



Shire of Capel Delegations Register

28 June 2023

REVIEW

Reviewed by	Date approved	References
Council	28 Jun 2023	OC/2023/116

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INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to 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 purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DELEGATIONS

01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS

Delegations under the Local Government Act

01.1 Council to Committees of Council

Delegation	1.1.1 Audit and Risk Committee
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	<ol style="list-style-type: none"> 1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> i. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Capel and ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire of Capel's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].
Delegates	Audit and Risk Committee
Conditions	<ol style="list-style-type: none"> a. The Audit Committee is to address issues brought to the attention of the committee, including the response to requests from Council for advice that falls within the parameters of the committee's terms of reference. b. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Statutory framework	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees Audit and Risk Committee Terms of Reference
Record keeping	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
28 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13, 19.03.14, 23.09.15, 23.03.16, 22.03.17, 23.05.18, 27.03.19, 30.09.20, 25.05.22	Nil
28 Jun 2023	Amended delegation	OC/2023/116 Amended	Nil

01.2 Council to CEO

Delegation	1.2.1 Appoint Authorised Persons
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.49A Execution of Documents. 9.49B Contract Formalities. 9.49 Documents, how authenticated
Function	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons with the authority to exercise prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint 'authorised officers' section 9.16 of the <i>Local Government Act 1995</i> for the purposes of issuing <i>Building Act 2011</i> Infringement Notices in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedures Act 2004</i>. 3. (Building Reg.70(2) prescribes s.9.10(1) of the <i>Local Government Act 1995</i> as the enabling power for appointment of 'authorised officers'.) 4. Authority to appoint authorised person for the purposes of section 15 the <i>Graffiti Vandalism Act 2016</i>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> • A register of Authorised Persons is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express power to subdelegate	CEO may delegate some powers and duties to other employees.
Subdelegates	Director Infrastructure and Development Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995:</i> s5.44 s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]

Record keeping	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	1.2.2 Execution of certain documents and affixation of the Common Seal
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.49A Execution of Documents. 9.49B Contract Formalities.9.49 Documents, how authenticated
Function	<ol style="list-style-type: none"> 1. The President and CEO are authorised to sign the following documents and affix the Common Seal of the Shire of Capel. <ul style="list-style-type: none"> • Legal documents requiring both signatures and / or the affixation of the Common Seal, without requiring referral to Council. • Grant agreements/acquittals requiring the affixing of the Common Seal. 2. The CEO is authorised to sign the following documents: <ul style="list-style-type: none"> • Legal documents that are a renewal, extension, or minor modification of the original document, which is not a significant variation from the existing clauses or conditions and does not carry the requirement for both President and CEO signatures, or affixation of the common seal. • Legal documents required as a condition of a subdivision or development approval previously granted by Council, that do not require the common seal to be affixed. • Land Transaction documents including sale, purchase, vesting, leases, licences, transfers, easements, restrictive covenants, caveats, memorials, notifications, deeds, and withdrawal of instruments.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. All other documents requiring the affixing of the Common Seal must be referred to Council for approval. 2. All instances of affixing of the Common Seal shall be recorded in the relevant register.
Express power to subdelegate	Nil
Statutory framework	Standing Orders Local Law
Record keeping	All instances of affixing of the Common Seal shall be recorded in the relevant register.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.3 Appointment of an Acting Chief Executive Officer
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s5.39c</i> <i>Local Government (Administration) Regulations</i>
Function	1. The Chief Executive Officer is delegated authority to appoint a Director as acting Chief Executive Officer for leave periods of 2 days to 6 weeks duration, subject to the Directors performance, availability, operational requirements, and capacity for professional development.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer is to provide Council with the details of the extent of the leave coverage. 2. If the Chief Executive Office is not able to appoint an acting Chief Executive Officer, the decision is to be referred to Council. 3. The Council may, by resolution, extend an Acting Chief Executive Officer appointment beyond 6 weeks.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Policy	Temporary Employment or Appointment of CEO Policy
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
17 Dec 2014	Amended delegation	Amended/reviewed 17.12.14; 24.02.16; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.4 Powers of Entry
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law s.3.28. 2. Authority to give notice of entry s.3.32. 3. Authority to seek and execute an entry under warrant s.3.33. 4. Authority to execute entry in an emergency, using such force as is reasonable s.3.34(1) and (3). 5. Authority to give notice and effect entry by opening a fence s.3.36
Delegates	CEO
Conditions	Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	1.2.5 Notice requiring action by owner of land
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995, 3.25(1)(a); 3.26(2); 3.27 & 3.34;</i> as they apply to Schedule 3., clauses 1, 3, 6, 8 &9
Function	1. The Chief Executive Officer has delegation to exercise powers and the discharge of duties under s3.25 Local Government Act, to give a person who is the owner, or the occupier of land a notice in writing requiring the person to do anything to the land that is specified in Schedule 3.1 and inform the owner if the occupier is not the owner of the notice given.
Delegates	CEO
Conditions	1. The delegation may only be exercised where it is considered that immediate action is required and there is insufficient time for the matter to be referred to Council due to risk of injury or damage. 2. Use of this delegation must be reported in the monthly information brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995,</i> 3.25(1)(a); 3.26(2); 3.27 & 3.34; as they apply to Schedule 3., clauses 1, 3, 6, 8 &9
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.6 Enforcement and Legal Proceedings – including appointment of authorised officers
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	Within budgetary constraints, the Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council and appoint persons, or classes of persons, to be authorised for specific purposes as stated under the <i>Local Government Act s9.10 Appointment of authorised persons (1) In this section — law means any of the following —</i> <i>(a) this Act;</i> <i>(b) the Caravan Parks and Camping Grounds Act 1995;</i> <i>(c) the Cat Act 2011;</i> <i>(d) the Cemeteries Act 1986;</i> <i>(e) the Control of Vehicles (Off-road Areas) Act 1978;</i> <i>(f) the Dog Act 1976;</i> <i>(g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);</i> <i>(h) a written law prescribed for the purposes of this section; specified means specified in the instrument of appointment.</i>
Delegates	CEO
Conditions	All legal proceedings that are initiated by the Shire of Capel must be referred to Council prior to proceeding.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate Strategic Governance & Risk Coordinator
Subdelegate conditions	All legal proceedings that are initiated by the Shire of Capel be referred to Council prior to proceeding.
Statutory framework	<ul style="list-style-type: none"> • Compliance Policy • <i>Caravan Parks and Camping Grounds Act 1995, Cat Act 2011 Cemeteries Act 1986, Control of Vehicles (Off-road Areas) Act 1978, Dog Act 1976</i> • Shire of Capel Local Laws
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.7 State Administrative Tribunal
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995: s5.42</i>
Function	The Chief Executive Officer is delegated authority to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.
Delegates	CEO
Conditions	Chief Executive Officer to submit a report to Council to the next available Council meeting to outline the relevant SAT appeal.
Express power to subdelegate	NIL
Policy	State Administrative Tribunal Policy
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 May 2018	Amended delegation	Reviewed/amended: 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.2.8 Legal Advice
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i>
Function	The Chief Executive Officer is delegated the authority to obtain legal advice without reference to Council subject to conditions
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. If the legal advice is related to a Council decision making process a copy of the legal advice is to be made available to Council as a confidential document when a report on the subject matter is presented to Council, unless: <ul style="list-style-type: none"> • there is a conflict of interest with any elected member; or • the legal advice is requested to be provided by Council or Councillors. 2. The Shire of Capel Purchasing Policy, is to be adhered to.
Express power to subdelegate	Nil
Policy	<ul style="list-style-type: none"> • Legal Representation Costs and Indemnification – Councillors and Employees Policy • Purchasing Policy
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.9 Impounding Goods – Authorised Officers
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> 3.40A. Abandoned vehicle wreck may be taken
Function	The Chief Executive Officer is delegated authority to authorise any employee to remove and impound any goods that are involved in a contravention under sections 3.39(1), 3.40 and 3.40A of the <i>Local Government Act 1995</i> , and r 29A and 29 b of the <i>Local Government (Functions and General) Regulations 1996</i> .
Delegates	CEO
Conditions	In accordance with: 1. Procedure 4.2.1 - Abandoned Vehicles 2. Delegation 1.2.10
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	Procedure 4.2.1 - Abandoned Vehicles
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.10 Sale of impounded/seized/confiscated vehicles, animals, or goods
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.47, 3.58
Function	The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded, seized, or confiscated under the provisions of Section 3.43, 3.46, 3.47 and 3.58 of the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Livestock movement to be in accordance with the Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013 2. Attempts to locate the owner through record recovery and public notifications have been carried out.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s3.47, 3.58 Delegation 1.2.9 Impounding Goods – Authorised Officers
Policy	Policy for Disposal
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.11 Temporary Road Closures
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s5.42;5.43 s3.50, 3.50(a); 3.51, 5.42
Function	The Chief Executive Officer is delegated authority to temporarily close thoroughfares: <ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or classes of vehicles for a period not exceeding 4 weeks. 2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks but no more than 6 months, given the following has occurred: <ul style="list-style-type: none"> • Written notification to affected landowners and stakeholders, inviting submissions. • Consideration is given to submissions relevant to the road closure/s proposed. • Local public notice given
Delegates	CEO
Conditions	Closure of a thoroughfare (wholly or partially) for a period exceeding 6 months, requires a council decision
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s5.42;5.43 s3.50, 3.50(a); 3.51, 5.42
Policy	Policy 7.10 Traffic Management Plans
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
27 Feb 2008	Amended delegation	Reviewed/amended: 27.02.08; 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20, 30.09.20; 25.05.22, 26.10.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.12 Events on Roads
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s5.42, s3.50;</i> <i>Road Traffic Act 1974, Road Traffic (Events on roads) Regulations 1991</i>
Function	1. The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting an event.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Temporary closures of roads are to be in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i>. 2. The temporary suspension of regulations for the purpose of conducting events to be in accordance with Section 81A-F of the <i>Road Traffic Act 1974</i>; and 3. The Chief Executive Officer shall have regard to Section 3.50 of the <i>Local Government Act 1995</i> s3.50.
Express power to subdelegate	<i>Local Government Act 1995: s.5.44</i> CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Manager Operations Manager Projects, Engineering & Assets
Subdelegate conditions	Nil
Statutory framework	Delegation 1.2.11
Policy	Policy 5.7 Event Management Policy 7.10 Traffic Management Plans
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
26 Jun 2023	Amended delegation	Amended: 26.06.23 OC/2023/116	Nil

