

Town of East Fremantle  
Register of Delegated Authority

REVIEW

There are no reviews to display

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INTRODUCTION

## DELEGATIONS

<b>Delegation</b>	<b>1.1.1 Behaviour Complaints Committee</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
<b>Express power or duty delegated</b>	<i>Local Government (Model Code of Conduct) Regulations 2021</i> Clause12 Dealing with a complaint Clause13 Dismissal of complaint
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a. take no further action [MCC.cl.12(4)(a)]; or</li> <li>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].</li> </ol>
<b>Delegates</b>	Behaviour Complaints Committee
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy Code of Conduct Behaviour Complaints Management.[st1]</li> <li>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</li> <li>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</li> <li>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent, and a Deputy Committee Member is in attendance.</li> </ol> <p><u>NOTE TO Conditions (c) AND (d):</u> The purpose of these Conditions is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item</p>
<b>Express power to subdelegate</b>	Nil
<b>Policy</b>	<p>Council Policy 1.1.10 Behaviour Complaints Committee Terms of Reference</p> <p>Council Policy 1.1.10 Code of Conduct Behaviour Complaints Management</p> <p>Council Policy 1.1.9 Code of Conduct for Council Members, Committee Members and Candidates</p>
<b>Record keeping</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.1.2 Planning Committee</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
<b>Function</b>	To determine applications for planning approval or advice to referral agencies and other planning authorities not otherwise included within the current delegations to the Chief Executive Officer.
<b>Delegates</b>	Town Planning Committee
<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. At least four Committee members vote in favour of the Committee recommendation</li> <li>b. The Committee determination accords with the Reporting Officer's recommendation or an amended recommendation that is supported by the Executive Manager Regulatory Services or his delegate.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Record keeping</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.1 Performing Functions Outside the District</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Function</b>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r.19 <i>Local Government (Administration) Regulations</i> . Details of the actions taken are to be recorded on the appropriate file and a report on the actions taken is to be presented to Council at its next ordinary meeting.
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.2 Compensation - Damage Incurred when Performing Executive Functions</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Function</b>	<ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Delegation is limited to settlements which do not exceed a material value of \$1,500
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r.19 <i>Local Government (Administration) Regulations</i> . Details of the actions taken are to be recorded on the appropriate file and a report on the actions taken is to be presented to Council at its next ordinary meeting.
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.3 Powers of Entry</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#"><i>Local Government Act 1995:</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.4 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.5 Confiscated or Uncollected Goods</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding, and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.6 Disposal of Sick or Injured Animals</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to 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 [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r.19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
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<b>Delegation</b>	<b>1.2.7 Close Thoroughfares to Vehicles</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only).</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .



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<b>Delegation</b>	<b>1.2.8 Control Reserves and Certain Unvested Facilities</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.9 Obstruction of Footpaths and Thoroughfares</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting, or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.10 Gates Across Public Thoroughfares</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Town's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180524
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.2.11 Public Thoroughfare – Dangerous Excavations</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. If any reasonable objection is made known, prior to works commencing, the determination of the application for permission is to be referred to Council.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.2.12 Crossing – Construction, Repair and Removal</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.13 Private Works on, over or under Public Places</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .

<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
<b>Function</b>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ <i>ULP r.21(1)</i> ].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.15 Expressions of Interest for Goods and Services</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
<b>Policy</b>	Policy 2.1.3 Purchasing
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.16 Tenders for Goods and Services – Call Tenders</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14 (5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Subdelegate conditions</b>	<ol style="list-style-type: none"> <li>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>

<b>Policy</b>	Policy 2.1.3 Purchasing
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4),(4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2),(3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous within the \$375,000 detailed as a condition on this Delegation [F&amp;G r.18(4)]</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$50,000 whichever is the lesser value [F&amp;G r.21A(a)].</li> <li>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</li> </ol>
<b>Delegates</b>	CEO



<b>Conditions</b>	<p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$375,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4)</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&amp;G r.21A(a)] must comply with the adopted Council Policy 2.1.19 'Contract Variations' and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <b>and</b> that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services</p>
<b>Subdelegate conditions</b>	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
<b>Policy</b>	<p>Policy 2.1.3 Purchasing</p>
<b>Record keeping</b>	<p>In accordance with provisions of r. 19 Local Government (Administration) Regulations.</p>
<b>Date adopted</b>	<p>18 June 2024</p>
<b>Adoption references</b>	<p>OCM 180624</p>
<b>Last reviewed</b>	<p>17 June 2025</p>

<b>Delegation</b>	<b>1.2.18 Tenders for Goods and Services - Exempt Procurement</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited ( <i>exemptions</i> )
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$ value specified for the following categories:</p> <table border="1"> <thead> <tr> <th>Category</th><th>Maximum Value for individual contracts</th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td><td>\$375,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td><td>\$375,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td><td>\$375,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td><td>\$375,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&amp;G.r.11(2)(h)]</td><td>\$250,000* * as specified in F&amp;G.r.11(2)(h)(ii)</td></tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&amp;G.r.11(2)(i)]</td><td>\$375,000</td></tr> </tbody> </table> <p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> <li>A detailed specification;</li> <li>The outcomes of market testing of the specification;</li> <li>The reasons why market testing has not met the requirements of the specification;</li> <li>Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>The expense is included in the adopted Annual Budget</li> </ol> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$375,000 delegated above, the decision is to be referred to Council.</p>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$375,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$375,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$375,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$375,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000* * as specified in F&G.r.11(2)(h)(ii)	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$375,000
Category	Maximum Value for individual contracts														
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Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$375,000														
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$375,000														
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$375,000														
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Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$375,000														
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>														
<b>Subdelegates</b>	<p>Executive Manager Corporate Services</p>														
<b>Subdelegate conditions</b>	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p>														
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>														

