



Shire of
Donnybrook Balingup

Shire of Donnybrook-Balingup Delegations Register 2025-2026

REVIEW

Reviewed by	Date approved	References
Council	23 Jun 2021	Council resolution 112/21 Delegations Register 2020-2021 (v1): SYNERGY #NREP7287
CEO	8 Sep 2021	CEO approval sub-delegations 2020-2021 (v2): SYNERGY #NREP7449
CEO	2 Feb 2022	CEO approval sub-delegations 2020-2021 (v3): SYNERGY #NREP8138
Council	27 Apr 2022	Council resolution 50/22 Delegations Register 2021-2022 (v1): SYNERGY #NREP8535
CEO	7 Nov 2022	CEO approval sub-delegations 2021-2022 (v2): SYNERGY #NREP9278
Council	28 Jun 2023	Council (Commissioner) resolution 79/23 Delegations Register 2023-2024: SYNERGY #NAM10327
CEO	30 Aug 2023	CEO approval sub-delegations 2023-2024: SYNERGY #NREP10644
Council	26 Jun 2024	Council resolution 102/24 Delegations Register 2024-2025: SYNERGY #NAM12570
CEO	29 Aug 2024	CEO approval sub-delegations 2024-2025: SYNERGY #NREP12744
Council	25 Jun 2025	Council resolution 122/06-25 Delegations Register 2025-2026: Attain
CEO	12 Sep 2025	CEO approval sub-delegations 2025-2026: Attain

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INTRODUCTION

Local Governments have responsibility for decision making assigned under a wide range of legislation. Each power or duty described in legislation requires Local Governments to fulfil a mandatory duty or use a discretionary power to make decisions. Delegation is the process that enables Local Governments to delegate its power or duties. Delegation enables efficient and effective strategic, financial and operational management decisions to be made.

The delegations contained within this Register are made pursuant to the below listed legislation. Delegations made by Council are by Absolute Majority decision:

- *Local Government Act 1995* s.5.16 & s.5.42
- *Building Act 2011* s.127
- *Bush Fires Act 1954* s.48
- *Cat Act 2011* s.44 & s.45
- *Dog Act 1976* s.10AA
- *Environmental Protection Act 1986* s.20
- *Food Act 2008* s.118
- *Graffiti Vandalism Act 2016* s.16 & s.17
- *Planning and Development Act 2005* s.16 & *Planning and Development (Local Planning Schemes) Regulations 2015* s.82
- *Public Health Act 2016* s.21

Where listed, some of these functions are delegated by the Chief Executive Officer to Shire of Donnybrook Balingup employees (sub-delegated) pursuant to Section 5.44 of the *Local Government Act 1995* and other legislation where specified.

The Delegations Register aligns with the following Outcomes and Objectives of the Shire's Council Plan 2022-2032:

- Outcome 11 - Strong, visionary leadership
- Objective 11.1 Provide strategically focused, open and accountable governance
- Outcome 12 - A well respected, professionally run organisation
- Objective 12.1 Deliver effective and efficient operations and service provision.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

- In exercising delegation, the Chief Executive Officer and any other Local Government employee to whom a power or duty has been delegated, shall comply with all laws and regulations in force in Western Australia and the requirements of any and all local laws and policies of the Shire of Donnybrook Balingup; and
- In exercising delegation, the Chief Executive Officer and any other Local Government employee to whom a power or duty has been delegated, shall exercise the delegation in accordance with any budget authority where applicable; and
- Delegated authority cannot be exercised by the Chief Executive Officer, or any other Local Government employee to whom a power or duty has been delegated, where a financial interest or interest affecting impartiality is evident.

Discharge of Delegation

In accordance with section 5.46 of the *Local Government Act 1995* and Regulation 19 of the *Local Government (Administration) Regulations 1996*, where a power or duty has been delegated to the Chief Executive Officer or to any other Local Government employee, the person to whom the power or duty has been delegated is to keep a written record detailing the following information:

- How the person exercised the power or discharged the duty; and
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or Committee members or employees of the Local Government, directly affected by the exercise of the power or the discharge of the duty.

The record keeping requirements are specified on each individual delegation.

DELEGATIONS

01 Local Government Act 1995 Delegations

01.1 Council to Committees of Council

Delegation	1.1.1 Audit and Risk Management 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 Shire'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 an audit report received by the Shire and determine if any matters raised by the audit report require action to be taken by the Shire [s.7.12A(3)(aa) & (a)]; and ii. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)(b)]. 3. Authority to review and endorse the Shire of Donnybrook Balingup'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 Management Committee
Conditions	<ol style="list-style-type: none"> a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council. b. Council has discretion to determine any conditions/limitations applicable to the use of delegated powers or duties.
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 - <i>The appointment, function and responsibilities of Audit Committees</i> Audit and Risk Management Committee Terms of Reference
Record keeping	Audit and Risk Management Committee Minutes shall record and identify each decision made under this Delegation in accordance with the requirements of <i>Local Government (Administration) Regulations 1996</i> r.19.
Date adopted	26 June 2024
Adoption references	Resolution 102/24

