



TOWN *of*
EAST FREMANTLE

DELEGATED AUTHORITY REGISTER

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INTRODUCTION

Purpose of Delegating Authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Town's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

Legislation

The **Local Government Act 1995** allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

Associated legislation

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- Planning and Development Act 2005 including regulations and adopted policies
- Dog Act 1976 and regulations
- Bush Fires Act 1954 regulations and local laws created under that Act)
- Health Act 1911 (as amended) regulations and local law created under that Act
- Freedom of Information Act 1992
- Land Administration Act 1997 as amended and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provision) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Strata Titles Act 1985
- Food Act 2008
- Environmental Protection Act 2005
- Building Act 2011
- Cat Act 2011

Note - this is not an exhaustive list

Delegations to Committees

- (a) Council may delegate its powers and duties to committees comprising only of Council members except –
- (i) any power or duty that requires a decision of an absolute majority of the local government; and any other power or duty that is prescribed; or
 - (ii) the power of delegation.
- (b) Council may delegate to a committee comprising of council members and employees, any of the local government's powers or duties that can be delegated to the Chief Executive Officer.
- (c) Council may delegate to a committee comprising staff members or members of the public any of the local government powers and duties necessary or convenient for the proper management of:
- (i) the local government's property; or
 - (ii) an event in which the local government is involved.

Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the CEO to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the CEO where applicable, once approved through a signed authority by the CEO.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under 5.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the CEO to delegate a power [Section 5.44 (1)].

Acting through another person

Local Government Act 1995 - section 5.45 (2)

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing:

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or**
- (b) a CEO from performing any of his or her functions by acting through another person.**

The key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Town and acting through another person to undertake a function on behalf of the Town where not discretion exists is reinforced by *Section 56* of the **Interpretation Act 1984** which states:

56. "May" imports a discretion, "shall" is imperative

- (1) Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.**
- (2) Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.**

Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation. Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Department or Senior Line Manager for the period of absence.

STANDARD CONDITIONS OF DELEGATION

A person to whom a power is delegated is considered to be a 'designated employee' under s.5.74(b) of the *Local Government Act 1995* and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

In exercising delegation, any and all Officers or Committees to whom authority has been delegated shall comply with:

- (i) any and all laws and regulations in force in Western Australia; and
- (ii) the requirements of any and all local laws and policies of the Town of East Fremantle.

DA1 ACTING CHIEF EXECUTIVE OFFICER

- Objective of Delegation:** Appointment of an Acting Chief Executive Officer
- Extent of Delegation:** The authority to appoint an Acting Chief Executive Officer during periods of absence.
- Conditions imposed:**
1. The relief appointment is for a period not exceeding 5 weeks.
 2. Policy 1.2.2 CEO Leave Approval – requires the CEO to obtain approval from the Mayor prior to taking to leave.
 3. Compliance with “Standard Conditions of Delegation”
 4. The Acting CEO shall be entitled to 75% of the difference in Salary during periods of cover.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 – s5.39 & 5.42 • Town of East Fremantle Policy 1.2.2 – Acting Chief Executive Officer
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA2 CODE OF CONDUCT ENFORCEMENT

- Objective of Delegation:** To enforce the Code of Conduct
- Extent of Delegation:** The duty to enforce the Code of Conduct in respect of employees, contractors and volunteers.
- Conditions imposed:**
1. The Chief Executive Officer is required to implement appropriate procedures for enforcing the Code of Conduct in respect of allegations or complaints involving employees, contractors and volunteers.
 2. The procedure should include internal investigations and/or referral to appropriate external agencies.
 3. The Chief Executive Officer is not required to personally investigate or enforce the Code, but to ensure that it is properly enforced and that the integrity and probity of the Town is maintained at a high level.
 4. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system Personnel File
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Town of East Fremantle Staff Policy – Code of Conduct – Employees and Contractors
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA3 CONTROL AND MANAGEMENT OF LAND

Objective of Delegation: To control and manage land.

Extent of Delegation: The duty to do anything necessary for the administration purpose of controlling and managing land reserved under the **Land Act 1933** and vested in or under control and management of the Council.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Land Act 1933
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA4 DISPOSAL OF PROPERTY OTHER THAN LAND AND BUILDINGS

- Objective of Delegation:** To expedite the disposal of Town property other than land and buildings.
- Extent of Delegation:** The power to dispose of Town property (other than land or buildings) by public tender or public auction where the expected value is:
- less than \$50,000.
- The power to dispose of items of a minor nature by private treaty, such as surplus old plant or equipment, where the anticipated value is:
- less than \$20,000.
- Conditions imposed:**
1. This delegation does **NOT** apply to the disposal of plant or light vehicles or equipment that is being replaced by a tender or quotation process involving trade-in.
 2. The Chief Executive Officer is to develop and implement an appropriate procedure for the management of disposal of property by public tender or public auction and which provides a high standard of probity and accountability.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Receipt of payment Completed Disposal Form Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42 & s3.58</i> <i>Local Government (Functions & General) Regulations 1996 (WA) Reg 30 & 31</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 20 April 2021, 21 June 2022

DA5 SIGNING OF DOCUMENTS

- Objective of Delegation:** To sign Town documents on behalf of the Town of East Fremantle.
- Extent of Delegation:** The authority to sign documents as a part of the day to day operations of the Town of East Fremantle.
- Conditions imposed:** Authority is delegated on the provision that one or more of the following provisions apply:
- 1 The Council has authorised the entering into a formal contract/document.
 - 2 A formal contract is authorised under delegated authority of the Council.
 - 3 A formal contract/document is considered necessary by the Chief Executive Officer as part of the day to day operations of the Council.
 - 4 The Chief Executive Officer is to prepare the necessary documentation taking into account any specific policy requirements of Council and to arrange for signing of the contract/documents without further reference to Council.
 5. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Common Seal Register Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s9.49(a)4, s5.42 •
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA6 INVESTMENT OF FUNDS

- Objective of Delegation:** To oversee the investing of funds
- Extent of Delegation:** The power to invest excess funds into investment funds as approved by the Town of East Fremantle Finance Policy – Investment of Funds.
- Conditions imposed:**
1. To observe any regulations relating to investments by local government.
 2. To observe any Council policy, direction or guidelines relevant to the investment of Town funds.
 3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.
 4. To conduct regular reviews of the investment performance and controls.
 5. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Included in Monthly Financial Statements in Ordinary Council agenda Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Local Government (Financial Management) Regulations – Reg 19 • Policy 2.1.2 Investment of Surplus Funds
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA7 CONTRACT PRICE VARIATION

- Objective of Delegation:** To approve minor price variations to contracts
- Extent of Delegation:** 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.
- Conditions imposed:**
1. For the purposes of this delegation, a minor price variation is limited to \$50,000.
 2. Sub-delegations are authorised to approve variations up to 10% of their authority limit set in DA35 & Policy 2.1.3 – Purchasing.
 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.
 4. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
Formal Record:	Any contract variation is to be recorded in a register of contracts. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 – s3.58, s5.42 • Policy 2.1.3 Purchasing
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 20 April 2021, 21 June 2022

DA8 ENGAGING CONSULTANTS/CONTRACTORS

Objective of Delegation: To appoint consultants/contractors to the Town of East Fremantle

Extent of Delegation: The power to:

- appoint consultants, such as architects, valuers, planning consultants etc. for projects and tasks where specific external skills or knowledge are required.
- Engage private contractors to assist and complement the Town’s work staff in implementing the works program.