<b>Policy</b>	Council Policy 2.1.3 Purchasing Policy
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government(Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD (3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH (2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD (3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD (6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH (2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept and decide which applications to accept as most advantageous [F&amp;G r.24AH (3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH (4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH (5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ (1)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is 375,000 or less and the expense is included in the adopted Annual Budget.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services

<b>Subdelegate conditions</b>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
<b>Policy</b>	Policy 2.1.3 Purchasing
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.20 Disposing of Property</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property s.9.49(a) Execution of Documents
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> <li>3. Authority to consider, determine and issue mooring pen and residential leases.</li> </ol>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$50,000 or less.</p> <p>c. When determining the method of disposal, this delegation is limited to a maximum of \$50,000:</p> <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◦ Reserve price has been set by independent valuation.</li> <li>◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, this delegation is limited to a maximum value of \$20,000 or less [st4] and authority to: <ul style="list-style-type: none"> <li>◦ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded</li> </ul> </li> </ul> <p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> <p>e. Mooring pen lease payments to be in accordance with relevant charges as prescribed in Council's annual budget.</p> <p>f. Residential leases as per market rental advice.</p> <p>g. All leases to be a maximum of 12 months.</p>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services Manager Corporate Services</p>
<b>Subdelegate conditions</b>	<p>Manager Corporate Services - 3 above.</p>



<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995, s.3.58 Disposing of property</a> <a href="#">Local Government (Functions and General) Regulations 1996, Reg.30 Dispositions of property excluded from Act s. 3.58</a> <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> - prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Policy</b>	Policy 2.1.3 Purchasing
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> . All mooring pen leases to be recorded in Mooring Pen Register.
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624 OCM 151024
<b>Last reviewed</b>	17 June 2025

Amendments			
Date	Type	Amendment	References
15 Oct 2024	Amended delegation	Inclusion of mooring pen and residential leases and subdelegation to Manager Corporate Services	

<b>Delegation</b>	<b>1.2.21 Contracts – price variations</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 re Tenders for providing goods or services, s3.58  <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Function</b>	The power to approve a minor price variation for a contract subject to sufficient funds being available within the approved expenditure budget and that the price variation is necessary.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. For the purposes of this delegation, a minor price variation is limited to \$50,000.</li> <li>2. Sub-delegations are authorised to approve variations up to 10% of their authority limit set in DA35 &amp; Policy 2.1.3 – Purchasing.</li> <li>3. Pursuant to Regulation 21A of the Local Government (Functions and General) Regulations 1996, the contract must not be varied unless the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services Manager Finance
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.22 Payments from the Municipal or Trust Funds</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Authority to make payments is subject to annual budget limitations.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Accountant Executive Manager Corporate Services Executive Manager Regulatory Services Manager Finance Senior Finance Officer
<b>Subdelegate conditions</b>	<p>Primary signatories/token holders:</p> <ul style="list-style-type: none"> <li>• CEO</li> <li>• Executive Manager Corporate Services</li> <li>• Executive Manager Regulatory Services</li> <li>• Manager of Finance</li> </ul> <p>Secondary signatories/token holders:</p> <ul style="list-style-type: none"> <li>• Senior Finance Officer</li> <li>• Accountant</li> </ul> <ol style="list-style-type: none"> <li>1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates., one of which must be a Primary signatory/token holder.</li> <li>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>4. All fund transfers must be authorised by at least one primary signatory with the Senior Finance Officer or Accountant being authorised to sign as a secondary signatory/token holder.</li> </ol>