Delegation	1.2.13 Bus Shelters – Location and Installation
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.1 (1A)
Function	The Chief Executive Officer is delegated authority to approve location and installation of bus shelters in accordance with annual budget allocations and traffic management considerations.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s5.42- functions of the CEO
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.14 Naming of roads and parks
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Land Administration Act 1997: s26, 26A</i>
Function	The Chief Executive Officer is delegated authority to undertake all road and park naming actions.
Delegates	CEO
Conditions	The implementation of this delegation is to have regard to the following: <ol style="list-style-type: none"> 1. Council's Policy guidelines (Policy 6.11). 2. Landgate Geographic Names Committee Principles, Policies and Procedures. 3. Actions to be undertaken with a view to reduced inconvenience and cost to landowners, the Shire and Government agencies. 4. Where agreement cannot be reached with an affected landowner/s, the matter is to be referred to Council. 5. Council is to be informed of approved names via the monthly Information Brochure process.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Land Administration Act 1997: s26, 26A, Policies and Standards for Geographical Naming in Western Australia</i>
Policy	Road and Reserve Names Policy
Record keeping	Use of Delegation Register and Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
20 Feb 2013	Amended delegation	Reviewed/amended: 20.02.13; 26.06.13;19.03.14; 23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19; 26.08.20;	Nil
30 Sep 2020	Revoked	Revoked 30.09.20;	Nil
25 May 2022	New delegation	Reinstated: 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.15 Fencing repairs – stock on roads
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.35 requiring certain things to be on private property
Function	The Chief Executive Officer is delegated authority to give notice requiring landowners to repair or maintain fencing to prevent livestock from straying under section 3.25(1)(a) of the Local Government Act 1995, in so far as they apply to Schedule 3.1, Division 1, Clause 4, and the Local Government (Uniform Local Provisions) Regulations 1996 r8.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The delegation may only be exercised where stock have strayed on roads or road reserves. 2. Use of the delegation will be reported in the monthly Information Brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995:</i> s3.35 requiring certain things to be on private property
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.16 Dangers on thoroughfares
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) 1996:</i> C6, c7A, c7, c11, c12, c13, c21
Function	The Chief Executive Officer is delegated authority to undertake actions required under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> regarding: <ul style="list-style-type: none"> • c6 Obstructing public thoroughfare. • c7A Obstruction of public thoroughfare by fallen things. • c7 Encroaching on public thoroughfare. • c11 Dangerous excavation in or near public thoroughfare. • c12 Crossing from public thoroughfare to private land or private thoroughfare. • c13 Requirement to construct or repair crossing. • c21 Wind erosion and sand drifts.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The delegation may only be exercised where it is considered that immediate approval is warranted or there is insufficient time due to risk of injury or damage, for the matter to be considered by Council. 2. All use of the delegation must be reported in the monthly Information Brochure. 3. Commissioner of Main Roads approval is required for crossings from a public thoroughfare that is a Government Road as defined in section 5(1) of the <i>Road Traffic Act 1974</i>.
Subdelegates	Coordinator Ranger Services Director Infrastructure and Development Manager Operations Manager Projects, Engineering & Assets
Subdelegate conditions	Coordinator Rangers Services delegation limited to: (cl 6, 7A & 7)
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures' Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> Delegation 1.3.1 Local Law – Activities in thoroughfares and public places and Trading; Crossover Policy
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116

Last reviewed	28 June 2023
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Amendments			
Approved	Type	Amendment	References
19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16;22.03.17; 23.05.18; 27.03.19;30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.17 Roads – Extra Mass Permits
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.18 Performing Executive Function (1), (2), (3) a,b,c
Function	The Chief Executive Officer is delegated the authority to negotiate agreements for changes to road use and deterioration co-contributions on behalf of Council.
Delegates	CEO
Conditions	Main Roads Western Australia is responsible for issuing heavy vehicle permits. The Shire of Capel may provide advice regarding the suitability of roads under consideration for heavy Restricted Access Vehicles (RAV). The Shire of Capel will not support: <ul style="list-style-type: none"> 1. Permanent assignment of roads for vehicle designs above Class N3.3(B), (27.5m length, 71 tonne weight) however, temporary special purpose permits may be considered. 2. Concessional overloading of any class of vehicle
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	Road Traffic (Vehicles) Act 2012 Local Law – Extractive Industries
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20; 25.05.22	Nil

Delegation	1.2.18 Transport of over-width Grape Harvesters
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.18 Performing Executive Function (1), (2), (3) (a), (b), (c)
Function	With due consideration to public and road user safety, the Chief Executive Officer is delegated authority to grant approval, refuse approval, impose further restrictions, or withdraw approval, for the movement of over-width grape harvesting vehicles on roads, within the district.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. This delegation does not apply to roads under the control of Main Roads of Western Australia. 2. All transport operation to be conducted in accordance with Main Roads of Western Australia conditions. 3. Maximum width of load not to exceed 3.1 metres. 4. Vehicle speed not to exceed; <ul style="list-style-type: none"> • 70 km p/h on sealed roads • 40 Km p/h on unsealed roads 5. Details of transport routes to be submitted for approval prior to transportation or movement of the over-width vehicle. 6. Applicants who disagree with a decision may request that the matter be considered by Council.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Road Traffic (Vehicles) Regulations 2014 r454</i>
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.19 Contract Variation
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulation 1996:</i> 11(j)r20(3),21A
Function	The Chief Executive Officer is delegated the power to approve minor contract price variations
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Variations are permissible within the overall budgeted and adopted project amount or through savings or surplus identified within Councils adopted budget. 2. A 'minor price variation' is 10% or less of the total budgeted project or contract cost. 3. Contract variations above 10% of the total budgeted cost of a project or contract must be considered by Council. 4. All approved variations are to be reported monthly to Council via the Information Brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s5.42, Local Government (Functions and General) Regulations 1996 11(j)r20(3),21A</i>
Policy	Purchasing Policy
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.20 Tenders
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited, r.13 Requirements when local government invites tenders though not required to do so, r.14 Publicly inviting tenders, requirements for, r.18 Rejecting and accepting tenders, r.20 Variation of requirements before entry into contract, r.21A Varying a contract for the supply of goods or services.
Function	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> 1. Determine the selection criteria that will be used to assess the competence of the tender. 2. Advertise tenders inviting the supply of goods or services, under the provisions of the Council's annual approved expenditure budget (s3.57). 3. To accept a tender not exceeding \$250,000. 4. Assess all valid tenders, through written evaluations that score each tender submission under the criteria. 5. Make recommendations to Council based on the conclusion of the evaluation assessment.
Delegates	CEO
Conditions	Delegation use must be recorded on the register in the monthly information brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government (Functions and General) Regulations 1996</i> Delegation 1.2.19 Contract Variation
Policy	Purchasing Policy
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
13 Apr 2011	Amended delegation	Reviewed/amended: 13.04.11; 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19, 26.08.20,26.08.20; 30.09.20, 25.05.22	Nil

Delegation	1.2.21 Waive, grant concessions, or write-off
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function	The Chief Executive Officer is delegated authority to waive or write-off fees up to the value of \$2,000 if the evidence and reasons are deemed by the CEO to be reasonable.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Subject to CEO discretion after consideration of the evidence and circumstances presented. 2. Use of this delegation to be recorded in the Monthly Information Brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Community and Corporate
Subdelegate conditions	<p>Consider circumstances related to:</p> <ol style="list-style-type: none"> 1. Assisting a not-for-profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire of Capel. 2. Hall hire fees. 3. Pound fees. 4. Minor residual rate amounts relating to the settlement of property
Statutory framework	<i>Local Government Act 1995 s.42, s5.44, 6.12 (1) (2)</i>
Policy	Financial Hardship Policy Policy 2.26 Council Facility Hire and usage Policy 5.4 Trading and operating a stall in public places
Record keeping	Use of Delegation, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
13 Apr 2011	Amended delegation	Reviewed/amended: 13.04.11, 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.22 Payment of Creditors
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	The Chief Executive Officer is delegated authority to approve payments for expenditure included in the Municipal Fund budget or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing - a. The payee's name b. The amount of the payment c. The date of the payment d. Sufficient information to identify the transaction.
Delegates	CEO
Conditions	The list referred to above is to be presented to the Council at the next ordinary meeting following the preparation of the list and is to be recorded in the minutes of the meeting at which it was presented.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Director Community and Corporate Manager Finance Senior Rates Officer
Subdelegate conditions	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO or Director of Corporate Services. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval
Statutory framework	<i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
Policy	Policy 2,15 Authorisation of Payments
Record keeping	Inclusion in Council Meeting Agenda and Minutes

Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13;19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.23 Financial Settlement Negotiation
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i>
Function	When an employee who has been dismissed, has taken or is proposing to undertake, litigation for alleged unfair dismissal, the Chief Executive Officer is delegated authority to negotiate a settlement to avoid the expense of litigation. The Chief Executive Officer is also delegated authority to negotiate a payment in addition to contract or award entitlements where redundancy or voluntary severance occur, or in recognition of long and loyal service.
Delegates	CEO
Conditions	In the case of redundancy or voluntary severance, or in recognition of long and loyal service the payment must conform to Policy 3.6
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government Act 1995</i>
Policy	Severance Pay Policy (3.6)
Record keeping	Use of Delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
24 Apr 2007	Amended delegation	Reviewed/amended: 24.04.07; 17.12.14; 24.02.16;23.03.16; 22.03.17; 22.11.17;23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.2.24 Insurance Claims
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO
Function	The Chief Executive Officer is delegated authority to consider claims against Council for damages that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.
Delegates	CEO
Conditions	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form approved by the Council's insurers.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government (Financial Management) Regulations 1996</i>
Record keeping	Use of delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.25 Rate Book
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> 6. s4, s.6.39(2)(b) Rate record
Function	The Chief Executive Officer is delegated authority to: <ol style="list-style-type: none"> 1. The exercise of discretion in granting of any extension of time for service of objections to the Rate Book 6.76(4) of the <i>Local Government Act 1995</i>. 2. The recovery of rates by complaint or action pursuant to the provisions of 6.56(1) of the <i>Local Government Act 1995</i>. 3. Entering into an agreement in accordance with 6.49 of the <i>Local Government Act 1995</i> and the Financial Hardship Policy. 4. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the <i>Local Government Act 1995</i>.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Financial Hardship Policy Rate Revenue Policy
Record keeping	Use of Delegation Register
Date adopted	23 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.26 Approval of licences
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s3.18 Performing Executive Function (1), (2), (3) (a), (b), (c)
Function	The Chief Executive Officer is delegated the authority to issue correspondence and certificates in respect of a Liquor Licence under s40 Certificate, and other licences as listed, subject to the conditions. <u>Application Types</u> <ul style="list-style-type: none"> • Marine Collectors Licence • Security Agents Licence • Motor Vehicle Dealers Licence • Real Estate Licence • Second Hand Dealers Licence • Auctioneers Licence • Liquor Licence – Section 40 Certificate • Any other licence or certificate.
Delegates	CEO
Conditions	Correspondence or certificates must clearly indicate, if the proposed activity, for which the licence has been sought, complies with the provisions of Town Planning Scheme No 8 <u>Exclusions to Delegated Authority</u> <ol style="list-style-type: none"> 1. Firearms Dealer License applications and any other application that requires formal approval by Council. 2. Marine Dealers Licence requests must be investigated by the Shire’s Environmental Health Officers. If there are grounds for an objection, the matter is to be submitted to Council for consideration. 3. All decisions made under this delegation are to be noted in the monthly Information Brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	Liquor Licencing Act 1988, Town Planning Scheme 8
Record keeping	Use of Delegation Register, Monthly Information Brochure
Date adopted	28 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended:26.06.13; 19.03.14; 28.10.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.27 Seed collection
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i>
Function	The Chief Executive Officer is delegated authority to authorise removal of vegetative material from the Council reserves for re-use purposes.
Delegates	CEO
Conditions	Taking flora (including flowers, seeds, whole plants, timber, and firewood) from crown land is only permitted under lawful authority. Private seed collectors applying to collect seed from reserves must show a current licence from the Department of Biodiversity Conservation and Attractions.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Manager Projects, Engineering & Assets
Subdelegate conditions	Nil
Statutory framework	<i>Conservation and Land Management Act 1984, Biodiversity and Conservation Act 2016 Biodiversity Conservation Regulations 2018</i>
Record keeping	Use of Delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.28 Surplus equipment
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995: s5.42, 3.58</i>
Function	The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, items of surplus equipment, which are no longer required
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. This delegation applies only to items with an estimated market values less than \$100,00. 2. This delegation does not apply to land. 3. Items of plant cannot be offered for disposal without approval by Council.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Use of delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
27 Feb 2008	Amended delegation	Reviewed/Amended: 27.02.08; 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19; 26.08.20,30.09.20; 25.05.22	Nil
28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	1.2.29 Timber disposal
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i>
Function	The Chief Executive Officer is delegated authority to dispose of timber from reserves in accordance with the <i>Conservation and Land Management Act 1984</i> . This delegation relates to timber felled through the course of road works, storm damage or maintenance works.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. For quantities of timber under 30m³, the sale/disposal of the timber is at the discretion of the Chief Executive Officer without public advertising. 2. For quantities of timber over 30m³, details of the type, quantities, locations, and conditions must be publicly advertised.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Manager Operations
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s5.42 <i>Conservation and Land Management Act 1984</i> s139 Delegation 1.2.28 Surplus equipment
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 26.08.20; 30.09.20;25.05.22	Nil

Delegation	1.2.30 Crossovers
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996, r12</i>
Function	The Chief Executive Officer is delegated authority to determine all matters arising from the policy on crossovers.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development Manager Operations Manager Projects, Engineering & Assets
Subdelegate conditions	Nil
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996, r12</i>
Policy	Crossover policy
Record keeping	Use of delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.2.31 Negotiation of Development Contributions
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Function	<p>OC0205 - That Council:</p> <ol style="list-style-type: none"> 1. Adopts the updated draft Shire of Capel Development Contribution Plan (2017) for the purpose of community consultation and advertises the draft Plan accordingly, including the following rates for the following development contribution areas: DCA1 Capel \$3,090; DCA2 Boyanup \$6,815; and DCA3 Dalyellup \$5,182. 2. Endorses Executive negotiations to secure the following development contributions: <ul style="list-style-type: none"> • WAPC Approval ref No 148311 (The Grove, Range Road, Capel) - \$2,100 per lot released; • WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup) - \$565 per lot for the first 33 lots released and \$3,720 per lot for the subsequent 59 lots, subject to review upon gazettal of the Developer Contribution Plan; and • WAPC Approval Ref No 149634 (Goodwood Estate, Stage 2, Capel) \$2,500 per lot subject to review upon gazettal of the Developer Contribution Plan. 3. Delegates authority to the Chief Executive Officer to negotiate contributions to clear subdivision conditions and strata-subdivision conditions in accordance with Delegation 146 that relate to the determination of a financial contribution, generally in line with the intent of the Developer Contribution Plan and this decision. 4. Requests the Western Australian Planning Commission to modify standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015) to remove reference to 'when gazetted' and recognise the status of a 'seriously entertained planning proposal' to allow for negotiated contributions prior to gazettal of Amendment No 65.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 May 2018	Amended delegation	Reviewed/amended: 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.2.32 Reserve management
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> 3.54 <i>Land Administration Act s46 (1),</i> Care control and management of reserves
Function	Authority for the control and management of land vested to the Shire of Capel.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Subject to Ministerial orders under the LLA s46 2. Use of this delegation must be recorded in the Information Brochure
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government Act 1995:</i> 3.54 <i>Land Administration Act s46 (1),</i> Care control and management of reserves
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	1.2.33 Fauna release
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995: 3.54</i> <i>Land Administration Act s46 (1), Care control and management of reserves</i> <i>Biodiversity Conservation Regulations 2018</i>
Function	The Chief Executive Officer is delegated authority to authorise the release of native fauna on Council owned land or managed reserves
Delegates	CEO
Conditions	Pursuant to regulation 101 of the Biodiversity Conservation Regulations 2018, a person who is authorised to carry out a designated activity under a licence must not, for the purposes of the designated activity, enter land that is not in the possession or under the control of the holder of the licence without written authorisation of an owner or occupier of the land to enter the land and to carry out the designated activity.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Use of this delegation is only applicable when licenced Wildlife Carers make application to the Shire, under the guidance and authority of the Department of Biodiversity, Conservation and Attractions.
Statutory framework	<i>Local Government Act 1995: 3.54</i> <i>Land Administration Act s46 (1), Care control and management of reserves</i>
Record keeping	Use of Delegation Register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

01.3 Local Law Delegations to the CEO

Delegation	1.3.1 Activities in Thoroughfares and Public Places and Trading Local Law 2016
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s3.18, s5.42 & 9.10 <i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i>
Function	The Chief Executive Officer is delegated with the authority for the administration of Activities in Thoroughfares and <i>Public Places and Trading Local Law 2016</i> , including the appointment of authorised persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The CEO may refer any matter to the Council 2. Council is to be informed of any prosecution under the local law 3. Council decision is required to: <ol style="list-style-type: none"> i. Make a determination under Part 2 ii. Hear an objection under Part 8 iii. Appoint authorised persons who are not employees under section 9.10 of the Act.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees, s9.10
Subdelegates	Community Ranger Coordinator Ranger Services Director Infrastructure and Development Environmental Health Officer Manager Operations Manager Projects, Engineering & Assets Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	A register of all special environmental areas must be maintained under cl.5.8 of the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i> . Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4. Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record keeping	Use of Delegation Register

Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
6 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.2 Cemeteries Local Law
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Cemeteries Act 1986 s6</i> Local Law c2.1
Function	<p>Subject to any directions given by the Board (Shire of Capel), the Chief Executive Officer shall exercise all of the powers and functions of the Board in respect of Cemeteries.</p> <ol style="list-style-type: none"> 1. Applications for burial and accompanying certificates and fees 2. Notice period of a funeral 3. Burial application refusal 4. Conditions when a dead body can be brought into a cemetery i.e. whether the coffin is structurally sound 5. Funeral processions 6. Vehicle access to the cemetery and speed limitation 7. Dealing with nuisance 8. Conduct of the funeral 9. Disposal and/or burial of ashes 10. Constructions of mausoleum 11. Applications for monumental work and grants of right of burial 12. Sand, earth, and material removal 13. Hours of work in the cemetery 14. Unfinished work 15. Use of wood 16. Officer supervision in cemeteries 17. Monumental Mason Licences issuance 18. Animal entry to cemeteries 19. Withered flowers
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees, s9.10
Subdelegates	Community Ranger Coordinator Ranger Services Environmental Health Officer Manager Operations Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Cemeteries Act 1986</i>

Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.3 Local Laws relating to property
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Local Laws Relating to Property
Function	The administration of the Local Laws Relating to Property, including the appointment of authorised persons to perform any of the functions of the authorised person under this local law, be delegated to the CEO, subject to the conditions
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The CEO may refer any matter, at his discretion, for decision of the Council. 2. The Council is to be provided parts of any prosecution under the local law. 3. Only the Council is to:- <ol style="list-style-type: none"> i. make a determination under Part 2; ii. adopt or vary a policy containing conditions subject to which an application for a permit may be approved under clauses 3.3(1)(a); iii. enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7); iv. cancel a permit under clause 3.12; v. issue a permit under clause 3.13(1)(l) (erect a building) or 3.13(1)(n) (erect or install any utility or service structure); vi. hear an objection under Part 7; and vii. appoint authorised persons who are not employees under section 9.10 of the Act.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees, s9.10
Subdelegates	Community Ranger Coordinator Ranger Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s9.10</i> Local Laws Relating to Property
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.4 Parking and parking facilities Local Law
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s5.42, 9.10 Parking and parking facilities Local Law Policy 6.1 Car parking requirements for light industrial land uses
Function	The administration of the <i>Parking and Parking Facilities Local Law 2016</i> , including the appointment of Authorised Persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law, be delegated to the CEO.
Delegates	CEO
Conditions	1. The CEO may refer any matter, at his discretion, for decision of the Council; and 2. The Council is to be provided details of any prosecution under the local law.
Express power to subdelegate	<i>Local Government Act 1995</i> : s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Community Ranger Coordinator Ranger Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s9.10 Parking and parking facilities Local Law
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.5 Extractive Industries Local Law
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Extractive Industries Local Law
Function	The administration of the Extractive Industries Local Law 2016, including any enforcement action and collection of the annual licence fee be delegated to the CEO, but that the exercise of the following powers be reserved to the Council.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Issue or refusal of a licence under Clause 3.1(2)\ 2. Determination of a licence period under Clause 3.1(3)(a) 3. Cancellation of a licence under Clause 4.2(1) 4. Renewal or refusal to renew a licence under Clause 4.3(4) 5. Determination of any security under Clause 5.1(1).
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s9.10</i> Local Laws Relating to Property
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.6 Cats Local Law 2017
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s9.10
Function	The administration of the <i>Shire of Capel Cats Local Law 2017</i> , including the appointment of authorised to perform any of the functions under this local law, is delegated to the CEO subject to the conditions.
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. the CEO may refer any matter or decision of the Council. b. he Council is to be provided details of any prosecution under the local law c. only the Council is to: <ul style="list-style-type: none"> i. hear an objection under Part 15.1; and ii. appoint authorised persons who are not employees under section 9.10 of the Act
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Community Ranger Coordinator Ranger Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> s9.10 <i>Cat Act 2011</i>
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	1.3.7 Waste Local Law 2016 - Administration
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Waste Local Law 2016
Function	The Chief Executive Officer is delegated authority to administer the <i>Shire of Capel Waste Local Law 2016</i> . This includes the appointment of Authorised Officers.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Community Ranger Coordinator Ranger Services Environmental Health Officer Manager Operations Principal Environmental Health Officer Waste Transfer Attendant
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s9.10</i> <i>Waste Local Law 2016</i>
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
22 Mar 2017	Amended delegation	Reviewed/amended/reaffirmed: 22.03.17; 22.11.17; 23.05.18; 27.03.19;30.09.20; 25.05.22	Nil

Delegation	1.3.8 1.3.8 Health Local Laws 2000
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Health Local Laws 2000
Function	The Chief Executive Officer and Director Infrastructure and Development are delegated the powers and duties conferred by the <i>Shire of Capel Health Local Laws 2000</i> .
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer may refer any matter to Council for decision. 2. The Council is to be provided with details of any prosecution under the local law.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s9.10</i> Health Local Laws 2000
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.3.9 Fences Local Law
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Shire of Capel Fencing Local Law 2016
Function	The Chief Executive Officer is delegated the powers and duties of Shire of Capel Fencing Local Law 2016.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Local Government Act 1995 s9.10</i> Shire of Capel Fencing Local Law 2016
Record keeping	Shire record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.3.10 Dogs Local Law 2017
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> Shire of Capel Dogs Local Law 2017
Function	The Chief Executive Officer is delegated the powers and duties conferred by <i>Shire of Capel Dogs Local Law 2017</i>
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Kennel applications must be accompanied by the relevant Planning, Building and Health approvals. 2. The CEO may refer any matter to Council for decision. 3. The Council is to be provided with details of any prosecution under the local law. 4. Kennel Licence approvals granted under this delegation are to be noted in the monthly Information Brochure.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 s9.10</i> Shire of Capel Dogs Local Law 2017
Record keeping	Delegation Register, Monthly Information Brochure
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	1.3.11 Withdraw infringements
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995 s9.10</i> <i>Extractive Industries Local Law 2016</i> <i>Parking and Parking Facilities Local Law 2016</i> <i>Property Local Law</i> <i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i> <i>Cats Local Law 2017</i> <i>Dogs Local Law 2017</i>
Function	The CEO is delegated authority under Section 5.42 of the Local Government Act 1995 to withdraw any infringement notice issued under that Act or in respect of the following Local Laws: <ul style="list-style-type: none"> a. Extractive Industries Local Law 2016 b. Parking and Parking Facilities Local Law 2016 c. Property Local Law d. Activities in Thoroughfares and Public Places and Trading Local Law 2016 e. Cats Local Law 2017 f. Dogs Local Law 2017
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Ranger Services Director Infrastructure and Development
Subdelegate conditions	Coordinator Ranger Services - In part: LGA and 2b - 2e
Statutory framework	<i>Local Government Act 1995 s9.10</i> <i>Extractive Industries Local Law 2016</i> <i>Parking and Parking Facilities Local Law 2016</i> <i>Property Local Law</i> <i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i> <i>Cats Local Law 2017</i> <i>Dogs Local Law 2017</i>
Record keeping	Delegations register, Monthly Information Brochure
Date adopted	28 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Apr 2006	Amended delegation	Reviewed/amended/reaffirmed: 26.04.06; 23.09.15; 22.03.17; 27.03.19; 30.09.20; 25.05.22	Nil

02.1 Council to CEO/Employees

Delegation	2.1.1 Entry powers
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995 s9.10</i>
Express power or duty delegated	<i>Building Act 2011: s.96 (3) Authorised persons.</i>
Function	Div 3 – Powers of authorised persons s100 Entry powers s 101 Powers after entry for compliance purposes s 102 Obtaining information and documents s 103 Use of force and assistance s 106 Entry warrant to enter place
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Statutory framework	<i>Building Act 2011</i>
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
23 Sep 2015	Amended delegation	Reaffirmed: 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