Conditions imposed:

Consultants

- Any applicable Council Policy must be implemented.
- The consideration for the consultancy is less than \$150,000
- Specific budget provision exists

Contractors

1. Applies to Contracts under \$150,000.
2. In exercising this authority, the Chief Executive Officer must be satisfied that it will be in the best interest of Town and have regard for:
 - adequate budget provision exists;
 - the engagement of contractors is made in accordance with the Town’s purchasing policy;
 - that all contracts are in writing; and
 - that appropriate performance measures are in place and performance is subject to supervision.
3. The payment for any work carried out under contract must be specifically authorised by the responsible senior officer and certified as carried out to a satisfactory standard.
4. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Technical Services Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – s6.5 – s6.10, s5.42</i> <i>Policy 2.1.3 Purchasing</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 18 February 2020, 20 April 2021, 21 June 2022

DA9 ENTERING INTO CONTRACTS

- Objective of Delegation:** To enter into contracts on behalf of the Town of East Fremantle
- Extent of Delegation:** The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:
- the Council has authorised entering into a formal contract; or
 - a formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000; or
 - a formal contract is authorised under a delegated authority from the Council
- Conditions imposed:**
1. All contracts where the consideration is greater than \$150,000 must be subject to specific authorization of the Council.
 2. .
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42, s9.49A • Policy 2.1.3 Purchasing • Town of East Fremantle Administration Policy –Signing of Documents
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 21 June 2022

DA10 INDUSTRIAL REPRESENTATION

Objective of Delegation: To source advice from an industrial service

Extent of Delegation: To source advice from an appropriate industrial service with consent to act on the Council's behalf in any general industrial/award matter and any industrial dispute involving employees of the Council.

Conditions imposed: Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Human Resources Coordinator <u>Manager</u>
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Policy 1.2.1 Code of Conduct, Staff</i> • <i>Town of East Fremantle Staff Policy – Occupational Safety and Health (OSH)</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA11 ISSUING OF NOTICES

Objective of Delegation: To issue notices to owners of land in the Town of East Fremantle

Extent of Delegation: The power to issue notices requiring certain things to be done by the owner/occupier of land. Such items in addition to those contained with the Act are also outlined in Schedules 3.1 and 3.2 and contain such issues as:

- Preventing water from dripping or running from a building
- Placing a street number in a prominent place
- Ensuring that unsightly land is either enclosed or where it is considered untidy having such materials or rubbish removed including contaminated material
- Taking steps for preventing or minimising danger to the public or damage to property which might arise.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Corporate Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 20 April 2021, 21 June 2022

DA12 LEGAL ADVICE

- Objective of Delegation:** To seek legal advice for the Town of East Fremantle
- Extent of Delegation:** The power to obtain legal advice and opinions as deemed necessary in the exercise of the management of the local government.
- Conditions imposed:**
1. The authority is restricted to legal advice of an operational nature that is required to protect the interests of the Town and to an initial value not exceeding \$20,000.
 2. The budget containing appropriate provision.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Town of East Fremantle Annual Budget</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA13 PROSECUTIONS

- Objective of Delegation:** To sign all prosecution complaint forms
- Extent of Delegation:** The power to sign all prosecution complaint forms in relation to prosecutions under the *Local Government Act 1995* on behalf of the Council.
- Conditions imposed:**
1. The Chief Executive Officer is required to use discretion in taking action under this delegation where there are mitigating circumstances.
 2. All prosecution actions to be reported to next monthly Concept Forum.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services – parking related and bushfire prosecutions (only).
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 19 May 2020, 20 April 2021, 21 June 2022

DA14 RATES AND SERVICE CHARGES AGREEMENTS

- Objective of Delegation:** To accept payment of a rate or service charge
- Extent of Delegation:** The power to accept payment of a rate or service charge that is due and payable by a person in accordance with an agreement made with that person.
- Conditions imposed:**
1. The Chief Executive Officer is required to observe any relevant policy.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance & Administration
Formal Record:	Copy of signed offer and acceptance retained on property file. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Policy 2.1.7 Debt Collection
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 April 2020, 19 May 2020, 21 June 2022

DA15 TENDERS / QUOTATIONS

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- (i) make the decision to invite quotations and tenders for goods and services.
 - (ii) call quotations and tenders before the Town enters into a contract of a prescribed kind.
 - (iii) accept a quotation where the consideration is less than \$150,000, or in the case of sub-delegations, in accordance with the respective authority limits set in DA35 & Policy 2.1.3 – Purchasing.
- Conditions imposed:**
1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
 2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
 3. That the process is conducted fairly and impartially and in strict compliance with the **Local Government Act 1995** and the associated regulations, and any appropriate Council policy, direction or guideline.
 4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Town.
 5. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Corporate Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 – s5.42, s3.57 • Policy 2.1.3 Purchasing
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 19 May 2020, 20 April 2021, 21 June 2022

DA16 BOND REFUNDS

Objective of Delegation:	To expedite the approvals process
Extent of Delegation:	The authority to refund bond monies where all conditions of approval have been met, with the aggrieved applicant having a right of appeal to Council.
Conditions imposed:	Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Technical Services Executive Manager Corporate Services <u>Finance</u> Manager Finance & Administration
Formal Record:	Monthly List of Payments included in the Ordinary Council agenda Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> Local Government Act 1995 – s5.42
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 19 May 2020, 20 April 2021, 21 June 2022

DA17 UNDERTAKING PRIVATE WORKS

Objective of Delegation: To consider application for the Town to undertake private works

Extent of Delegation: The authority to use discretion in accepting or rejecting private works requests.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 – s5.42, s6.16</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 20 April 2021, 21 June 2022

DA18 GRANT APPLICATIONS

- Objective of Delegation:** To make applications for grants from various sources
- Extent of Delegation:** The authority to make application for grants from various sources.
- Conditions imposed:**
1. Signing of Grant Applications is to be in accordance with the administrative Grants Policy.
 2. Where possible, the prior approval of the Council is required before making application for grants that may impose an ongoing commitment by the Town.
 3. Any application that requires a financial commitment from the Town requires specific approval of the Council.
 4. Where it is proposed to make a submission for grants and/or subsidies from state/commonwealth governments without prior approval of Council, the grant/subsidy shall not be accepted without specific Council endorsement through the budget process.
 5. Any application must be in accord with Council's strategic objectives.
 6. The Chief Executive Officer is to ensure that any relevant grant conditions are met and that the appropriate grant acquittal is completed in a timely manner and subject to audit scrutiny.
 7. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA19 INSURANCE

Objective of Delegation:	To enter into appropriate contracts of insurance
Extent of Delegation:	The authority to enter into appropriate contracts of insurance.
Conditions imposed:	Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance and Administration
Formal Record:	Retain copy of Insurance documentation Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> Local Government Act 1995 – s5.42
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 20 April 2021, 21 June 2022

DA20 PUBLIC LIABILITY CLAIMS

- Objective of Delegation:** To consider claims for property damage
- Extent of Delegation:** The authority to consider claims against Council for the property damage that does not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
- Conditions imposed:**
1. In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excesses amount and then only upon receipt of an appropriate release form provided by Council's insurers.
 2. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Retain all claims Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 – s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA21 APPOINTMENT OF AUTHORISED OFFICERS

- Objective of Delegation:** To appoint authorised officers.
- Extent of Delegation:** The power to appoint authorised officers/persons to enforce local laws of the Town made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant Regulations):
- *Bush Fires Act 1954*
 - *Cemeteries Act 1986*
 - *Control of Vehicles (Off Road Areas) Act 1978*
 - *Dog Act 1976*
 - *Public Health Act 2016*
 - *Health (Miscellaneous Provisions) Act 1911*
 - *Litter Act 1979*
 - *Food Act 2008*
 - *Building Act 2011*
 - *Fines, Penalties and Infringement Notices Enforcement Act 1994*
 - *Cat Act 2011*
 - *Town Planning Scheme No 3*
- Conditions imposed:** Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Acts as listed above</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA22 TENDER EVALUATION

Objective of Delegation: To expedite the evaluation of tenders received.

Extent of Delegation: The authority to:

- establish the individual weighting for each evaluation criterion.
- vary the Evaluation Criteria where in his opinion the particular tender requires a variation to the established evaluation criteria.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services Executive Manager Regulatory Services Executive Manager Corporate Services
Formal Record:	Copies of tender evaluations to be filed with Tender documents. Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Local Government (Function and General) Regulations 1996 • Policy 2.1.3 Purchasing
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 20 April 2021, 21 June 2022

DA23 RATING AND SERVICE CHARGES RECOVERY

Objective of Delegation: To recover debt from rates or services charges.