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>-</p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.23 Defer, Grant Discounts, Waive or Write Off Debts</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Town [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Town [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Town [s.6.12(1)(c)]</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt up to \$500 in accordance with Council Policy 2.1.7 Rates and Sundry Debtors Recovery and up to \$2,000 in accordance with the Financial Hardship provisions [s.6.12(1)(c) &amp; (2)].</li> <li>b. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Town and is limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$500 unless it refers to a Financial Hardship application which has a maximum value of \$2,000. Write off of debts greater than these values must be referred for Council decision.</li> <li>c. Note that s. 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the Town in respect of rates and service charges to be waived or for a concession in relation to such money to be granted.</li> <li>d. The power to defer liability to pay monies for a maximum period of 6 months.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Finance
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer relevant Delegations
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.24 Power to Invest and Manage Investments</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.1.2 Investment of Surplus Funds</li> <li>b. A report detailing the investment portfolio's performance, exposures, and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> <li>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Finance
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#"><i>Local Government (Financial Management) Regulations 1996</i></a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
<b>Policy</b>	Council Policy 2.1.2 Investment of Surplus Funds
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.25 Rate Record Amendment</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Function</b>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Finance
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995 –</a> s.6.40 prescribes consequential actions that maybe required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.26 Agreement as to Payment of Rates and Service Charges</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Delegates</b>	CEO
<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policy 2.1.7 Debt Collection.</li> <li>b. Agreements must be in writing and, subject to the Council Policy 2.1.7 Debt Collection must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.</li> <li>c. In making any such agreement, the Chief Executive Officer is to exercise discretion in negotiating the best possible repayment schedule to protect the interests of the Town without imposing undue financial hardship on the person.</li> <li>d. The Chief Executive Officer is to ensure that appropriate written agreements are entered into and that appropriate internal controls are in place to monitor compliance with the agreed repayment schedule.</li> <li>e. The Chief Executive Officer is to have regard to the Town's Rating Policy should the person materially default with the terms of the agreement.</li> <li>f. The Chief Executive Officer is able to approve the waiving of all administration charges and penalty interest where a payment arrangement is entered into, and financial hardship can be demonstrated.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Finance
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	Council Policy 2.1.7 Debt Collection
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.2.27 Determine Due Date for Rates or Service Charges</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
<b>Function</b>	1. Authority to determine the date on which rates or service charges become due and payable to the Town. [s.6.50].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The date to be determined is not to be earlier than 35 days after the date of issue on the rate notice.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.28 Recovery of Rates or Service Charges.</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Decisions under this delegation must comply with Council Policy 2.1.7 Debt Collection
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Manager Finance
<b>Subdelegate conditions</b>	Finance Manager (Legal action limited to referral to debt collection and lodgement of General Procedure Claim)
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.29 Recovery of Rates Debts – Require Lessee to Pay Rent</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Town. [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Decisions under this delegation must comply with Council Policy 2.1.7 Debt Collection
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
<b>Policy</b>	Council Policy 2.1.7 Debt Collection
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.30 Recovery of Rates Debts - Actions to Take Possession of the Land</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings. s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Town [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policy on Collection of Outstanding Rates Procedure and Collection of Outstanding Debt Policy and Procedure.</li> <li>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i></li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
<b>Policy</b>	Decisions under this delegation must comply with Council Policy 2.1.7 Debt Collection

<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.31 Rate Record – Objections</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of Objection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s.6.76(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.</li> <li>b. Any extension granted being no longer than 30 days.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.32 Signing of documents</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.49(A) Execution of documents
<b>Function</b>	The authority to sign documents as a part of the day-to-day operations of the Town of East Fremantle.
<b>Delegates</b>	CEO
<b>Conditions</b>	Authority is delegated on the provision that one or more of the following provisions apply: <ol style="list-style-type: none"> <li>1. The Council has authorised the entering into a formal contract/document.</li> <li>2. A formal contract is authorised under delegated authority of the Council.</li> <li>3. A formal contract/document is considered necessary by the Chief Executive Officer as part of the day-to-day operations of the Council.</li> <li>4. The Chief Executive Officer is to prepare the necessary documentation considering any specific policy requirements of Council and to arrange for signing of the contract/documents without further reference to Council.</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.2.33 Council Member, Committee Member, Candidate – Receive and Withdraw Code of Conduct Complaints</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.5.103 Model Code of Conduct for Council Members, Committee Members and Candidates  <i>Local Government (Model Code of Conduct) Regulations 2021</i> r.13 Dismissal of complaint
<b>Function</b>	To authorise the CEO to appoint persons in accordance with cl.11(3) of the Model Code of Conduct for Elected Members, Committee Members & Candidates.
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.2.34 Belgravia Operator Agreement – Budget Variations</b>
<b>Category</b>	Local Government Act 1995
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 re Tenders for providing goods or services, s3.58 <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> <li>• r.11(2)(j) Exercising contract extension options</li> <li>• r.21A Varying a contract for the supply of goods or services</li> </ul> <i>Local Government Act 1995</i> s6.8 re Expenditure from municipal fund not included in annual budget
<b>Function</b>	The power to approve a minor operating budget variation provided that the budget variation is necessary.
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. For the purposes of this delegation, a minor price variation is limited to <b>10% or \$50,000</b> (whichever is greater) against the forecast annual profit or deficit.</li> <li>2. This delegation only applies to amendments to the operating budget. Any capital items not included in the approved budget requires the approval of Council.</li> <li>3. Requests for variations from the Operator are to be accompanied by the following supporting documents: <ul style="list-style-type: none"> <li>◦ an amended profit and loss statement for the full year identifying which line item has been varied and the impact on the forecast surplus or deficit</li> <li>◦ a written explanation as to why the variation has occurred and whether the variation represents a one-off adjustment or will it impact future budget periods. If the variation does impact future budget periods, forward profit and loss statements are to be provided showing the adjustment.</li> <li>◦ a 'variation to contract' form is to be completed and signed by both parties should the variation be approved</li> </ul> </li> <li>4. All variations are to be reported to Council on a quarterly basis, with a revised profit and loss statement to be presented and for Council to retrospectively approve an amendment to budget pursuant to section 6.8 of the Local Government Act 1995</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services
<b>Date adopted</b>	16 July 2024

