (sub delegate) to employees whom the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation, with the exception of (8) above.</p> <p>2. Function 2 above is contingent on the delegate having the authorisation to make payments of the nature, type and spending limit granted to that person.</p> <p>3. Function 2 above is to be read in conjunction with section 10A(2) of the Act where it is prescribed "<i>No payment shall be made under subsection (1)(a) to a veterinarian for the sterilisation of a dog unless the local government is satisfied that the veterinarian has complied with any direction issued under subsection (1)(b)</i>"</p>
Express power to subdelegate	<p>Dog Act 1976 s. 10AA(3) - Delegation of local government powers and duties.</p> <p>NOTE: Sub delegation only permitted where delegation to the CEO expressly authorises sub delegation).</p>
Statutory framework	<p>Dog Act 1976 s. 9 - Administrative responsibility</p> <p>City of Armadale Local Law Relating to Dogs</p> <p>NOTE: Decisions under this Delegation may be referred for review by the State Administrative Tribunal (SAT) [s.16A, 17(4) and (6)].</p>
Policy	Delegation - Legal proceedings
Record keeping	The use of the delegation is to be recorded in the City's records management system
Date adopted	12 June 2023
Adoption references	C15/6/23

Amendments			
Date	Type	Amendment	References
12 Jun 2023	New delegation	Nil	C15/6/23
10 Jun 2024	Amended delegation	Annual Review	C16/6/24