Extent of Delegation: The power to:

1. recover rates and service charges which are apportioned between successive owners in respect of time as if they accrue.
2. recover a rate or service charge, if it remains unpaid after it becomes due and payable, as well as costs of proceedings, if any, for that recovery, in a court of law.
3. recover rates and charges outstanding.
4. give notice to the lessee of land if payment of a rate or service charge imposed is due and payable requiring the lessee to pay any rent as it falls due in satisfaction of the debt.
5. give the lessor a copy of the notice with an endorsement that the original of it has been given to the lessee.
6. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.
7. recover unpaid rates or service charges. Refer 6.60 (5) and (6).
8. request the occupier of property, or an agent of the owner of property to disclose the name and address of the owner or of the person receiving or authorised to receive the rate or service charge.
9. apply the money for or towards rates or service charges where money is paid on rates and charges due on the land in the order in which they become due.
10. lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect of the land is in arrears.
11. instigate action through a court to recover a debt, including recovery costs, associated with a rate or service charge, if it remains unpaid after the time for payment under the Act, and after the procedures under the Town debt collection policy has been unsuccessful.

Delegated Authority Register

- Conditions imposed:**
1. The Chief Executive Officer is required to observe any relevant policy.
 2. Legal action is only to be taken, where in the opinion of the Chief Executive Officer, that action is a last resort to obtain payment.
 3. The legal action is only to be taken by persons with the specific written authority to commence the action.
 4. To observe all relevant provisions of the **Local Government Act 1995**, all other written law and regulations, Council policies, directions and guidelines.
 5. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance & Administration (Legal action limited to referral to debt collection and lodgment of General Procedure Claim.)
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Policy 2.1.7 Debt Collection
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 29 October 2020, 21 June 2022

DA24 DEMOLITION PERMITS

- Objective of Delegation:** To manage dangerous buildings in the Town of East Fremantle
- Extent of Delegation:** Council delegates its authority and power to Executive Manager Regulatory Services to approve or refuse to grant demolition permits submitted under section 21 of the ***Building Act 2011***.
- Conditions imposed:**
1. No permits will be issued for any property entered in the Register of Heritage Places under the *Heritage of WA Act 1990* unless it has received Planning Approval in accordance with section 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Executive Manager Regulatory Services
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 21, 22 and 127 Planning and Development (Local Planning Schemes) Regulations 2015 section 61</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA25 BUILDING PERMITS

- Objective of Delegation:** To expedite the approval of Building Licences
- Extent of Delegation:** Council delegates its authority and power to the Chief Executive Officer and Executive Manager Regulatory Services to approve or refuse to approve plans and specifications submitted under the ***Building Act 2011***.
- Conditions imposed:**
1. In undertaking the functions of this delegation, Uncertified Plans must be approved by a Principal/Building Surveyor that:
 - is employed by the Town of East Fremantle in accordance with section 5.36 of the ***Local Government Act 1995***; and
 - holds the appropriate qualifications as set out under Regulation 6 of the ***Building Services (Registration) Regulations 2011***
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer Executive Manager Regulatory Services
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 16, 20, 22 and 127</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA26 BUILDING ORDERS

- Objective of Delegation:** To expedite the approval of building orders
- Extent of Delegation:** Council delegates its authority and power to Executive Manager Regulatory Services to:
1. make building orders pursuant to section 110 of the **Building Act 2011** in relation to:
 - a) stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the **Building Act 2011**;
 - b) taking specific action to prevent contravention of the **Building Act 2011**;
 - c) finishing an outward facing side of a wall;
 - d) buildings which are considered as being unsafe or not fit for human habitation.
 2. revoke building orders pursuant to section 117 of the **Building Act 2011**.
- Conditions imposed:**
1. The Executive Manager Regulatory Services may:
 - a) seek legal advice on the issue of a building order where it is considered appropriate.
 - b) determine that a building order is to remain in effect in accordance with section 117(2) of the **Building Act 2011** where it is considered appropriate.
 2. In undertaking the functions of this delegation, the Principal Building Surveyor must be employed by the Town of East Fremantle in accordance with section 5.36 of the **Local Government Act 1995**.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Executive Manager Regulatory Services
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	Building Act 2011 – sections 110, 111, 117 and 127
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA27 EXTENSION OF PERIOD OF DURATION OF AN OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

Objective of Delegation: To manage extending the period of duration of an occupancy permit or building approval certificate.

Extent of Delegation: Council delegates its authority and power to the Executive Manager Regulatory Services to approve or refuse to approve applications submitted under section 65 of the ***Building Act 2011***.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Executive Manager Regulatory Services
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – sections 65 and 127</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA28 STRATA TITLES

Objective of Delegation: To manage strata titles in the Town of East Fremantle

Extent of Delegation: Pursuant to the provisions of section 23 of the ***Strata Titles Act 1985***, the authority to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building statutory requirements and that the Chief Executive Officer, is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the *Strata Titles Act 1985*.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Building Act 2011</i> • <i>Strata Titles Act 1985</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA29 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

- Objective of Delegation:** To expedite the approval of Planning Applications
- Extent of Delegation:**
1. The authority to perform the functions of Council in respect of determining applications for development approval, including applications involving:
 - a) the variation of scheme provisions, Planning Policy or provisions of the Residential Design Codes or
 - b) the exercise of discretion under the scheme, Planning Policy or the Residential Design Codes.
 2. 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 Planning Codes or any mandatory statutory requirement, unless:
 - a) advertising is undertaken and any substantial objections are received that officers cannot adequately resolve through sourcing of additional information or through conditions of approval;
 - b) the application is contentious; or
 - c) it requires the concurrence of the Minister of Planning.
- Conditions imposed:**
1. Elected members are to be notified of all applications in excess of \$200,000 in value. An elected member may, within 72 hours of being notified of such an application, request in writing that an application be referred to the Town Planning & Building Committee for determination.
 2. Compliance with “General Standards of Delegation”

Delegated Authority Register

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Senior Planner
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none">• <i>Local Government Act 1995 s5.42</i>• <i>Local Government (Miscellaneous Provisions) Act 1960</i>• <i>Planning and Development Act 2005</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA30 AUTHORITY TO COMMENCE PROSECUTIONS

- Objective of Delegation:** To provide authority to commence legal proceedings
- Extent of Delegation:** Council delegates its authority and power to Chief Executive Officer the authority to commence prosecutions pursuant to:
- section 133 of the **Building Act 2011**
 - section 59(3) of the **Bush Fires Act 1954**
- Conditions imposed:**
1. All prosecution actions to be reported to next monthly Concept Forum
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services (Bush Fires Act only) Executive Manager Regulatory Services (Building Act only)
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 - s133</i> <i>Bush Fires Act 1954 – s59(3)</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 20 April 2021, 21 June 2022

DA31 SUBDIVISION

- Objective of Delegation:** To expedite the sub division referral proformas
- Extent of Delegation:** The authority to:
- 1 endorse subdivision referral proformas for the purposes of part 10 Division 2 of the ***Planning and Development Act 2005***.
 - 2 certify the compliance with subdivision conditions for the purposes of part III sections 20 & 24 of the ***Planning and Development Act 2005***.
 - 3 approve or refuse the Subdivision referral which complies with all relevant legislation and policies involving:
 - (i) the boundary realignment of a property which is not creating additional lots
 - (ii) the creation of a maximum of ten (10) lots.
- Conditions imposed:**
1. Council is to be notified of delegated authority used by report to Concept Forum.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Planning and Development Act 2005</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA32 SUBDIVISIONAL CLEARANCE

Objective of Delegation: To issue subdivision clearances

Extent of Delegation: The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town 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.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Local Government (Miscellaneous Provisions) Act 1960</i> • <i>Planning and Development Act 2005</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA33 VARIATION TO ADVERTISING PERIOD

Objective of Delegation: To manage the advertising periods in accordance with the Town Planning Scheme

Extent of Delegation: The authority to determine whether advertising is required, the level of advertising and undertake the advertising process in accordance with 9.4.3 of the **Town 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.