<b>Adoption references</b>	OCM 160724
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.1 Determine if an Emergency for Emergency Powers of Entry</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Function</b>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>Delegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Function</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:</p> <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.[st1]</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Statutory framework</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.[st1]</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Function</b>	<p>When determining to grant permission for a dangerous excavation under Delegated Authority 1.2.12:</p> <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>Delegates</b>	<p>Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services</p>
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. <a href="#"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.5 Appoint Persons (other than employees) to Open Tenders</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Functions and General) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
<b>Function</b>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend the tender opening [F&G r.16(3)].
<b>Delegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>1.3.6 Electoral Enrolment Eligibility Claims and Electoral Roll</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election  <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13 (2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services Revenue Officer

<b>Conditions</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.7 Destruction of Electoral Papers</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Function</b>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>Delegates</b>	Executive Manager Corporate Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.8 Information to be Available to the Public</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96)  <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.3.9 Infringement Notices</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services Manager Corporate Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. Delegation for Dog Act, Cat Act, all Local Laws of the Town, Infringement Notices is limited to the following listed positions ONLY: <b>Executive Manager Corporate Services</b> <b>Executive Manager Regulatory Services</b> <b>Executive Manager Technical Services</b></li> <li>c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and Building Act 2011 Infringement Notices: <ol style="list-style-type: none"> <li>i. Executive Manager Regulatory Services</li> <li>ii. Senior Planner</li> </ol> </li> </ol> <p><i>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p>
<b>Express power to subdelegate</b>	Nil

<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>1.4.1 All Local Laws of the Town of East Fremantle</b>
<b>Head of power</b>	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Cat Local Law 2016</i>  <i>Dog Local Law 2016</i>  <i>Fencing Local Law</i>  <i>Meeting Procedure Local Law</i>  <i>Public Places &amp; Local Government Property Local Law 2016</i>  <i>Parking Local Law</i>  <i>Penalty Units Local Law 2016</i>  <i>Repeal Local Law 2017</i>  <i>Waste Local Law 2017</i>  <i>Waste Amendment Local Law 2017</i>
<b>Function</b>	All the duties, powers, and responsibilities of the local government in relation to the Local Laws of the Town.
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.  Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations.  Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation re Crossings – Construction, Repair and Removal.
<b>Record keeping</b>	In accordance with provisions of cl 19 <i>Local Government (Administration) Regulations</i> .

<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>2.1.1 Grant a Building Permit</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. In undertaking the functions of this delegation, Uncertified Plans must be approved by a Principal/Building Surveyor that: <ul style="list-style-type: none"> <li>• is employed by the Town of East Fremantle in accordance with section 5.36 of the <i>Local Government Act 1995</i>; and</li> <li>• holds the appropriate qualifications as set out under Regulation 6 of the <i>Building Services (Registration) Regulations 2011</i></li> </ul> </li> </ol>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services

<b>Statutory framework</b>	<p><a href="#"><u>Building Act 2011</u></a>  s.119 Building and demolition permits – application for review by SAT  s.23 Time for deciding application for building or demolition permit  s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#"><u>Building Regulations 2012</u></a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) –reviewable by SAT.  <i>Building Services (Registration Act) 2011</i> – Section 7  <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage Act 2018</i></p>
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.2 Demolition Permits</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	No permits may be issued for any property entered in the Register of Heritage Places under the <i>Heritage of WA Act 1990</i> unless it has received Planning Approval in accordance with section 61 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit  <i>Building Services (Complaint Resolution and Administration) Act 2011</i> -- Part 7, Division 2  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage Act 2018</i>

<b>Record keeping</b>	In accordance with r.12 of the <i>Building Regulations 2012</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	The CEO can only exercise any of the above delegations after considering a report from the Town's Building Surveyor and/or the Environmental Health Officer, their recommendations, any precedents, or policies set by Council, and where the CEO does not agree with the recommendation from the Building Surveyor and/or the Environmental Health Officer, either seek further clarification before making a decision or refer the matter to Council.
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	<u><a href="#">Building Act 2011</a></u> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates– application for review by SAT  <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage Act 2018</i>
<b>Record keeping</b>	In accordance with r.12 of the <i>Building Regulations 2012</i>
<b>Date adopted</b>	18 June 2024

<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.4 Designate Employees as Authorised Persons</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol> <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Record keeping</b>	In accordance with r.12 of the <i>Building Regulations 2012</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.5 Building Orders</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	<u><a href="#">Building Act 2011:</a></u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
<b>Record keeping</b>	In accordance with r.12 of the <i>Building Regulations 2012</i> .