Delegation	2.1.2 Permit Authority
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Building Act 2011</i> s.127(1) & (3)
Express power or duty delegated	<i>Building Act 2011</i> : s.127(1) & (3) Delegation: special permit authorities and local government
Function	The Chief Executive Officer is delegated authority under s127(1) of the <i>Building Act 2011</i> to exercise powers and duties as a permit authority under the Act, including the appointment of authorised persons.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011</i> : s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) Local Government
Subdelegates	Building Surveyor Director Infrastructure and Development Manager Development Services
Subdelegate conditions	Delegated authority in accordance with r.5 of the <i>Building Regulations 2012</i> In accordance with r70(1) of the <i>Building Regulations 2012</i> : <i>Local Government Act 1995</i> s9.19 - extend time to pay a Building Act infringement notice and s9.20 withdraw an infringement notice
Statutory framework	<i>Building Act 2011</i> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permits. s.17 Uncertified application to be considered by building surveyor <i>Building Regulations 2012</i> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT <i>Building Services (Registration Act) 2011</i> – Section 7 <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i> <i>Heritage Act 2018</i>
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
15 Aug 2012	Amended delegation	Authorisation to CEO:15.08.12 OC0810(Delegation 134)	Nil
26 Jun 2013	Amended delegation	Reaffirmed/amended: 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 26.09.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	2.1.3 Administration
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Building Act 2011</i> :s127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011</i> : s.18 Further Information; s.20 Grant of building permit s.22 Further grounds for not granting an application;s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> : r.23 Application to extend time during which permit has effect (s.32); r.24 Extension of time during which permit has effect s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	s20 Grant building permit; s21 Grant demolition permit; s22 Further grounds for not granting an application; s24 Notice of decision to not grant building or demolition permit s32 Application to extend duration of building or demolition permit s58 Grant of occupancy permit, building approval certificate s60 Notice of decision to not grant occupancy permit, building approval certificate; s65 Extension of duration - occupancy permit, building approval certificate s110 Building orders; s111 Notice of proposed building order other than building order (emergency); s117 Revocation of building order; s118 Permit authority may give effect to building order if noncompliant s128 Register of permits, building approval certificates, building orders;
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011</i> : s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Surveyor Director Infrastructure and Development Manager Development Services
Subdelegate conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i>

Statutory framework	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT; s.23 Time for deciding application for building or demolition permit; s.17 Uncertified application to be considered by building surveyor Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT <i>Building Services (Registration Act) 2011 – s7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage of Western Australia Act 1990</i> <i>Heritage Act 2018</i></p>
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
20 Mar 2014	Amended delegation	Renewed and endorsed: 20.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 26.09.18; 27.03.19; 30.09.20, 25.05.22; 28.06.23	Nil

Delegation	2.1.4 Private pool barriers
Head of power	01 LOCAL GOVERNMENT ACT 1995 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Building Act 2011</i> :s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: r.51 Approvals by permit authority
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Building Act 2011</i> : s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Casual Customer Services Officer / Casual Pool Inspector Manager Development Services
Subdelegate conditions	Authorisation for safety compliance: Pool Inspector
Statutory framework	<i>Building Act 2011</i> , r53(1) <i>Building Regulations 2012</i> , Swimming Pool Inspections, AS 1926, 1993 and AS1926-2012 (Swimming pool safety)
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

03 BUSH FIRES ACT 1954 DELEGATIONS

Delegations under the Bush Fires Act 1954

03.1 Council to CEO, Shire President, and Bush Fire Control Officer

Delegation	3.1.1 Bush Fires Act – Functions
Head of power	03 BUSH FIRES ACT 1954 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 (1) Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.48(2) (a), (b) local government functions
Function	The Chief Executive Officer is delegated authority, pursuant to s 48(1) of the <i>Bush Fires Act 1954</i> , to exercise the performance of any of the functions of that Act.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. This delegation cannot be sub delegated (s48(3)). 2. The Chief Executive Officer is not to exercise delegated authority under sections 17(7) and 18(5) "variations to prohibited and restricted burning periods" as these have been delegated to the President and Chief Bush Fire Control Officer (Delegation 3.1.2). 3. Approval to purchase any vehicles, plant or equipment must be endorsed by the Bush Fire Advisory Committee (BFAC - appointed under s.67 - Advisory committees) prior to the exercising of the delegation unless it is a minor maintenance item or replacing an existing item.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954;</i> <i>Bush Fires Regulations 1954</i> <i>Capel Bushfire brigades Local Law</i> Bush Fire Advisory Committee (BFAC) Local Emergency Management Committee (LEMC)

Policy	<p>BFAC Policy</p> <p>Policy 4.2 Standard Op Procedures</p> <p>Policy 4.3 BFCO Appointments</p> <p>Policy 4.4 Authority Chief and Deputy Chief FCOs</p> <p>Policy 4.5 Authorised Officer – request to burn</p> <p>Policy 4.6 Bush Fire Oder – Exemptions Variations</p> <p>Policy 4.7 PPE</p> <p>Policy 4.8 Fire Appliance – repairs maintenance modifications</p> <p>Policy 4.9 Duties of Rangers</p> <p>Policy 4.10 Hazard Reduction on Council Land</p> <p>Policy 4.11 Fires Outside Shire of Capel</p> <p>Policy 4.12 Use of Council Plant</p> <p>Policy 4.13 Training Arrangements</p> <p>Policy 4.14 Fire Fighters Meals Fire Service Incidents</p> <p>Policy 4.15 Use of Fuel Cards by BFB</p> <p>Policy 4.16 Payment to CBFCO and DCBFCO</p> <p>Policy 4.17 Minimum Driver Training</p> <p>Policy 4.18 Use of Warning Lamps & Audible Warning Systems</p> <p>Policy 4.19 Use of Brigade Appliances</p> <p>Policy 4.20 Purchase of Equipment for BFB</p> <p>Policy 4.21 Brigade Members – Competency at Fire Grounds</p> <p>Policy 4.22 Brigade Officer Qualifications</p>
Record keeping	<p>Shire of Capel Records System;</p> <p>Incident Reporting System (IRS)DFES;</p> <p>Resource Management System (RMS) DFES Volunteer Fire and Rescue Service</p>
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed and endorsed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

Delegation	3.1.2 Variation of Prohibited and Restricted Burning Times
Head of power	03 BUSH FIRES ACT 1954 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	<ol style="list-style-type: none"> 1. The Shire President and the Chief Bush Fire Control Officer are jointly delegated authority to exercise the powers conferred by Section 17(7) of the Bush Fires Act 1954 as it relates to the seasonal variation of the prohibited burning period. 2. The Shire President and the Chief Bush Fire Control Officer are jointly delegated authority to exercise the powers conferred by Section 18(5) of the Bush Fires Act 1954 as it relates to the seasonal variation of the restricted burning period.
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	This delegation may only be exercised where the Shire President and the Chief Bush Fire Control Officer have conferred with the Deputy Chief Bush Fire Control Officer, Coordinator Emergency Services or the Coordinator Ranger Services about their intent to exercise the delegation.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954;</i> <i>Bush Fires Regulations 1954</i>
Record keeping	Shire of Capel Records System; Incident Reporting System (IRS) DFES; Resource Management System (RMS) DFES Volunteer Fire and Rescue Service
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed and endorsed: 26.06.13; 19.03.14; 28.10.15; 23.03.16; 25.01.17; 22.03.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

04 FOOD ACT 2008 DELEGATIONS

Delegations under the Food Act 2008

04.1 Council to CEO

Delegation	4.1.1 Appoint Authorised Officers and Designated Officers
Head of power	04 FOOD ACT 2008 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> 117 (1)(c) may delegate to a Local Government s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers <i>Food Regulations 2009</i> (s.8)
Function	Pursuant to s117(4) the Chief Executive Officer is delegated authority to appoint persons as Authorised Officers under s122 of the <i>Food Act 2008</i>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	s.126(6), (7) and (13) Infringement Officers
Subdelegates	Environmental Health Officer Environmental Health Technician Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Food Act 2008 s117(4),</i> s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed 5.2 Food registration Compliance and Enforcement Policy 5.9 Public health priorities policy
Policy	5.2 Food registration Compliance and Enforcement Policy 5.9 Public health priorities policy
Record keeping	Shire of Capel Records System
Date adopted	28 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13, 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

05 PUBLIC HEALTH ACT 2016 DELEGATIONS

Delegations under the Public Health Act 2016

05.1 Council to CEO – Powers and duties of the Public Health Act

Delegation	5.1.1 Asbestos
Head of power	05 PUBLIC HEALTH ACT 2016 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Public Health Act 2016 s16</i> <i>Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices</i>
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992: r.15D(5) Infringement Notices</i>
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Delegates	CEO
Conditions	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express power to subdelegate	<i>Public Health Act 2016 s17, s21,25 s24</i> <i>Health (Asbestos) Regulations 1992</i>
Subdelegates	Environmental Health Officer Environmental Health Technician Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <i>Criminal Investigation Act 2006</i> , Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> <i>The Criminal Code</i> , Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i> <i>Health Local Laws 2000</i>
Record keeping	Shire of Capel records system
Date adopted	23 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

Delegation	5.1.2 Authorised Officers
Head of power	05 PUBLIC HEALTH ACT 2016 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Function	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. Including: <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Delegates	Environmental Health Officer Environmental Health Technician Principal Environmental Health Officer
Conditions	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	<i>Nil</i>
Statutory framework	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i> <i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i> <i>Health Local Laws 2000</i></p>
Record keeping	Shire of Capel records system

Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	5.1.3 Enforcement Agency Reports to the Chief Health Officer
Head of power	05 PUBLIC HEALTH ACT 2016 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Function	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Capel [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Environmental Health Officer Environmental Health Technician Principal Environmental Health Officer
Conditions	Nil
Express power to subdelegate	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record keeping	Shire of Capel record system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