Conditions imposed:

1. Advertising is to be not less than fourteen (14) days in accordance with the Scheme.
2. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Local Government (Miscellaneous Provisions) Act 1960 • Planning and Development Act 2005 • Town of East Fremantle Town Planning Scheme No 3
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA34 PAYMENT OF CREDITORS

- Objective of Delegation:** To ensure the timely payment of creditors
- Extent of Delegation:** The authority to make payments from the Municipal Fund Bank Accounts and the Trust Bank Accounts.
- Conditions imposed:**
1. Expenditure must have been authorised by Council by inclusion in the annual budget as amended.
 2. Each payment from the Municipal Fund Bank Accounts and the Trust Fund Bank Account is to be noted on a list compiled for each month showing:
 - a) The Payees name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction.
 The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services Finance Manager of Administration & Finance
Formal Record:	List of payments in monthly Ordinary Council agenda Recorded in central records system
Heads of Power	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Local Government (Financial Management) Regulations – Reg 13 • Policy 2.1.6 Supplier Payments
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA35 ORDERING THRESHOLDS

- Objective of Delegation:** To authorise officers to sign purchase orders
- Extent of Delegation:** To authorise officers to sign orders on behalf of Council within the limits stated provided such proposed purchases are contained within the Budget and are within the officer's area of activity.
- Conditions imposed:**
1. As outlined in Town of East Fremantle Policy 2.1.3 Purchasing.
 2. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Technical Services Executive Manager Corporate Services Principal/Environmental Health Officer Finance Manager Finance Operations Supervisor Supervisor Infrastructure and Assets Coordinator CHSP Manager Senior Ranger Coordinator Marketing & Communications Officer Human Resources Coordinator Manager Community Engagement Officer Executive Assistant/Governance Coordinator Manager Coordinator Corporate Services Coordinator Regulatory Services Operations Coordinator
Formal Record:	Retain copy of purchase order Recorded in central records system
Heads of Power	<i>Policy 2.1.3 Purchasing</i> <i>Local Government Act s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 August 2018, 20 November 2019, 16 July 2019, 19 November 2019, 10 December 2019, 19 May 2020 & 20 April 2021, 22 June 2021, 21 June 2022

DA36 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

Objective of Delegation: To expedite the approval of occupancy permits or building approval certificates.

Extent of Delegation: Council delegates its authority and power to the Executive Manager Regulatory Services the authority to grant, modify or refuse to grant occupancy permits or building approval certificates.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Executive Manager Regulatory Services
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011, s58, s127</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA37 AUTHORITY TO APPOINT AUTHORISED PERSONS - BUILDING

Objective of Delegation: To provide authority to appoint authorised persons

Extent of Delegation: Council delegates its authority and power to the Chief Executive Officer to appoint authorised persons pursuant to section 96 of the ***Building Act 2011***.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Building Act 2011 – s96, s127</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA38 FOOD ACT 2008 – TO ISSUE INFRINGEMENT NOTICES

Objective of Delegation:	To issue infringement notices
Extent of Delegation:	The authority to issue infringement notices in accordance with section 126(2) of the <i>Food Act 2008</i> .
Conditions imposed:	Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Principal/Environmental Health Officer Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, s126(2)</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 21 June 2022

DA39 FOOD ACT 2008 – TO RECEIVE PAYMENT AND GRANT EXTENSIONS OF TIME

Objective of Delegation: To receive payment and grant extensions of time for infringement notices.

Extent of Delegation: To receive payment of modified penalties, granting extension of time and withdrawing infringement notices in accordance with Section 126(1), (3), (6) and (7) of the *Food Act 2008*.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Principal/Environmental Health Officer Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, s126(1), (3), (6) and (7)</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 21 June 2022

DA40 FOOD ACT 2008 – TO ISSUE PROHIBITION ORDERS AND CERTIFICATES OF CLEARANCE

Objective of Delegation: To issue Prohibition Orders and Certificates of Clearance.

Extent of Delegation: To issue prohibition orders and Certificates of Clearance for the purpose of Sections 65 and 66 of the *Food Act 2008*.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Food Act 2008, S65,s66</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA41 WITHDRAWAL RATES AND SERVICE CHARGES CAVEAT

Objective of Delegation: To expedite the withdrawal of a Caveat that has been lodged with Landgate for unpaid rates and charges on a property in the Town of East Fremantle, where the purpose for which the Caveat was lodged has been satisfied.

Extent of Delegation: The authority to withdraw a Caveat to enable dealings on land, where the purposes for which the Caveat was lodged has been satisfied and the Chief Executive Officer is satisfied that the Town's interests arising from the Caveat are fully protected.

- Conditions imposed:**
1. The Chief Executive Officer and the Executive Manager Corporate Services are required to observe any relevant policy.
 2. The action to withdraw a Caveat is only to be taken, where in the opinion of the Chief Executive Officer or the Executive Manager Corporate Services, the purpose for which the Caveat was lodged has been satisfied or will be satisfied at settlement.
 3. The action is only to be taken by persons with the specific written authority to withdraw the Caveat.
 4. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 2.1.7 Debt Collection</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018

DA42 CAT REGISTRATION

- Objective of Delegation:** To expedite the registration of cats in the Town.
- Extent of Delegation:** The authority to grant, renew or refuse an application for cat registration

The authority to cancel a cat registration
- Conditions imposed:**
1. A registration number, certificate and tag is to be issued with each registration
 2. A replacement tag is to be provided if required
 3. A cat register is to be kept
 4. Notify the owner of the cat the outcome of a decision
 5. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate-Technical Services Town Rangers Customer Service Officers Rates-Revenue Officer
Formal Record:	Cat Register Recorded in central records system
Heads of Power:	<i>Cat Act 2011, sections 9, 9 (5), 10, 11, 13 Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 August 2018, 19 May 2020, 21 June 2022

DA43 CAT CONTROL NOTICE

Objective of Delegation: To expedite the issuing of cat control notices

Extent of Delegation: The authority to issue a cat control notice to a cat owner

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate <u>Technical</u> Services Town Rangers
Formal Record:	Recorded in central records system
Heads of Power:	<i>Cat Act 2011, section 26</i> <i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018 & 21 August 2018, 21 June 2022

DA44 LEGAL REPRESENTATION COSTS FOR AN ELECTED MEMBER OR EMPLOYEE

- Objective of Delegation:** To refuse or grant an application for payment of legal representation costs by an elected member or employee, where a delay would be detrimental to the legal rights of the applicant.
- Extent of Delegation:** Legal representation costs up to a maximum of \$10,000.
- Conditions imposed:**
1. Compliance with conditions contained in Council Policy regarding Legal Representation for Council Members and Employees which includes the revocation or variance of an approval for the payment of legal advice.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not applicable
Formal Record:	Report to subsequent Council Meeting Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 2.2.1 Legal Representation for Council Members and Employees</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA45 APPOINTMENT OF BANK SIGNATORIES TO BANK ACCOUNTS

Objective of Delegation: To authorise CEO, Executive Manager Corporate Services, Executive Manager Regulatory Services, and Manager of Finance (primary signatories/token holders) to sign all cheques or remit EFT's drawn on the Municipal, Reserve and Trust Funds bank accounts.

Extent of Delegation: Expenditure must have been authorised by Council by inclusion in the annual budget as amended.

Conditions imposed:

1. Expenditure to have the correct certification from authorised officers and be accompanied by sufficient documentation so as to confirm correct procedures have been followed.
2. All fund transfers must be authorised by at least one primary signatory with the Senior Finance Officer or Finance Officer being authorised to sign as a secondary signatory/token holder.
3. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services Finance Manager Finance
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA46 RECOVERY OF IMPOUNDING EXPENSES AND RECOVERY OF DEBTS (NON RATES)

Objective of Delegation: To collect, negotiate terms of payment and initiate court action to recover, and if necessary, write off debts due to Council.