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<b>Adoption references</b>	OCM 180624
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<b>Delegation</b>	<b>2.1.6 Inspection and Copies of Building Records</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Function</b>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></a> - s.146 Confidentiality
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i> .
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<b>Adoption references</b>	OCM 180624
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<b>Delegation</b>	<b>2.1.7 Referrals and Issuing Certificates</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.8 Private Pool Barrier – Alternative and Performance Solutions</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate, or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.9 Smoke Alarms – Alternative Solutions</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>2.1.10 Appointment of approved officers and authorised officers</b>
<b>Head of power</b>	02 BUILDING ACT 2011 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Function</b>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Statutory framework</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record keeping</b>	In accordance with r. 12 of the <i>Building Regulations 2012</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.1 Make Request to FES Commissioner – Control of Fire</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Function</b>	1. Authority to request on behalf of the Town that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.2 Prohibited Burning Times - Vary</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17 (7)].
<b>Delegates</b>	Chief Bush Fire Control Officer Mayor
<b>Conditions</b>	a. Decisions under s,17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>3.1.3 Prohibited Burning Times – Control Activities</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Town or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.4 Restricted Burning Times – Vary and Control Activities</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<p><i>Bush Fires Act 1954:</i>  s.18(5), (11) Restricted burning times may be declared by FES Commissioner  s.22(6) and (7) Burning on exempt land and land adjoining exempt land  s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions  s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i>  r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.  r.15C Local Government may prohibit burning on certain days  r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times  r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].               <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]</li> </ol> </li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>9. Authority to recover the cost of measures taken by the Town or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.5 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material  <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)]</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer, or an authorised CALM Act officer.</i></li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.6 Burning Garden Refuse / Open Air Fires</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25  <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>3.1.7 Firebreaks</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government(Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
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<b>Delegation</b>	<b>3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town. [s.38(5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
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<b>Delegation</b>	<b>3.1.9 Control and Extinguishment of Bush Fires</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
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<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>3.1.10 Recovery of Expenses Incurred through Contraventions of this Act</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Function</b>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Town or those on behalf of the Town to do [s.58].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
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<b>Delegation</b>	<b>3.1.11 Prosecution of Offences</b>
<b>Head of power</b>	03 BUSH FIRES ACT 1954 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
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<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags  <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town's District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. 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> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Customer Service Officer Executive Manager Technical Services Revenue Officer
<b>Subdelegate conditions</b>	Customer Service Officer - 1, 2 & 4 above Revenue Officer - 1, 2 & 4 above
<b>Statutory framework</b>	<i>Cat Regulations 2012</i> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))  Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .

<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624 OCM 151024
<b>Last reviewed</b>	17 June 2025

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
15 Oct 2024	Amended delegation	Removal of Ranger subdelegation Addition of Subdelegation conditions for Customer Service Officer/s and Revenue Officer	

<b>Delegation</b>	<b>4.1.2 Cat Control Notices</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Function</b>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town's District [s.26].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Technical Services Ranger
<b>Statutory framework</b>	<i>Cat Regulations 2012</i> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>4.1.3 Approval to Breed Cats</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. 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> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Technical Services Ranger
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>4.1.4 Recovery of Costs – Destruction of Cats</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Function</b>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Technical Services Ranger
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>4.1.5 Applications to Keep Additional Cats</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</li> <li>b. An assessment of the prescribed premises be undertaken in accordance with section 2.4 of the Town of East Fremantle Cat Local Law 2016.</li> <li>c. Adjoining property owners are to be informed in writing of the application and invited to comment. If objections are received to an application, a report will be provided to Council for determination.</li> </ol>
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Technical Services Ranger
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>4.1.6 Reduce or Waiver Registration Fee</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Function</b>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat
<b>Delegates</b>	CEO
<b>Conditions</b>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Technical Services
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>4.2.1 Infringement Notices – Extensions and Withdrawals</b>
<b>Head of power</b>	04 CAT ACT DELEGATIONS
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Delegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCm 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$250 [st1] [s.10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Technical Services Ranger
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.2 Refuse or Cancel Registration</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to 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"> <li>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 Cat Act 2011 or the Animal Welfare Act 2002; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>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</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)]</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town's District [s15(4A)].</li> <li>4. Authority to 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)]. <ol style="list-style-type: none"> <li>i. 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)]</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].</li> <li>b. Does not apply to dangerous dogs.</li> </ol>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Customer Service Officer Executive Manager Corporate Services Executive Manager Technical Services Ranger Revenue Officer
<b>Subdelegate conditions</b>	Town Rangers – 1, 2 above Customer Service Officers – 1, 2 above Revenue Officer – 1, 2 above