06 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911

Delegations under Health (Miscellaneous Provisions) Act 1911

Delegation	6.1.1 Authorised Officers
Head of power	06 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911
Delegator	Local Government
Express power to delegate	<i>Health (Miscellaneous Provisions) Act 1911</i> , s12 Powers of Chief Health Officer, s26 Powers of Local Government
Express power or duty delegated	<i>Health (Miscellaneous Provisions) Act 1911</i> : s.26 Authorise any person to be its deputy
Function	In accordance with provisions of Section 26 of the <i>Health (Miscellaneous Provisions) Act 1911</i> (as amended), the Principal Environmental Health Officer is authorised to be the Council's "Deputy" pursuant to the Health (Miscellaneous Provisions) Act and to exercise and discharge all or any of the powers and functions of the local authority.
Delegates	Principal Environmental Health Officer
Conditions	<p>s26: Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder: Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.</p> <p>s36: Review of orders and decisions of local governments by SAT (1) Any person aggrieved by any order or decision of a local government may apply to the State Administrative Tribunal for a review of the order or decision. (2) Upon the local government being given a copy of an application made under subsection (1) for review of a decision or order, any proceedings commenced by the local government under the decision or order to recover expenses incurred by it shall be stayed.</p> <p>s38 Every local government shall, in the prescribed form, during the month of February in every year, and at such other times as the Chief Health Officer may direct, report to the Chief Health Officer concerning the sanitary conditions of its district, and all works executed and proceedings taken by the local government.</p>
Statutory framework	<i>Health (Miscellaneous Provisions) Act 1911</i> <i>Public Health Act 2016</i>
Record keeping	<i>Health (Miscellaneous Provisions) Act 1911</i> s38 Local Governments to report annually. Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116

Last reviewed	28 June 2023
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Amendments			
Approved	Type	Amendment	References
26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 28.10.15; 23.03.16; 25.01.17;22.03.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

07 CARAVAN PARKS AND CAMPING GROUNDS ACT 1995

Caravan Parks and Camping Grounds Act 1995

07.1 Council to CEO

Delegation	7.1.1 Designate Authorised Officers
Head of power	07 CARAVAN PARKS AND CAMPING GROUNDS ACT 1995
Delegator	Local Government
Express power to delegate	<i>Caravan Parks and Camping Grounds Act 1995</i> s.21 Enforcement agency may delegate.
Express power or duty delegated	<i>Caravan Parks and Camping Grounds Act 1995</i> s17 Appointment of authorised person
Function	The Chief Executive Officer is delegated authority to perform the functions of the “local government” pursuant to the <i>Caravan Parks and Camping Grounds Act 1995</i> to exercise and discharge the following powers and functions, including: <p style="margin-left: 40px;">1. Determine applications for licences, undertake inspections and carry out the provisions of under <i>Caravan Parks and Camping Grounds Act 1995</i> in accordance with the relevant provisions</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Caravan and Camping Ground Regulations 1997</i> r.6 Local Government: A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that local government to do so
Subdelegates	Director Infrastructure and Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Caravan Parks and Camping Grounds Act 1995</i> <i>Caravan and Camping Ground Regulations 1997</i>
Policy	Council Policy: Caravan Parks, Park Homes, Rigid Annexes & Camping
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116

Last reviewed	28 June 2023
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Amendments			
Approved	Type	Amendment	References
22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

08 GRAFFITI VANDALISM ACT 2016

Graffiti Vandalism Act 2016

08.1 Council to CEO

Delegation	8.1.1 Powers and duties
Head of power	08 GRAFFITI VANDALISM ACT 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	The Chief Executive Officer is delegated authority to exercise the powers and duties of the <i>Graffiti Vandalism Act 2016</i>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure and Development Manager Operations Manager Projects, Engineering & Assets
Subdelegate conditions	Nil
Statutory framework	<i>Graffiti Vandalism Act 2016</i> State Graffiti Taskforce www.goodbyegraffiti.wa.gov.au/Local-Government
Record keeping	Shire of Capel records system
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
24 Apr 2007	Amended delegation	Reviewed/amended: 24.04.07; 17.12.14; 24.02.16; 23.03.16; 22.03.17; 22.11.17; 23.05.18; 27.03.19;	Nil

09 CAT ACT 2011 DELEGATIONS

Cat Act 2011

09.1 Council to CEO

Delegation	9.1.1 Cat Act – functions and administration
Head of power	09 CAT ACT 2011 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011: s.44</i> Delegation by local government
Express power or duty delegated	<i>Cat Act 2011: s44 (1)</i>
Function	The Chief Executive Officer is delegated authority to exercise the powers and duties conferred by s44(1) of the <i>Cat Act 2011</i> .
Delegates	CEO
Conditions	A power or duty under s63, s64, and s65 concerning infringements cannot be delegated.
Express power to subdelegate	<i>Cat Act 2011: s.45</i> Delegation by CEO of local government
Subdelegates	Community Ranger Coordinator Ranger Services Director Community and Corporate Manager Community and Safety
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011; Cat Regulations 2012; Cat (Uniform Local Provisions) Regulations 2013</i> Shire of Capel Cats Local Law
Record keeping	<i>Planning and Development (Local Planning Schemes) Regulations</i>
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

10 DOG ACT 1976 DELEGATIONS

Dog Act 1976

10.1 Dog Act 1976 Delegations Council to CEO

Delegation	10.1.1 Dog Act – functions and administration
Head of power	10 DOG ACT 1976 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.10AA (1) any power or duty of the local government under this Act.
Function	The Chief Executive Officer is delegated authority to exercise the powers and duties conferred by s10AA the <i>Dog Act 1976</i> and may further delegate the power or duty.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties
Subdelegates	Community Ranger Coordinator Ranger Services Customer Service Officer Director Community and Corporate Manager Community and Safety
Subdelegate conditions	Authorisation: Coordinator Ranger Services Community Rangers Customer Service Officers – registration only
Statutory framework	<i>Dog Act 1974;</i> Dog Regulations 2013 Dogs Local Law 2017
Record keeping	Shire of Capel Record System
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

11.1 Council to CEO

Delegation	11.1.1 Greater Bunbury Region Scheme
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005:</i> s16 Delegation by Commission Western Australian Planning Commission
Function	On 22 April 2014, pursuant to section 16 of the Act, the WAPC resolved to delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedule 1 and 2, within their respective districts, subject to the terms set out in schedule 3.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Nil
Statutory framework	<i>Planning and Development Act 2005</i> Western Australian Planning Commission Delegation 2014/01
Record keeping	Use of Delegation register; <i>Planning and Development (Local Planning Schemes) Regulations</i>
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 28.02.15; 23.03.16; 25.01.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20;25.05.22; 25.01.23; 28.06.23	Nil

Delegation	11.1.2 Town Planning
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005:</i> s16 Delegation by Commission (3)(e) <i>Planning and Development (Local Planning Schemes) Regulations 2015,</i> s2 cl 82 <i>Town Planning Scheme No. 8, No. 3</i> <i>Strata Title Act 1985 s25</i>
Function	<ol style="list-style-type: none"> 1. Authority to exercise any of the Councils or the discharge of any of the Councils duties under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, <i>Town Planning Scheme No. 8</i> and <i>Town Planning Scheme No. 3</i> 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions (part10 <i>Planning and Development Act 2005</i>). 3. Authority to assess strata applications, sign Form 15A and endorse Form 15C in accordance with the <i>Strata Titles Act 1985 s25</i>.
Delegates	CEO
Conditions	The exercise of these powers is subject to the conditions outlined in Schedule 1 which is attached to this delegation.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Policy	Town Planning Policies
Record keeping	Use of Delegation register; <i>Planning and Development (Local Planning Schemes) Regulations</i>
Date adopted	28 June 2023
Adoption references	OC/2023/1169
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20;25.05.22; 25.01.23; 28.06.23	Nil

11.2 Schedule 1

Delegation	11.2.1 Development applications
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	<p>The processing, advertising and determination of Development Applications including:</p> <ul style="list-style-type: none"> • Local Planning Scheme No. 8 applications; and • Advertising of Uses Not Listed in the zoning table; • Relevant applications made under the Greater Bunbury Region Scheme <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under:</p> <ul style="list-style-type: none"> • Clause 82, Schedule 2, Part 10 of the Planning and • <i>Development (Local Planning Schemes) Regulations 2015,</i> <p>Schedule 2 Deemed Provisions for local planning schemes.</p> <ul style="list-style-type: none"> • Greater Bunbury Region Scheme; • Local Planning Scheme No. 8. Specific Land uses.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services Planning Coordinator

<p>Subdelegate conditions</p>	<p>Planning Coordinator – limited to:</p> <ul style="list-style-type: none"> • Development with an estimated cost of up to \$1.5 million • P, A, and D land uses • Development on land zoned under the Local Planning Scheme, except for development on land zoned 'General Industry,' 'Private Community Purposes,' or 'Local Reserve' <p>This power of delegation does not extend to determining of applications for development approval relating to the following land uses:</p> <ul style="list-style-type: none"> • Industry – Extractive <p>This power of delegation does not extend to approving applications for development approval in the following categories:</p> <ol style="list-style-type: none"> a. Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire b. Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval. c. Applications where the applicant requests that Council determine the application. d. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest. e. The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable). f. Reconsiderations of applications in accordance with Section 31 of the <i>State Administrative Tribunal Act 2004</i>.
<p>Date adopted</p>	<p>28 June 2023</p>
<p>Adoption references</p>	<p>OC/2023/116</p>
<p>Last reviewed</p>	<p>28 June 2023</p>