Extent of Delegation: The authority to collect, negotiate terms of payment and initiate court action to recover, and if necessary, write off debts due to Council

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA47 OBJECTIONS AND APPEALS TO RATES RECORD

- Objective of Delegation:** To consider the objection to rates record
- Extent of Delegation:** The authority to allow or disallow, wholly or in part, an objection to a rates record.
- Conditions imposed:**
1. Following determination, to promptly serve upon the person by whom the objection was made, written notice of the decision and a statement of reason for that decision.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA48 NEGOTIATIONS OF LEASES (OTHER THAN MOORING PEN & RESIDENTIAL LEASES)

- Objective of Delegation:** To initiate and negotiate draft lease proposals.
- Extent of Delegation:** The authority to
- initiate or respond to all lease proposals involving property that the Town owns or controls
 - negotiate all draft lease proposals referred to above, to the point of a recommendation to Council.
- Conditions imposed:**
1. The CEO will not enter into or execute any property lease agreement without Council approval other than for mooring Pens & council owned/controlled residential property.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA49 APPROVAL TO ISSUE MOORING PEN AND RESIDENTIAL LEASES

- Objective of Delegation:** To consider applications for Council’s mooring pens.
- Extent of Delegation:** The authority to consider, determine and issue mooring pen and residential leases.
- Conditions imposed:**
1. Mooring pen lease payments to be in accordance with relevant charge as prescribed in Council’s annual budget.
 2. Residential leases as per market rental advice.
 3. All leases to be a maximum of 12 months.
 4. To be recorded in “Mooring Pen Register”
 5. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Coordinator <u>Manager</u> Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA50 EX GRATIA PAYMENTS

- Objective of Delegation:** To consider the payment of ex gratia payments.
- Extent of Delegation:** The authority to grant ex gratia payments for claims against Council.
- Conditions imposed:**
1. Payment of ex gratia amounts to a maximum of \$1,500.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA51 DONATION REQUESTS

Objective of Delegation: To consider applications for donations by community organisations and individuals, and donations to Emergency Relief Appeals.

Extent of Delegation: The authority to approve donations from community organisations and individuals and to Emergency Relief Appeals.

Conditions imposed:

1. Community Organisations and Individuals
 - Approval of donations to a maximum of \$500 which have the prior support of the Mayor.
 - Information provided to next Concept Forum.
2. Emergency Relief Appeals
 - Following discussion and assent from the Mayor and informal majority support from elected members, approval of a donation up to an amount of \$10,000.
 - Formal endorsement and budgetary adjustment at subsequent Council Meeting.
3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 2.1.5 Donations</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA52 AUTHORITY TO CANCEL ADVERTISED MEETINGS WHERE INSUFFICIENT BUSINESS TO WARRANT A MEETING

- Objective of Delegation:** To cancel advertised meetings of Council and Committee.
- Extent of Delegation:** The authority to cancel a Committee or Council meeting where there is insufficient business to warrant such meeting.
- Conditions imposed:**
1. The prior approval of the Presiding Member being sought.
 2. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 June 2017, 21 June 2022

DA53 TEMPORARY PLACEMENT OF RUBBISH SKIP BINS ON STREET

Objective of Delegation: To issue permits for the temporary placement of skip bins on the street.

Extent of Delegation: The authority to issue permits for the temporary placement of skip bins on the street.

Conditions imposed:

1. May require fee, rental or bond or waiving of any fee, rental or bond.
2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Technical Services Executive Manager Regulatory Services Rangers
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 August 2018, 20 April 2021, 21 June 2022

DA54 LOCAL GOVERNMENT PROPERTY

Objective of Delegation: To administer the Local Government Property Local Law.

Extent of Delegation: The authority to administer this Local Law, including the following:

- approve/refuse, with or without conditions, including the imposition of a fee, charge or bond, or waiving or reduction of any fee, rental or bond, a permit to use local government property
- approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a request to consume alcohol on local government property
- approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, applications for liquor, gaming or other special permits pursuant to the Liquor Licensing Act, on local government property.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 June 2018, 21 June 2022

DA55 — LAUNCHING RAMP PERMITS

Objective of Delegation: To issue a ratepayer launching ramp parking permit where Policy criteria is not met. **(NO Longer relevant To be deleted)**

Extent of Delegation: The authority to issue a ratepayer launching ramp parking permit in exceptional circumstances contrary to the criteria contained in Policy 2.2.1.

Conditions imposed: Nil.

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995</i> <i>Council Policy 2.2.1</i>
Last Reviewed:	19 June 2018
Amended:	

DA56 ACTIVITIES IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

Objective of Delegation: To administer the Activities in Public Places and Local Government Property Local Law.

Extent of Delegation:

1. The authority to administer this Local Law, including the following:
 - Approve the appointment of authorised persons under Section 9.10 of the Local Government Act.
 - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a permit to use a public place.
 - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, a request to consume alcohol in a public place.
 - approve/refuse, with or without conditions, including the imposition of a fee or bond, or waiving any fee, rental or bond, applications for liquor, gaming or other special permits pursuant to the Liquor Licensing Act in a public place.
 - close thoroughfares (for repairs, maintenance or other works) to vehicles.
 - exercise & discharge powers & functions conferred on local government for the purpose of authorising the temporary placement of cranes on the streets of the Town
2. The authority to determine the maximum number of mobile food vendors permitted at a location.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegated Authority Register

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 21 June 2022

DA57 APPROVAL FOR CONSTRUCTION OF CROSSOVERS

- Objective of Delegation:** To approve variations to standard crossover specifications.
- Extent of Delegation:** The authority to approval variations to Local Planning Policy – Residential Design Guidelines in respect to Crossovers (s3.7.14 – Footpaths & Crossovers).
- Conditions imposed:**
1. This delegation does not include approval for a second crossover which requires the special approval of Council.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA58 LANDSCAPING OF STREET VERGES

Objective of Delegation: To approve landscaping and reticulation installation of street verges.

Extent of Delegation: The authority to approve landscaping and reticulation installation of street verges.

Conditions imposed:

1. Compliance with Council guidelines on planting and reticulation of Council verges.
2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA59 WILFUL DAMAGE OF TREES AND OTHER COUNCIL PROPERTY

Objective of Delegation: To pursue the identification of persons responsible for wilful damage of Council property.

Extent of Delegation: The authority to pursue the identification of the person or persons responsible for any act of wilful damage of trees and other Council property, including the authority to offer a reward of up to \$5,000 for information leading to the conviction of any person responsible, and to take protective measures in respect of vandalised trees and other Council property aimed at preventing further attacks.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA60 APPROVAL TO ISSUE A LICENCE FOR EXCAVATION NEAR OR THE DEPOSITING OF BUILDING MATERIAL ON THE STREET

Objective of Delegation: To issue or refuse a licence for excavation near a street or the depositing of building material on the street.

Extent of Delegation: The authority to issue or refuse a licence for excavation near or the depositing of building material on the street

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA61 AUTHORISATION OF PARKING RESTRICTIONS

Objective of Delegation: To constitute, determine and vary parking restrictions on roads and parking stations within the Town.

Extent of Delegation: The authority to constitute, determine and vary parking restrictions on roads and parking stations within the Town.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA62 WITHDRAWAL, AMENDMENT & COLLECTION OF INFRINGEMENT NOTICES

Objective of Delegation: To withdraw, amend and pursue infringement notices.

Extent of Delegation: The authority to withdraw, amend, grant extension of time to pay and take action to collect infringements issued under local laws or regulations under the Local Government Act 1995.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Finance Manager Coordinator Manager Corporate Services – withdrawal of infringements only
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	20 November 2018, 29 October 2020, 21 June 2022

DA63 DISPOSING OF PROPERTY, CONFISCATED OR UNCOLLECTED GOODS

Objective of Delegation: To dispose or sell any goods that have been confiscated or impounded.