<b>Statutory framework</b>	<p><i>Dog Act 1976</i></p> <p>s.17A If no application for registration made –procedure for giving notice of decision under s.16 (3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.3 Kennel Establishments</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Function</b>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)]. b. Application processing and decisions under this delegation are to comply with the Town of East Fremantle Dogs Local Law.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services Ranger
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.4 Recovery of Moneys Due Under this Act</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Function</b>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Statutory framework</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Function</b>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>5.1.6 Declare Dangerous Dog</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Function</b>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)]
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of cl 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> 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
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to 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 [s.33H(1)] <ol style="list-style-type: none"> <li>i. Authority to, 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)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Function</b>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)].
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</b>
<b>Head of power</b>	05 DOG ACT 1974 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Function</b>	1. Authority to 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 [s.33H(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA (3)]. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is to occur by Council resolution in accordance with s.6.16 of the <i>Local Government Act 1995</i> .
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA (3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Technical Services
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>6.1.1 Determine Compensation</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized if no contravention has been committed and the item cannot be returned [s.56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</li> </ol>
<b>Delegates</b>	CEO Environmental Health Officer Executive Manager Corporate Services Executive Manager Regulatory Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$250. Compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>6.1.2 Prohibition Orders</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	CEO Environmental Health Officer Executive Manager Regulatory Services
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government(Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>6.1.3 Food Business Registrations</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Delegates</b>	CEO Environmental Health Officer Executive Manager Regulatory Services
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul> </li> </ol>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>6.1.4 Appoint Authorised Officers and Designated Officers</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>6.1.5 Debt Recovery and Prosecutions</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>6.1.6 Food Businesses List – Public Access</b>
<b>Head of power</b>	06 FOOD ACT 2008 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
<b>Function</b>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	CEO Environmental Health Officer
<b>Conditions</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>
<b>Head of power</b>	07 GRAFFITI VANDALISM ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>7.1.2 Notices – Deal with Objections and Give Effect to Notices</b>
<b>Head of power</b>	07 GRAFFITI VANDALISM ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>7.1.3 Obliterate Graffiti on Private Property</b>
<b>Head of power</b>	07 GRAFFITI VANDALISM ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Function</b>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Subject to exercising Powers of Entry.
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>7.1.4 Powers of Entry</b>
<b>Head of power</b>	07 GRAFFITI VANDALISM ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises, or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises, or thing for the purposes of this Act [s.29].</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)</b>
<b>Head of power</b>	08 PUBLIC HEALTH ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Function</b>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
<b>Express power to subdelegate</b>	Nil – the Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.
<b>Statutory framework</b>	<i>Criminal Procedure Act 2004</i> – Part 2
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>8.1.2 Enforcement Agency Reports to the Chief Health Officer</b>
<b>Head of power</b>	08 PUBLIC HEALTH ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Town [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Delegates</b>	Environmental Health Officer
<b>Express power to subdelegate</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Statutory framework</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>8.1.3 Designate Authorised Officers</b>
<b>Head of power</b>	08 PUBLIC HEALTH ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Function</b>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ul>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ul style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ul>
<b>Express power to subdelegate</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Statutory framework</b>	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>The Criminal Code, Chapter XXVI –refer s.252 of the <i>Public Health Act 2016</i></p>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .

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<b>Adoption references</b>	OCM 180624
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<b>Delegation</b>	<b>8.1.4 Determine Compensation for Seized Items</b>
<b>Head of power</b>	08 PUBLIC HEALTH ACT 2016 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express power or duty delegated</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Function</b>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Delegates</b>	CEO
<b>Conditions</b>	a. Compensation is limited to a maximum value of \$250 with any proposal for compensation above this value to be referred for Council's determination.
<b>Express power to subdelegate</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Statutory framework</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
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<b>Adoption references</b>	OCM 180624
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<b>Delegation</b>	<b>9.1.1 Illegal Development</b>
<b>Head of power</b>	09 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegates</b>	CEO
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Planning Officer Senior Planner
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>9.1.2 Determine planning applications – Council to CEO</b>
<b>Head of power</b>	09 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO Town of East Fremantle Local Planning Scheme No 3
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>The authority to perform the functions of Council in respect of determining applications for development approval, including applications involving: <ol style="list-style-type: none"> <li>the variation of scheme provisions, Planning Policy, or provisions of the Residential Design Codes or</li> <li>the exercise of discretion under the Dcheme, Planning Policy or the Residential Design Codes.</li> </ol> </li> <li>The authority to refuse any development applications where the proposed use is not permitted by the Town Planning Scheme or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or any mandatory statutory requirement, unless: <ol style="list-style-type: none"> <li>advertising is undertaken, and any substantial objections are received that officers cannot adequately resolve through sourcing of additional information or through conditions of approval;</li> <li>the application is contentious; or</li> <li>it requires the concurrence of the Minister of Planning.</li> </ol> </li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	<ol style="list-style-type: none"> <li>Elected members are to be notified of all applications in excess of \$500,000 in value except for development applications to which section 275C of the Planning and Development Act 2005 applies that certain types of development applications must be determined by the CEO or officers of the Local Government authorised by the CEO (excluding development of or associated with a heritage protected place).</li> <li>A council member may, within 72 hours of being notified of such an application, request in writing that an application be referred to the Planning Committee for determination except for development applications to which section 275C of the Planning and Development Act 2005 applies that certain types of development applications must be determined by the CEO or officers of the Local Government authorised by the CEO (excluding development of or associated with a heritage protected place).</li> </ol>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Senior Planner
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024

