

# INSTRUMENT OF DELEGATION

## LOCAL GOVERNMENT (ELECTIONS) ACT 1999

25 MARCH 2024

### Delegation Sources

- Local Government (Elections) Act 1999

### Positions

| Abbreviation                     | Position                         | Name          |
|----------------------------------|----------------------------------|---------------|
| DCS                              | Director Corporate Services      | Leanne Kunoth |
| Not Delegated - Remains with CEO | Not Delegated - Remains with CEO |               |

## Instrument of Delegation under the Local Government (Elections) Act 1999

|                 |  | Local Government (Elections) Act 1999 |                        |              |                            |                     |
|-----------------|--|---------------------------------------|------------------------|--------------|----------------------------|---------------------|
| Provision       | Power and Functions Delegated  | Date of Delegation to CEO             | Date of Sub Delegation | Sub Delegate | Conditions and Limitations | Capacity of Council |
| section 4(2)(d) | Fix a day for a poll   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 8(1)    | Appoint a person or persons to the office or officer not filled by a supplementary election which has wholly or partially failed or been declared void | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 8(1a)   | Appoint a person or persons to the office or officer that remain unfilled where not all vacancies are filled   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 9(1)    | Hold a poll  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |

|               |  | Local Government (Elections) Act 1999 |                        |                                  |                            |                     |
|---------------|--|---------------------------------------|------------------------|----------------------------------|----------------------------|---------------------|
| Provision     | Power and Functions Delegated  | Date of Delegation to CEO             | Date of Sub Delegation | Sub Delegate                     | Conditions and Limitations | Capacity of Council |
| section 9(3)  | Fix a day as polling day for a poll by notice published on the council website   | 13 December 2023                      | 14 December 2023       | DCS                              |                            | council             |
| section 9(4)  | Fix a day as the day on which the voters roll for the purposes of the poll closes  | 13 December 2023                      | 14 December 2023       | DCS                              |                            | council             |
| section 10(3) | Nominate a person as a deputy returning officer of the council area  | 13 December 2023                      | 14 December 2023       | Not Delegated - Remains with CEO |                            | council             |
| section 10(9) | Participate in consultation with the Electoral Commissioner regarding the proposed removal of a deputy returning officer nominated by the council  | 13 December 2023                      | 14 December 2023       | DCS                              |                            | council             |
| section 12(b) | Provide information, education and publicity designed to promote public participation in the electoral processes for its area, to inform potential voters about the candidates who are standing for election in its area, and to advise its local community about the outcome of elections and polls conducted in its area | 13 December 2023                      | 14 December 2023       | DCS                              |                            | council             |

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| section 13A(2)(a) | Inform potential electors in the council area of the requirements to be enrolled on the voters roll   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 13A(2)(b) | Arrange advertising Informing potential electors in the council area of the requirements to be enrolled on the voters roll  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 15(14)    | Provide copies of the voters roll for the council area for inspection at the principal office of the council  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 15(15)    | Provide a copy of the voters roll to a nominated candidate for the election   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 55(1)     | Participate in consultation with the returning officer regarding the use of a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election or poll | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |

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|------------------|--|---------------------------------------|------------------------|--------------|----------------------------|---------------------|
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| section 70(3)    | Contest a petition to the Court by lodging a reply   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 75(1)(a) | Participate in proceedings as a party pursuant to an order of the Court  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 75(1)(b) | Apply to intervene in proceedings  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 75(3)    | Intervene in proceedings in the manner and to the extent directed by the Court and on such other conditions as the court directs | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 76       | Engage counsel to represent the council in proceedings   | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |

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|----------------|---|---------------------------------------|------------------------|--------------|----------------------------|---------------------|
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| section 77     | Apply to the court to refer a question of law to the Court of Appeal  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 91A(1) | Prepare and adopt a caretaker policy  | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |
| section 91A(3) | Apply in writing for an exemption from the prohibition against making a designated decision during an election period | 13 December 2023                      | 14 December 2023       | DCS          |                            | council             |