Extent of Delegation: The authority to dispose or sell any goods that have been:

- Ordered to be confiscated under Section 3.43 of the Act
- Impounded and have not been collected within the periods shown in Section 3.47(2b).

Conditions imposed:

1. Compliance with Policy 2.1.1 Disposal of Surplus Property
2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 2.1.1 Disposal of Surplus Property</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA64 AUTHORISATION TO REMOVE DEAD OR DYING STREET TREES

Objective of Delegation: To remove dead and dying street trees and other Council owned vegetation.

Extent of Delegation: The authority to approve the removal of dead and dying street trees and other Council owned vegetation.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 4.2.1 Maintenance & Removal of Public & Verge Trees</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA65 AUTHORISATION TO APPROVE THE REMOVAL OF TREES ON PUBLIC LAND

- Objective of Delegation:** To permit removal of trees on public land.
- Extent of Delegation:** The authority to approve the removal of trees on public land.
- Conditions imposed:** Subject to specialist advice concluding:
- the tree poses an unacceptable risk to life, limbs or property
 - the Town faces a potential liability for injury or damage due to the tree
 - no practical alternatives to removal are considered to exist.
- Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA66 AUTHORISATION TO APPROVE THE STORAGE OF AND REMOVE UNAUTHORISED DINGHIES FROM FORESHORE

Objective of Delegation: To approve the storage of dinghies at the approved foreshore storage area and remove unauthorised dinghies from the foreshore.

Extent of Delegation: The authority to approve applications for dinghy storage in accordance with Council's Foreshore Dinghy Management Policy.

The authority to have dinghies removed from the foreshore.

Conditions imposed: Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Coordinator Customer Service Coordinator Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 5.42</i>
Last Reviewed:	21 June 2022
Amended:	18 February 2020, 20 April 2021, 21 June 2022

DA67 AUTHORITY TO DO PARTICULAR THINGS ON LAND EVEN THOUGH IT IS NOT LOCAL GOVERNMENT PROPERTY

Objective of Delegation: To carry out work on land which is not under the control of Council.

Extent of Delegation: The authority to do particular things on land even though it is not local government property as per Schedule 3.2 of the Act.

Conditions imposed:

1. Compliance with conditions of entry as stated in Sections 3.30, 3.31, 3.32, 3.33, 3.34 & 3.35 LGA.
2. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA68 TEMPORARY ADVERTISING SIGNS AND BANNERS IN STREETS, RESERVES AND PUBLIC PLACES

Objective of Delegation: To approve and control placement of temporary signage and banners in streets, reserves and public places.

Extent of Delegation: The authority to issue licences or permits, with or without conditions, including the imposition of a fee, rental or bond or the waiving of such fee, rental or bond for the placement of temporary signs and banners and to exercise authority for the control of signs and banners in streets, reserves and public places.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i> <i>Policy 3.1.2 Signage Design Guidelines</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA69 CATEGORY 2 ADVERTISING SIGNS WITHIN MAIN ROADS WA RESERVES

Objective of Delegation: To approve Category 2 advertising signs within Main Roads WA reserves.

Extent of Delegation: To administer the approval of Category 2 advertising signs within Main Roads WA reserves subject to Main Roads WA continued delegation of this approval to Council.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 21 June 2022

DA70 AUTHORISING COLLECTIONS

Objective of Delegation: To authorise collections by charities within the Town.

Extent of Delegation: The authority to exercise and discharge powers and functions conferred on local government for the purpose of authorising collections by charities within the Town.

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Not Applicable
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA71 HOUSE NUMBERING

- Objective of Delegation:** To allocate or change street numbering to properties within the Town.
- Extent of Delegation:** To administer the allocation or change of street numbering to properties within the Town.
- Conditions imposed:**
1. Any change should not significantly impact on other landowners.
 2. The procedure to be adopted, unless the street number can be allocated without impact on any adjoining land owner ie a simple addition of a letter of the alphabet in a duplex type development or where a number is simply an addition to an existing string of street numbers, requires the Chief Executive Officer to contact the owners of all land, the address of which may be changed as the result of the allocation of a street number to a property, and must secure agreement from those landowners before progressing the change. Where agreement is not achieved, the matter must be referred to Council for resolution.
 3. Compliance with “General Standards of Delegation

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services <u>Finance</u> Manager <u>Finance</u>
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	29 October 2020, 21 June 2022

DA72 APPROVAL TO EXTEND TERM OF PLANNING APPROVAL

- Objective of Delegation:** To approve an extension of the term of planning approval
- Extent of Delegation:** To administer an approval for an extension of the term of a planning approval.
- Conditions imposed:** Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Town Planning & Development Act 2005</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA73 DETERMINATION OF PLANNING APPLICATIONS OR ADVICE TO REFERRAL AGENCIES OR OTHER PLANNING AUTHORITIES

Objective of Delegation: To determine applications for planning approval or advice to referral agencies and other planning authorities.

Extent of Delegation: 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.

Conditions imposed:

- (a) At least four Committee members vote in favour of the Committee recommendation
- (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.

Delegation by Council to:	Town Planning Committee
Delegation by Chief Executive Officer to:	N/A
Formal Record:	Recorded in central records system
Heads of Power:	<i>Town Planning & Development Act 2005</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA74 AUTHORITY TO MAKE GRATUITY PAYMENTS TO DEPARTING STAFF

- Objective of Delegation:** To authorise the CEO to make gratuity payments to departing staff who have provided between 10 and 20 years continuous service.
- Extent of Delegation:** This authority is limited to payments to a maximum of \$1,000
- Conditions imposed:**
1. Eligible staff must meet criteria set out in Policy 1.2.4 Gratuity Payment.
 2. The Mayor is to be notified of any proposed payment.
 3. Applications for Gratuity payments exceeding \$1,000 must be the subject of an officer report to Council.
 4. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	N/A
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA75 DOG REGISTRATION

Objective of Delegation: To expedite various duties and make determinations under the Dog Act 1976.

Extent of Delegation: The authority to:

- (i) keep an accurate and up to date register of dogs (s14)
- (ii) grant, renew or refuse an application for dog registration (s16)
- (iii) cancel a dog registration (s16)
- (iv) discount or waive the registration fee for an individual dog or any class of dogs, except dangerous dogs(s15(4)(a))
- (v) if no application for registration has been made, give written notice to the owner that a dog cannot be registered because of any of the prescribed reasons and inform the owner of right of review (s17A(2))
- (vi) grant an exemption from the limit imposed on the number of dogs that can be kept (s26(3))
- (vii) consider an objection under s33G(2)(d)(i) and give notice to the owner of the dog setting out its determination(s33G(4))
- (viii) revoke a declaration or proposal to destroy (s33H(1),(2) & (5)).

Conditions imposed: Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer is delegated authority to exercise all of its powers and discharge all of its duties under the Act.
Delegation by Chief Executive Officer to:	Executive Manager Corporate Technical Services – Delegations (i) – (v) Town Rangers - Delegations (i), (ii) & (iii) Customer Service Officers - Delegations (i), (ii) & (iii) Rates-Revenue Officer – Delegations (i), (ii) & (iii)
Formal Record:	Dog Register Recorded in central records system
Heads of Power:	<i>Dog Act 1976, s10A(1), s14, s15(4)(a), s16, s17A(2), s26(3), s33G(4), s33H(1), (2) & (5)</i> <i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	19 May 2020, 21 June 2022

DA76 DEFER, GRANT CONCESSION, WAIVE OR WRITE OFF DEBT

Objective of Delegation: Authority to defer, waive, grant concession or write off any amount of money under section 6.12 of the *Local Government Act 1995* to a maximum of five hundred dollars (\$500.00).

Note that s. 6.12(2) of the Local Government Act 1995 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.

Extent of Delegation: The power to defer, waive, grant concession or write off any amount of money owed to the Town of East Fremantle, under section 6.12 of the Local Government Act 1995 (WA).