Delegation	11.2.2 Heritage
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	The processing, advertising, and determination of Development Applications for buildings listed on the Heritage List. Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Schedule 2, Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	This power of delegation does not extend to the following categories: <ul style="list-style-type: none"> a. The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area. b. The entering, removal, or modification of a place on the Heritage List. c. The designation, removal, or modification of a Heritage Area.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.3 Significant trees
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	The processing, advertising and determination of Development Applications affecting Significant Trees listed on the Shire of Capel Register of Significant Trees. Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Schedule A, clause 13A of the Shire of Capel Local Planning Scheme No.8..
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	This power of delegation does not extend to the following categories: <ul style="list-style-type: none"> a. The granting of development approval for the removal of a Significant Tree listed on the Shire of Capel Register of Significant Trees. b. The entering, removal or modification of a Significant Tree on the Shire of Capel Register of Significant Trees.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.4 Non-conforming uses
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	The processing, advertising and determination of Development Applications for changes to Non-Conforming Uses. Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Part 3 clauses 22. 23 of the Shire of Capel Local Planning Scheme No.8
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development
Subdelegate conditions	This power of delegation does not extend to the following categories: <ul style="list-style-type: none"> a. The granting of development approval for the change of use of land from a non-conforming use to another use that is not permitted by the Scheme. b. The adoption of a register of land within the Scheme Area that is being used for a non-conforming use. c. The entry, removal or modification of a non-conforming land use that is on the Shire's Register of Non-conforming uses.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.5 Local planning policy
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Clauses 3 to 6 Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	This power of delegation does not extend to the following: a. The adoption, revocation, or significant changes to the intent or objectives of a Local Planning Policy
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.6 Subdivision and amalgamation
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	<ul style="list-style-type: none"> • Referrals to the Western Australian Planning Commission (WAPC) recommending deferral, amendment, approval or refusal of subdivision applications; • Responses to the WAPC on Appeals against Subdivision Decisions or Conditions; and • The processing and issuing of subdivision clearances including the bonding of works to satisfy conditions of subdivision approval. <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under:</p> <ul style="list-style-type: none"> • Local Planning Scheme No.8. • <i>Planning and Development Act 2005.</i> • Clause 82, Schedule 2, Part 10 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Coordinator Engineering & Technical Services Director Infrastructure and Development Manager Development Services Manager Projects, Engineering & Assets

Subdelegate conditions	<p>Manager Projects Engineering and Assets - limited to:</p> <ul style="list-style-type: none"> • Establishing the value bonding of engineering works; and • The return of bonds upon satisfactory completion of works. <p>Coordinator Engineering and Technical Services– limited to:</p> <ul style="list-style-type: none"> • Establishing the value bonding of engineering works; and • The return of bonds upon satisfactory completion of works. <p>This power of delegation does not extend to the bonding of subdivision conditions that are not consistent with the Bonding of Outstanding Works section within the WAPC, 2007, Local Government Guidelines for Subdivisional Development or any subsequent WAPC update of the guidelines</p>
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.7 Strata title clearances
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	The authority to assess strata applications, sign Form 15A and endorse Form 15C in accordance with the Strata Titles Act 1985 s25.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees. An instrument of delegation (the Delegation) was made under s16 (3) (e) of the <i>Planning and Development Act 2005</i> and gazetted 9 June 2009
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	This power of delegation does not extend to built strata applications not delegated by the WAPC to Local Government.
Date adopted	23 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.8 Minor modifications to plans
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	Minor modifications to Subdivision Guide Plans, Outline Development Plans, Land Use Plans, Development Guide Plans, Policy Plans or similar recognised plans. Authority to exercise any of the Council's powers or the discharge of any of Council's duties under: <ul style="list-style-type: none"> • Local Planning Scheme No.8. • Town Planning Scheme No. 3. • Clause 82, Schedule 2, Part 10 of the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed Provisions for local planning schemes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees. Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are: (b) not minor; (c) of a contentious nature; (d) may attract community objection; or (e) may detrimentally impact on the Shire to maintain infrastructure, land, facilities, or services.
Date adopted	23 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.9 District/Local/Precinct structure plans
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	<ol style="list-style-type: none"> 1. Determine that information supplied with a structure plan is satisfactory or further information is required for the purposes of advertising (clauses 17 and 18 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015); 2. Provide a recommendation to the WAPC on whether a minor amendment to a structure plan should be approved (clause 20 of Schedule 2); 3. Determine that an amendment to a structure plan is satisfactory for the purposes of advertising (clause 29 of Schedule 2); 4. Determine that a minor amendment to a structure plan may not require advertising (clause 29(3) of Schedule 2)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees. Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	<p>This power of delegation does not extend to:</p> <ol style="list-style-type: none"> a. Recommendations to the WAPC on structure plans other than minor amendments which are not contentious. b. Minor amendments to a structure plan which, in the opinion of the delegated officer, are; <ol style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. <p>Decisions to advertise structure plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing.</p> <p>Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the monthly Information Brochure.</p>
Date adopted	28 June 2023

Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	11.2.10 Local development plans
Head of power	11 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO, s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Planning and Development Act 2005;</i> Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 82
Function	<ol style="list-style-type: none"> 1. Determine that information supplied with a local development plan is satisfactory or further information is required for the purposes of advertising (clauses 49 and 50 of Schedule 2); 2. Consider submissions in relation to a local development plan (clause 51 of Schedule 2); 3. Determine that a local development plan or an amendment to a local development plan may not require advertising (clauses 50(3) and 59(4) of Schedule 2); and 4. Determine approval of a Local Development Plan or an amendment to a local development plan (clause 52 of Schedule 2)
Delegates	CEO
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees. Planning and Development (Local Planning Schemes) Regulations Schedule 2 cl 83
Subdelegates	Director Infrastructure and Development Manager Development Services
Subdelegate conditions	Nil
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES

Statutory Authorisations

12.1 Environmental Protection Act 1986

Delegation	12.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Environmental Protection Authority
Express power to delegate	Section 20 of the <i>Environmental Protection Act 1986</i>
Express power or duty delegated	<p><i>Instrument of delegation</i> — Government Gazette No. 47. pg. 919 - 19 March 2004</p> <p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995.</p>
Function	<p>All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.</p> <p>Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the Local Government Act 1995.</p>
Delegates	CEO
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	12.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Environmental Protection Authority
Express power to delegate	Section 20 <i>Environmental Protection Act 1986</i>
Express power or duty delegated	Instrument of delegation - Government Gazette 232, Delegation No. 112 Pg. 6282 - 20 Dec 2013 Pursuant to section 20 of the Act, delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i> , powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i> , other than this power of delegation.
Function	Any person for the time being holding or acting in the office of a Chief Executive Officer under the <i>Local Government Act 1995</i> , powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i> , other than this power of delegation, in relation to— <ul style="list-style-type: none"> a. waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; b. bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi); c. community activities—noise control notices in respect of community noise under regulation 16; d. motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3; e. shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4; f. calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4; g. sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> i. Subregulation 18(13)(b) is not delegated.
Delegates	CEO
Conditions	Subregulation 18(13)(b) is not delegated.
Date adopted	23 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	12.1.3 Noise Management Plans – Construction Sites
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Environmental Protection Authority
Express power to delegate	Section 20 <i>Environmental Protection Act 1986</i>
Express power or duty delegated	<p><i>Instrument of delegation</i> Government Gazette No 71, 16 May 2014 Delegation No 119 Pg. 1548</p> <p>Pursuant to section 20 of the Act, delegate to the holder for the time being of the offices of—</p> <ul style="list-style-type: none"> a. Chief Executive Officer under the Local Government Act 1995; and b. to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act, all powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.
Function	<p>Pursuant to section 20 of the Act, delegate to the holder for the time being of the offices of—</p> <ul style="list-style-type: none"> a. Chief Executive Officer under the Local Government Act 1995; and b. to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act, all powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.
Delegates	CEO
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

12.2 Planning and Development Act 2005

Delegation	12.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Minister for Lands
Express power to delegate	Section 267A <i>Planning and Development Act 2005</i>
Express power or duty delegated	Instrument of delegation By section 7(1) of the Land Administration Act 1997 authorise, in respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.
Function	In respect of each local government established under the <i>Local Government Act 1995</i> and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.
Delegates	CEO
Conditions	See Column 3 of the Schedule
Statutory framework	<i>Environmental Protection Act 1986</i>
Record keeping	Use of Delegation register
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Amendments			
Approved	Type	Amendment	References
22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17;22.11.17; 23.05.18; 27.03.19; 30.09.20;25.05.22; 28.06.23	Nil

Delegation	12.2.2 12.2.2 Development Control Powers – Greater Bunbury Region Scheme
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Western Australian Planning Commission
Express power to delegate	Section 16 <i>Planning and Development Act 2005</i>
Express power or duty delegated	Instrument of Delegation - Government Gazette 9 May 2014 (Pg. 1420) The WAPC may delegate any function to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.
Function	A. To delegate to local governments, and to members and officers of those local governments, Western Australian Planning Commission's functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3; B. To revoke its delegation of powers and functions to local governments as detailed in a notice published in the Government Gazette of 20 April 2012 (pages 1717—1722).
Delegates	CEO
Conditions	AMENDMENT TO DELEGATION 2014/01 GOVERNMENT GAZETTE, Tuesday, 22 August 2017, No.165 (Pg. 4511) On 24 May 2017, pursuant to section 16 of the Act, the WAPC Resolved— To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2014/01 Powers of local governments (GBRS) published in the Government Gazette on 9 May 2014 (pages 1420-1425) by replacing all references to “Strategic Agricultural Resource Policy” with “Priority Agricultural Land Policy”. NOTE: The above gazettal amends delegation 2014/01 and the two must be read in conjunction.
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