<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>9.1.3 Determine applications for subdivision, clearance – Council to CEO</b>
<b>Head of power</b>	09 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO Town of East Fremantle Local Planning Scheme No 3
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Part III sections 20 & 24, Part 10 Division 2 Section 214(2), (3) and (5)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. To assess subdivision referrals for the purposes of part 10 Division 2 of the Planning and Development Act 2005.</li> <li>2. To certify the compliance with subdivision conditions for the purposes of part III sections 20 &amp; 24 of the <i>Planning and Development Act 2005</i>.</li> <li>3. To determine the subdivision referral which complies with all relevant legislation and policies involving: <ol style="list-style-type: none"> <li>i. the boundary realignment of a property which is not creating additional lots</li> <li>ii. the creation of a maximum of ten (10) lots.</li> </ol> </li> <li>4. The authority to issue subdivision clearances where the subdivision complies with the requirements of the Local Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Executive Manager Regulatory Services and Executive Manager Technical Services.</li> </ol>
<b>Delegates</b>	CEO
<b>Conditions</b>	Council is to be notified of delegated authority used by report to Concept Forum.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services Executive Manager Technical Services
<b>Subdelegate conditions</b>	Executive Manager Regulatory Services– functions 1 – 4. Executive Manager Technical Services – only function 4
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>9.1.4 Variations to advertising periods – Council to CEO</b>
<b>Head of power</b>	09 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO Town of East Fremantle Local Planning Scheme No 3
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> 9.4.3 of the Local Planning Scheme No 3
<b>Function</b>	The authority to determine whether advertising is required, the level of advertising and undertake the advertising process in accordance with Local Planning Scheme No 3.  The Chief Executive Officer may extend the advertising period beyond the minimum where he/she believes there is a need to extend or where there has been changes to the applicant's original proposal.
<b>Delegates</b>	CEO
<b>Conditions</b>	Advertising is to be not less than fourteen (14) days in accordance with the Scheme.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Executive Manager Regulatory Services
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record keeping</b>	In accordance with provisions of r. 19 <i>Local Government (Administration) Regulations</i> .
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Environmental Protection Authority
<b>Express power to delegate</b>	Section 20 of the <i>Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p><a href="#">Instrument of Delegation</a> — Government Gazette No. 47. pg. 919 - 19 March 2004</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p>
<b>Function</b>	<p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p>
<b>Delegates</b>	CEO
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Environmental Protection Authority
<b>Express power to delegate</b>	Section 20 <i>Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p><a href="#"><u>Instrument of Delegation</u></a> - Government Gazette 232, Delegation No. 112 Pg. 6282 - 20 Dec 2013</p> <p>Powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ul style="list-style-type: none"> <li>a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;</li> <li>b. bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</li> <li>c. community activities—noise control notices in respect of community noise under regulation 16;</li> <li>d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>g. sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> <li>i. Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul>
<b>Function</b>	<p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ul style="list-style-type: none"> <li>a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;</li> <li>b. bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</li> <li>c. community activities—noise control notices in respect of community noise under regulation 16;</li> <li>d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>g. sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> <li>i. Subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul>

<b>Delegates</b>	CEO
<b>Conditions</b>	Subregulation 18(13)(b) is not delegated.
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.1.3 Noise Management Plans – Construction Sites</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Environmental Protection Authority
<b>Express power to delegate</b>	Section 20 <i>Environmental Protection Act 1986</i>
<b>Express power or duty delegated</b>	<p><a href="#"><i>Instrument of Delegation</i></a> - Government Gazette No 71, 16 May 2014 Delegation No 119 Pg. 1548</p> <p>Powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p>
<b>Function</b>	<p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <p>a. Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p>b. to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p>
<b>Delegates</b>	CEO
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Minister for Lands
<b>Express power to delegate</b>	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> .
<b>Express power or duty delegated</b>	The power to sign as owner in respect of Crown land relating to development applications under the <i>Planning and Development Act 2005</i> .
<b>Function</b>	1. The power to sign as owner in respect of Crown Land under Management Order and consistent with reserves purpose.
<b>Delegates</b>	CEO
<b>Conditions</b>	<p><a href="#"><u>Instrument of Authorisation</u></a></p> <p><i>The powers in Column 1 subject to the conditions in Column 3 of the Schedule to Government Gazette dated 2 June 2016:</i></p> <p><i>Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</i></p>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power to delegate</b>	Section 16(4) of the <i>Planning and Development Act 2005</i>
<b>Express power or duty delegated</b>	<p><a href="#"><u>Instrument of Delegation</u></a> - DEL 2020/01 Powers of Local Governments</p> <p>On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <p>A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the <i>Strata Titles Act 1985</i> as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.</p>
<b>Function</b>	<p>Schedule 1</p> <p>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i> Power to determine applications under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that—</p> <ol style="list-style-type: none"> <li>propose the creation of a vacant lot;</li> <li>propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>propose the creation or postponement of a leasehold scheme;</li> <li>propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the <i>Strata Titles Act 1985</i>);</li> <li>in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to— <ol style="list-style-type: none"> <li>a type of development; and/or</li> <li>land within an area which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ol> </li> </ol> <p>2. Applications under sections 21 and 22 of the <i>Strata Titles Act 1985</i> Power to determine applications under—</p> <ol style="list-style-type: none"> <li>section 21 of the <i>Strata Titles Act 1985</i>;</li> <li>section 22 of the <i>Strata Titles Act 1985</i> where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</li> </ol> <p>3. Reporting requirements.</p> <p>A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>