Conditions imposed:

1. No amounts exceeding \$500.00.2. The full details of the deferment, waiver, concession or write off is to be recorded on the appropriate financial record and the report to be provided to Council on an monthly basis
3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42,s6.12</i>
Last Reviewed:	21 June 2022
Amended:	29 October 2020, 21 June 2022

DA77 GRAFFITI REMOVAL – PRIVATE PROPERTY

Objective of Delegation: To expedite graffiti removal from private property under the *Graffiti Vandalism Act 2016*.

Extent of Delegation: The authority to:

- (i) issue a notice requiring the removal of graffiti
- (ii) give effect to a notice requiring the removal of graffiti where a person fails to comply with the notice
- (iii) commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti
- (iv) remove graffiti that has been applied without the consent of owner or occupier of property

Conditions imposed:

1. When issuing a notice requiring the removal of graffiti, person to be advised of their right to lodge an objection to the notice with the Chief Executive Officer or alternatively, or seek a review of the Town’s decision to issue a notice from the State Administrative Tribunal.
2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services Executive Manager Regulatory Services Executive Manager Technical Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Graffiti Vandalism Act 2016, s18(2), s19(3) & (4) & s25(1)</i>
Last Reviewed:	21 June 2022
Amended:	20 April 2021, 21 June 2022

DA78 PETTY CASH DISBURSEMENTS

- Objective of Delegation:** To streamline process for payment of miscellaneous office purchases.
- Extent of Delegation:** The authority to issue petty cash disbursements to a maximum value of \$100
- Conditions imposed:**
1. Petty cash voucher to be completed and signed by relevant officers with accompanying receipt, then countersigned by authorised/delegated officer.
 2. Requests for petty cash disbursements over \$100 to be referred to Executive Manager Corporate Services for approval.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Coordinator -Customer Service <u>Officer</u> <u>CHSP Manager</u> CHSP Activities Coordinator
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Adoption Date:	21 June 2022
Amended:	19 May 2020, 25 May 2021, 21 June 2022

DA79 DETERMINE APPLICATIONS FOR RATES EXEMPTION

- Objective of Delegation:** To consider applications for rates exemption.
- Extent of Delegation:** To administer a determination on applications for rates exemption in accordance with the Rates Exemption Policy.
- Conditions imposed:**
1. In accordance with Policy 2.1.4, organisations are required to reapply for a rates exemption each financial year.
 2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	29 October 2020, 21 June 2022

DA80 DETERMINE APPLICATIONS FOR MORE THAN 3 CATS

Objective of Delegation: To expedite consideration of applications for more than 3 cats.

Extent of Delegation: Authority to approve applications to keep more than 3 cats per property provided there are no objections from adjoining owners.

Conditions imposed:

1. An assessment of the prescribed premises be undertaken in accordance with section 2.4 of the *Town of East Fremantle Cat Local Law 2016*.
2. 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.
3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Cat Act 2011</i> <i>Town of East Fremantle Cat Local Law 2016</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA81 FINANCIAL HARDSHIP APPLICATIONS

Objective of Delegation: Determination of Applications for Financial Hardship in accordance with Council’s Debt Collection Policy, Rates Concession Policy, Application for Financial Hardship Form (Rates and Sundry Debtors) and Budget Parameters.

Extent of Delegation: The power to defer, waive, grant concession or write off any amount of money owed to the Town of East Fremantle, under section 6.12 of the Local Government Act 1995.

Conditions imposed:

1. The power to write off or waive individual amounts not exceeding \$2,000
2. The power to defer liability to pay monies for a maximum period of 6 months
3. The full details of the deferment, waiver, concession or write off is to be recorded on the appropriate financial record and the report to be provided to Council on an monthly basis
4. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Corporate Services <u>Finance</u> Manager Finance
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s6.12</i>
Last Reviewed:	21 June 2022
Amended:	29 October 2020, 21 June 2022

DA82 TRADING IN PUBLIC PLACES APPLICATIONS

- Objective of Delegation:** Determination of applications for Trading in Public Places in accordance with the Trading in Public Places Policy.
- Extent of Delegation:** The power to grant a licence to a person to carry on any trading on local government property.
- Conditions imposed:**
1. An application for a licence must:
 - (a) comply with the requirements of the Trading in Public Places Policy;
 - (b) be in the form determined by the CEO;
 - (c) be signed by the applicant;
 - (d) provide the information required by the form and policy; and
 - (e) be forwarded to the CEO together with any fee imposed by the Council.
 2. The CEO may waive the fees and charges associated with the grant of an annual licence to allow trading on local government property.
 3. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Executive Manager Regulatory Services
Formal Record:	Recorded in central records system
Heads of Power:	<i>Public Places and Local Government Property Law 2016 Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA83 APPOINTMENT OF PERSONS TO RECEIVE & WITHDRAW COMPLAINTS

Objective of Delegation: 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*.

Extent of Delegation: Authority to appoint persons to receive and withdraw complaints in respect to the Model Code of Conduct.

Conditions imposed:

1. Actions to be in accordance with Complaints Handling Policy and Procedures.
2. Compliance with “General Standards of Delegation”

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	N/A
Formal Record:	Recorded in central records system
Heads of Power:	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Local Government (Model Code of Conduct) Regulations 2021</i> • <i>Local Government Legislation Amendment Act 2019</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DA84 BEHAVIOUR COMPLAINTS COMMITTEE

- Objective of Delegation:** To provide authority to Behaviour Complaints Committee to determine an alleged breach of Division 3 of the Town's Code of Conduct for Council Members, Committee Members and Candidates.
- Extent of Delegation:**
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)}*.
 2. Where a finding is made that a breach has occurred, authority to:
 - (a) take no further action *{MCC.cl12(4)(a)}*; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates *{MCC.cl12(4)(b), (5) and (6)}*.
 3. Authority to dismiss a complaint and if dismissed, the Committee must determine reasons for the dismissal *{MCC.cl.13(1) and (2)}*.
- Conditions imposed:**
1. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.1.10 Code of Conduct Behaviour Complaints Management.
 2. 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.
 3. 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.
 4. 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.

Delegated Authority Register

Delegation by Council to:	Behaviour Complaints Committee
Delegation by Chief Executive Officer to:	N/A
Formal Record:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Heads of Power:	<ul style="list-style-type: none"> • Local Government Act 1995 s5.42 • Local Government (Model Code of Conduct) Regulations 2021 <ul style="list-style-type: none"> - Clause 12 Dealing with a complaint - Clause 13 Dismissal of complaint • Local Government Legislation Amendment Act 2019 • Policy 1.1.9 Town of East Fremantle Code of Conduct for Council Members, Committee Members and Candidates
Date of Adoption:	21 June 2022
Amended:	21 June 2022

DA85 EAST FREMANTLE OVAL PRECINCT REDEVELOPMENT PROJECT (CEO)

Objective of Delegation: To ensure the timely process for approval of project variations for the East Fremantle Oval Precinct Redevelopment Project (Only).