Delegation	12.2.3 WA Planning Commission – Section 25 of the Strata Titles Act 1985
Head of power	12 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES
Delegator	Western Australian Planning Commission
Express power to delegate	<i>Planning and Development Act 2005</i> s.16 Delegation by Commission
Express power or duty delegated	<i>Instrument of delegation</i> <i>Government Gazette</i> No. 449. 29-Jan-2021 (Page: 449) The Western Australian Planning Commission (the WAPC) may delegate any function to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.
Function	<p>A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of schedule 1;</p> <p>B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the <i>Strata Titles Act 1985</i> as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.</p>
Delegates	CEO
Date adopted	28 June 2023
Adoption references	OC/2023/116
Last reviewed	28 June 2023

AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.1.1 Audit and Risk Committee	28 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13, 19.03.14, 23.09.15, 23.03.16, 22.03.17, 23.05.18, 27.03.19, 30.09.20, 25.05.22	Nil
1.1.1 Audit and Risk Committee	28 Jun 2023	Amended delegation	OC/2023/116 Amended	Nil
1.2.2 Execution of certain documents and affixation of the Common Seal	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.3 Appointment of an Acting Chief Executive Officer	17 Dec 2014	Amended delegation	Amended/reviewed 17.12.14; 24.02.16; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.2.3 Appointment of an Acting Chief Executive Officer	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.5 Notice requiring action by owner of land	26 Jun 2013	Amended delegation	Reviewed/amended 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 25.05.22	Nil
1.2.5 Notice requiring action by owner of land	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.6 Enforcement and Legal Proceedings – including appointment of authorised officers	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.7 State Administrative Tribunal	23 May 2018	Amended delegation	Reviewed/amended: 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.2.8 Legal Advice	30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20; 25.05.22	Nil
1.2.8 Legal Advice	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.9 Impounding Goods – Authorised Officers	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.9 Impounding Goods – Authorised Officers	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil

Delegation	Approved or adopted	Type	Amendment	References
1.2.10 Sale of impounded/seized/confiscated vehicles, animals, or goods	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.10 Sale of impounded/seized/confiscated vehicles, animals, or goods	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.11 Temporary Road Closures	27 Feb 2008	Amended delegation	Reviewed/amended: 27.02.08; 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20, 30.09.20; 25.05.22, 26.10.22	Nil
1.2.11 Temporary Road Closures	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.12 Events on Roads	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.12 Events on Roads	26 Jun 2023	Amended delegation	Amended: 26.06.23 OC/2023/116	Nil
1.2.13 Bus Shelters – Location and Installation	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.13 Bus Shelters – Location and Installation	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.14 Naming of roads and parks	20 Feb 2013	Amended delegation	Reviewed/amended: 20.02.13; 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20;	Nil
1.2.14 Naming of roads and parks	30 Sep 2020	Revoked	Revoked 30.09.20;	Nil
1.2.14 Naming of roads and parks	25 May 2022	New delegation	Reinstated: 25.05.22	Nil
1.2.14 Naming of roads and parks	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.15 Fencing repairs – stock on roads	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	Approved or adopted	Type	Amendment	References
1.2.15 Fencing repairs – stock on roads	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.16 Dangers on thoroughfares	19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16;22.03.17; 23.05.18; 27.03.19;30.09.20; 25.05.22	Nil
1.2.16 Dangers on thoroughfares	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.17 Roads – Extra Mass Permits	30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20; 25.05.22	Nil
1.2.18 Transport of over-width Grape Harvesters	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.19 Contract Variation	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
1.2.19 Contract Variation	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.20 Tenders	13 Apr 2011	Amended delegation	Reviewed/amended: 13.04.11; 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19, 26.08.20,26.08.20; 30.09.20, 25.05.22	Nil
1.2.21 Waive, grant concessions, or write-off	13 Apr 2011	Amended delegation	Reviewed/amended: 13.04.11, 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.2.21 Waive, grant concessions, or write-off	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.22 Payment of Creditors	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13;19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
1.2.23 Financial Settlement Negotiation	24 Apr 2007	Amended delegation	Reviewed/amended: 24.04.07; 17.12.14; 24.02.16;23.03.16; 22.03.17; 22.11.17;23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.2.24 Insurance Claims	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil

Delegation	Approved or adopted	Type	Amendment	References
1.2.25 Rate Book	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
1.2.26 Approval of licences	26 Jun 2013	Amended delegation	Reviewed/amended:26.06.13; 19.03.14; 28.10.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.2.26 Approval of licences	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.27 Seed collection	26 Jun 2013	Amended delegation	26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18;27.03.19; 30.09.20; 25.05.22	Nil
1.2.28 Surplus equipment	27 Feb 2008	Amended delegation	Reviewed/Amended: 27.02.08; 26.06.13; 19.03.14;23.09.15; 23.03.16; 22.03.17;23.05.18; 27.03.19; 26.08.20,30.09.20; 25.05.22	Nil
1.2.28 Surplus equipment	28 Jun 2023	Amended delegation	Amended: 28.06.23 OC/2023/116	Nil
1.2.29 Timber disposal	6 Jun 2013	Amended delegation	Reviewed/amended: 6.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18;27.03.19; 26.08.20; 30.09.20;25.05.22	Nil
1.2.30 Crossovers	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 23.09.15;23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.2.31 Negotiation of Development Contributions	23 May 2018	Amended delegation	Reviewed/amended: 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.1 Activities in Thoroughfares and Public Places and Trading Local Law 2016	6 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 6.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.2 Cemeteries Local Law	26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.3 Local Laws relating to property	26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil

Delegation	Approved or adopted	Type	Amendment	References
1.3.4 Parking and parking facilities Local Law	26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.5 Extractive Industries Local Law	26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.6 Cats Local Law 2017	26 Jun 2013	Amended delegation	Reviewed/amended/reaffirmed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 26.08.20; 30.09.20; 25.05.22	Nil
1.3.7 Waste Local Law 2016 - Administration	22 Mar 2017	Amended delegation	Reviewed/amended/reaffirmed: 22.03.17; 22.11.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.3.8 1.3.8 Health Local Laws 2000	23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.3.9 Fences Local Law	23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.3.10 Dogs Local Law 2017	23 May 2018	Amended delegation	Reviewed/amended/reaffirmed: 23.05.18; 27.03.19; 30.09.20; 25.05.22	Nil
1.3.11 Withdraw infringements	26 Apr 2006	Amended delegation	Reviewed/amended/reaffirmed: 26.04.06; 23.09.15; 22.03.17; 27.03.19; 30.09.20; 25.05.22	Nil
2.1.1 Entry powers	23 Sep 2015	Amended delegation	Reaffirmed: 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
2.1.2 Permit Authority	15 Aug 2012	Amended delegation	Authorisation to CEO: 15.08.12 OC0810 (Delegation 134)	Nil
2.1.2 Permit Authority	26 Jun 2013	Amended delegation	Reaffirmed/amended: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 26.09.18; 27.03.19; 30.09.20; 25.05.22	Nil
2.1.3 Administration	20 Mar 2014	Amended delegation	Renewed and endorsed: 20.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 26.09.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil

Delegation	Approved or adopted	Type	Amendment	References
3.1.1 Bush Fires Act – Functions	26 Jun 2013	Amended delegation	Reviewed and endorsed: 26.06.13; 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
3.1.2 Variation of Prohibited and Restricted Burning Times	26 Jun 2013	Amended delegation	Reviewed and endorsed: 26.06.13; 19.03.14; 28.10.15; 23.03.16; 25.01.17; 22.03.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
4.1.1 Appoint Authorised Officers and Designated Officers	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13, 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
5.1.1 Asbestos	22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
6.1.1 Authorised Officers	26 Jun 2013	Amended delegation	Reviewed/amended: 26.06.13; 19.03.14; 28.10.15; 23.03.16; 25.01.17; 22.03.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
7.1.1 Designate Authorised Officers	22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
8.1.1 Powers and duties	24 Apr 2007	Amended delegation	Reviewed/amended: 24.04.07; 17.12.14; 24.02.16; 23.03.16; 22.03.17; 22.11.17; 23.05.18; 27.03.19;	Nil
9.1.1 Cat Act – functions and administration	19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
10.1.1 Dog Act – functions and administration	19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 23.09.15; 23.03.16; 22.03.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 28.06.23	Nil
11.1.1 Greater Bunbury Region Scheme	19 Mar 2014	Amended delegation	Reviewed/amended: 19.03.14; 28.02.15; 23.03.16; 25.01.17; 25.10.17; 23.05.18; 27.03.19; 30.09.20; 25.05.22; 25.01.23; 28.06.23	Nil
11.1.2 Town Planning	30 Sep 2020	Amended delegation	Reviewed/amended: 30.09.20; 25.05.22; 25.01.23; 28.06.23	Nil

Delegation	Approved or adopted	Type	Amendment	References
12.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner	22 Mar 2017	Amended delegation	Reviewed/amended: 22.03.17;22.11.17; 23.05.18; 27.03.19; 30.09.20;25.05.22; 28.06.23	Nil