<b>Delegates</b>	CEO
<b>Conditions</b>	<p>3. Reporting requirements</p> <p>A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.2.3 Performing DAP Function</b>
<b>Category</b>	CEO Authorisations
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	CEO
<b>Express power to delegate</b>	<a href="#"><i>Local Government (Development Assessment Panels) Regulations 2025</i></a>
<b>Function</b>	<p>In accordance with authority vested in the office of Chief Executive Officer of the Town of East Fremantle, <b>Fraser Henderson</b> holding the position of <b>Executive Manager Regulatory Services</b> and <b>Christine Catchpole</b> holding the position of <b>Senior Planner</b> are hereby AUTHORISED under r.6 of the <i>Local Government (Development Assessment Panels) Regulations 2025</i>, for the purposes of:</p> <ol style="list-style-type: none"> <li>1. Performing a relevant DAP function [LGDA.r.3] for and on behalf of the Town of East Fremantle</li> <li>2. The authorisation for each officer expires when they no longer hold the relevant position of <b>Executive Manager Regulatory Services</b> or <b>Senior Planner</b> at the Town of East Fremantle or when the authorisation is otherwise withdrawn in writing by the Chief Executive Officer.</li> </ol>
<b>Delegates</b>	Executive Manager Regulatory Services Senior Planner
<b>Date adopted</b>	17 June 2025
<b>Adoption references</b>	OCM 170625
<b>Last reviewed</b>	18 June 2025



<b>Delegation</b>	<b>10.3.1 Traffic Management - Events on Roads</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Commissioner of Main Roads
<b>Express power to delegate</b>	Regulation 297(2) of the <i>Road Traffic Code 2000</i>
<b>Express power or duty delegated</b>	<p>A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website <a href="#">here</a></p> <p><a href="#"><i>Instrument of Authorisation</i></a> - Traffic Management for Events CODE OF PRACTICE: Appendix 2 Local Government (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii. race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction</p>
<b>Function</b>	<p>Local Government (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii. race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction,</p>
<b>Delegates</b>	CEO

<b>Conditions</b>	<p>SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>a. the Authorised Body shall at all times observe, perform and comply with the provisions of the "<i>Traffic Management for Events Code of Practice</i>" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>b. the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>c. the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ul>
<b>Policy</b>	<a href="#">Traffic Management for Events CODE OF PRACTICE</a>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

<b>Delegation</b>	<b>10.3.2 Traffic Management – Road Works</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Commissioner of Main Roads
<b>Express power to delegate</b>	Regulation 297(2) of the <i>Road Traffic Code 2000</i>
<b>Express power or duty delegated</b>	<p>A list of Local Governments authorised for the purposes of <i>Road Traffic Code 2000</i> r.297(2) are available on Main Roads WA website <a href="#">here</a></p> <p><u><a href="#">Instrument of Delegation</a></u></p> <p>Local Government ('Authorised Body') by itself, its employees, consultants, agents and contractors (together 'Representatives') to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction</p>
<b>Function</b>	Erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction
<b>Delegates</b>	CEO
<b>Conditions</b>	<p>SUBJECT ALWAYS to the following terms and conditions:</p> <ul style="list-style-type: none"> <li>a. the Authorised Body shall at all times observe, perform and comply with the provisions of the '<i>Traffic Management for Works on Roads Code of Practice</i>' (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ('the Code') referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</li> <li>b. the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and</li> <li>c. the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.</li> </ul>
<b>Policy</b>	<a href="#">Traffic Management for Events CODE OF PRACTICE</a>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025



<b>Delegation</b>	<b>10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles</b>
<b>Head of power</b>	10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
<b>Delegator</b>	Department of Transport
<b>Express power to delegate</b>	Pursuant to the Road Traffic (Vehicles) Regulations 2014
<b>Express power or duty delegated</b>	<p>Approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:</p> <ol style="list-style-type: none"> <li>1. <i>the Local Government Act 1995</i>;</li> <li>2. regulations made under the <i>Local Government Act 1995</i>;</li> <li>3. a local law;</li> <li>4. any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1 976</i>); or</li> <li>5. any combination of the above paragraphs (a) to (d);</li> </ol>
<b>Function</b>	<p>To perform functions on its behalf under:</p> <ol style="list-style-type: none"> <li>a. <i>the Local Government Act 1995</i>;</li> <li>b. regulations made under the <i>Local Government Act 1995</i>;</li> <li>c. a local law;</li> <li>d. any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1 976</i>); or</li> <li>e. any combination of the above paragraphs (a) to (d);</li> </ol> <p>as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the Regulations, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the Regulations,</p>
<b>Delegates</b>	CEO

<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.</li> <li>2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.</li> <li>3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.</li> <li>4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.</li> <li>5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.</li> <li>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.</li> <li>7. Any vehicle fitted with flashing lights for the purposes of this approval must: <ol style="list-style-type: none"> <li>a. have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and</li> <li>b. where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.</li> </ol> </li> </ol> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p>
<b>Date adopted</b>	18 June 2024
<b>Adoption references</b>	OCM 180624
<b>Last reviewed</b>	17 June 2025

## AMENDMENTS

Delegation	Date	Type	Amendment	References
1.2.20 Disposing of Property	15 Oct 2024	Amended delegation	Inclusion of mooring pen and residential leases and subdelegation to Manager Corporate Services	
4.1.1 Cat Registrations	15 Oct 2024	Amended delegation	Removal of Ranger subdelegation Addition of Subdelegation conditions for Customer Service Officer/s and Revenue Officer	