Extent of Delegation: The authority to the CEO only for individual variations up to a maximum of \$50,000, subject to an aggregate project limit of \$500,000

Conditions imposed:

1. Project Variations up to \$50,000 must be reported to the Project Steering Committee.
2. Contract variations more than \$50,000 require Council's approval.
3. This authority is only valid for the delivery of the East Fremantle Oval Precinct Redevelopment Project.
4. Compliance with "General Standards of Delegation"

Delegation by Council to:	Chief Executive Officer
Delegation by Chief Executive Officer to:	Nil
Formal Record:	Recorded in central records system
Heads of Power:	<i>Local Government Act 1995 s5.42</i>
Last Reviewed:	21 June 2022
Amended:	21 June 2022

DOCUMENT CONTROL

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Ordinary Council	Review of Register of Delegations	16 June 2015
2	Ordinary Council	Review of Register of Delegations	21 June 2016
3	Ordinary Council	Review of Register of Delegations	20 June 2017
4	Ordinary Council	Review of Register of Delegations	19 June 2018
5	Ordinary Council	New Delegations & Amendments	21 August 2018
6	Ordinary Council	Delegation Amendments	20 November 2018
7	Ordinary Council	Review of Register of Delegations	19 March 2019
8	Ordinary Council	New Delegation & Amendments	16 July 2019
9	Ordinary Council	New Delegation	17 September 2019
10	Ordinary Council	Delegation Amendment	19 November 2019
11	Ordinary Council	Delegation Amendment	10 December 2019
12	Ordinary Council	Delegation Amendments	18 February 2020
13	Ordinary Council	Delegation Amendment	21 April 2020
14	Ordinary Council	Review of Register of Delegations	19 May 2020
15	Ordinary Council	New Delegations	21 July 2020
16	CEO	Subdelegation Additions	29 October 2020
17	Ordinary Council	New Delegation	16 February 2021
18	Ordinary Council	Review of Register of Delegations	20 April 2021
19	Ordinary Council	New Delegation	18 May 2021
20	CEO	Subdelegation Addition/Title Change	25 May 2021
21	Ordinary Council	New Delegation	15 June 2021
22	CEO	Subdelegation Addition/Title Changes	22 June 2021
23	Ordinary Council	Review of Register of Delegations	21 June 2022
<u>24</u>	<u>Ordinary Council</u>	<u>Review of Register of Delegations</u>	<u>16 May 2023</u>

AMENDMENTS/ADDITIONS		
Document Version	Date of Amendment	Amendment details
3	20 June 2017	DA52: <i>"The prior approval of the Presiding Member being sought"</i> added as a Condition.
4	19 June 2018	<ul style="list-style-type: none"> DA6,8,12,14,15,16,19,20,22,23,34,35,41,45,46,49 & 54 change of title from EMCCS to EMCS DA10 delegation by CEO to HRC DA13 <i>"All prosecution actions to be reported to next monthly Concept Forum"</i> added as a Condition. DA17 delegation by CEO to OM DA30 <i>"All prosecution actions to be reported to next monthly Concept Forum"</i> added as a Condition.

Delegated Authority Register

		<ul style="list-style-type: none"> DA34 delegation by CEO to MAF DA43 delegation by CEO to EMRS DA45 delegation by CEO to EMRS & MAF DA46 delegation by CEO to EMRS DA55 Launching Ramp deleted. New DA74 Authority to Make Gratuity Payments to Departing Staff
5	21 August 2018	<ul style="list-style-type: none"> DA35 Adding 5 additional officers to subdelegation. Also replacing reference to Policy 8.1 with Policy 4.2.4 DA42, DA43 and DA53 replacing subdelegation from EMRS with EMCS New delegations: DA75 Dog Registration, DA76 Write Off Debt & DA77 Graffiti Removal – Private Property being added to Register.
6	20 November 2018	<ul style="list-style-type: none"> DA35 to include the Administration Support Officer – Operations. DA62 replacing subdelegation from EMRS with EMCS
7	19 March 2019	New DA78 Petty Cash Disbursement added to Register
8	16 July 2019	<ul style="list-style-type: none"> DA35 to include Assistant Coordinator CHSP. New DA79 Determine Applications for Rates Exemption
9	17 September 2019	New DA80 Determine Applications for more than 3 Cats
10	19 November 2019	DA35 to include EACS
11	10 December 2019	DA35 to include Senior Ranger.
12	18 February 2020	<ul style="list-style-type: none"> DA8 be amended to increase limit for appointment of consultants to “less than \$150,000”. DA24, DA25, DA26, DA27, DA28 & DA36 be amended to remove the delegation to the Principal/Building Surveyor. DA51 be amended to include donations to Emergency Relief Appeals Renamed DA56 Activities in Public Places and Local Government Property be amended to replace references to the now defunct Activities on Thoroughfares and Public Places Local Law and include a delegation regarding the number of approved mobile food vendors at any location within the Town. Renamed DA66 Authorisation to Approve the Storage of Dinghies and Remove Unauthorised Dinghies from Foreshore be amended to incorporate the required 2uthorization to approve and issue Dinghy Storage registrations.
13	21 April 2020	D14 to include the waiving of all admin charges and penalty interest where payment arrangements are entered into and financial hardship can be demonstrated.
14	19 May 2020	<ul style="list-style-type: none"> DA4 to include “Complete Disposal Form” in Formal Record

Delegated Authority Register

		<ul style="list-style-type: none"> DA7 to include subdelegations to EMCS, EMRS & OM with the addition of Conditions 2 & 3 DA11 to include subdelegations to EMCS & OM DA13 to include subdelegation to EMCS (parking related prosecutions only). DA14 to include subdelegation to MFA DA15 to include subdelegation to OM and addition to (iii) of Extent of Delegation. DA16 to include subdelegation to MF&A DA35 to replace Project Coordinator with CMO DA38 & DA39 to include subdelegation to EMRS DA42 to include subdelegation to Rates Officer DA69 to include subdelegation to EMRS & EMCS DA75 to include subdelegation to Rates Officer for Parts (i),(ii) & (iii) of delegation DA78 to include subdelegation to CHSP Coordinator
15	21 July 2020	<p>New Delegations:</p> <ul style="list-style-type: none"> DA81 Financial Hardship Applications DA82 Trading in Public Places Applications
16	29 October 2020	<ul style="list-style-type: none"> DA23 to include limited subdelegation to Manager Finance & Admin DA62 to include subdelegation to MFA DA71 to include subdelegation to MFA DA76 to include subdelegation to MFA DA79 to include subdelegation to MFA DA81 to include subdelegation to MFA
17	16 February 2021	<p>New Delegation DA83 Appointment of Persons to Receive & Withdraw Complaints</p>
18	20 April 2021	<ul style="list-style-type: none"> DA4 to include subdelegation to EMTS DA7, DA8 & DA11 to replace OM with EMTS DA13 subdelegation to EMCS to include “bush fire prosecutions” DA15, DA16 & DA17 to replace OM with EMTS DA18 to include a condition requiring signing of grant applications to be in compliance with administrative Grants Policy and subdelegations to EMCS, EMRS & EMTS DA19 to include subdelegation to MF&A DA22 to replace OM with EMTS DA30 to include subdelegation to EMCS in respect to Bush Fires Act only DA32 to replace OM with EMTS DA35 to replace OM with EMTS and ASO-O with OC DA53 to include a subdelegation to EMTS DA57 & DA58 to replace OM with EMTS DA60 to include subdelegation to EMTS DA64 to replace OM with EMTS DA66 to include subdelegation to EMCS & TLCS

Delegated Authority Register

		<ul style="list-style-type: none"> DA68 to include subdelegation to EMRS DA77 to replace OM with EMTS
19	18 May 2021	New Delegation DA84 Behaviour Complaints Committee
20	25 May 2021	DA78 Replace Team Leader Customer Service with Coordinator Customer Service and CHSP Coordinator with CHSP Activities Coordinator
21	15 June 2021	New Delegation DA85 East Fremantle Oval Precinct Redevelopment Project (CEO)
22	22 June 2021	DA35 Add Supervisor Infrastructure and Assets, Replace Coordinator Capacity Building with Community Engagement Officer, Executive Assistant Corporate Services with Coordinator Corporate Services & Coordinator Planning and Building Services with Coordinator Regulatory Services.
23	21 June 2022	<ul style="list-style-type: none"> Document generally amended as follows: <ul style="list-style-type: none"> Version control information has been moved to the back of the document Addition of a new Standard Conditions of Delegation page with these conditions referenced throughout the document Specific reference to section 5.42 of the <i>Local Government Act</i> throughout the document Updating of job titles Specific amendments to the following Delegations: <ul style="list-style-type: none"> DA1 Acting Chief Executive Officer DA7 Contract Price Variation DA8 Engaging Consultants/Contractors DA9 Entering into Contracts DA15 Tenders/Quotations DA45 Appointment of Bank Signatories to Bank Accounts Deletion of DA41 Withdrawal Rates and Service Charge Caveat