01.2 Council to CEO

Delegation	1.2.1 Authorise Persons to Perform Specified Functions under the Local Government Act 1995
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.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; pound keepers and rangers, appointing
Function	<ol style="list-style-type: none"> 1. Authority to authorise persons for the purposes of Part 3, Division 3, Subdivision 2 – Certain provisions about land – to exercise the Local Government’s powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24]. 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]. 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the <i>Local Government Act 1995</i> and any Local Laws made under the <i>Local Government Act 1995</i> [s.9.24(1)(c) and (2)(b)]. *Note – this function not to be sub-delegated. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as pound keepers or rangers [Misc.Prov.s.449].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. A register of Authorisations is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. d. Function 4. is not to be sub-delegated e. Council to be informed of any legal proceedings instituted.
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 Finance and Community Director Operations Executive Manager Corporate Services
Subdelegate conditions	a. *Sub-delegates not authorised for Function 4.
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.2 Performing Functions Outside the District
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.3.20(1) Performing functions outside district.
Function	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	CEO
Conditions	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
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	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.3 Compensation for Damage Incurred when Performing Executive Functions
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.3.22(1) Compensation s.3.23 Arbitration
Function	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	CEO
Conditions	a. Delegation is limited to settlements which do not exceed a material value of \$5,000.
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	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

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 entry 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	<ol style="list-style-type: none"> a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. b. When exercising authority to authorise persons under s.3.31(2): <ol style="list-style-type: none"> i. A register of Authorisations is to be maintained as a Local Government Record. ii. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. iii. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
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 Emergency Services Manager (CESM) Director Finance and Community Director Operations Environmental Health Officer Executive Manager Corporate Services Manager Development Services Manager Works & Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Planner Ranger Senior Ranger
Subdelegate conditions	Nil

Statutory framework	<i>Local Government Act 1995:</i> Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record keeping	Synergy Records – Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.5 Declare Vehicle is Abandoned Vehicle Wreck
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.3.40A(4) Abandoned vehicle wreck may be taken
Function	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	<p>a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision.</p> <p>b. NOTE: declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.</p>
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 Operations Manager Development Services Manager Works & Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.6 Confiscated or Uncollected 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> 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	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
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 Operations Manager Development Services Manager Works & Services
Subdelegate conditions	<ol style="list-style-type: none"> a. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47] with the written authorisation of the Chief Executive Officer.
Statutory framework	<i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.7 Disposal of Sick or Injured Animals
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.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
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 Operations Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Animals, Environment & Nuisance Local Law 2017</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.8 Close Thoroughfares to Vehicles
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.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)].
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 Operations Manager Works & Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.9 Control Reserves and Certain Unvested Facilities
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.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	<ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Donnybrook Balingup that the Shire of Donnybrook Balingup could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].
Delegates	CEO
Conditions	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
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 Operations
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Parks and Reserves Act 1985</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.10 Obstruction of Footpaths and 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) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
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 Operations Manager Development Services Manager Works & Services

Subdelegate conditions	Nil
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.11 Gates Across Public 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) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Shire of Donnybrook Balingup's statutory Register of Gates in accordance with <i>Uniform Local Provisions Regulation 8</i>.
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 Operations Manager Development Services Manager Works & Services
Subdelegate conditions	Nil
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>
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.12 Public Thoroughfare – Dangerous Excavations
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:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
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 Operations Manager Development Services Manager Works & Services
Subdelegate conditions	Nil
Statutory framework	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares <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>

Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.13 Crossing -Construction, Repair and Removal
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:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. To be assessed in accordance with the Shire's Construction of Crossover requirements.
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 Operations Manager Works & Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> prescribe applicable statutory procedures <i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</i> Refer also Delegation 1.4.1 – <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Record keeping	Works and Services Crossover Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.14 Private Works on, over or under Public Places
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> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
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 Operations Manager Works & Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
Record keeping	Works and Services Correspondence Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.15 Tenders for Goods and Services - Call 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(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14 (5)].
Delegates	CEO
Conditions	<p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where:</p> <ol style="list-style-type: none"> a. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or b. a current supply contract expiry is imminent; and c. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and d. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the 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	<p>Director Finance and Community Director Operations Executive Manager Corporate Services Manager Community Services Manager Corporate Services Manager Development Services Manager Financial Services Manager Works & Services</p>

Subdelegate conditions	a. Each sub-delegate may only use the sub-delegation for contracts that are within the scope of the incumbent's position role and responsibilities.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.16 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
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(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$250,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value to a maximum of \$10,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	CEO

Conditions	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> i. The total consideration under the resulting contract is \$250,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor’s performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Finance and Community Director Operations Executive Manager Corporate Services</p>
Subdelegate conditions	<p>a. Each sub-delegate may only use the sub-delegation for contracts that are within the scope of the incumbent’s position role and responsibilities.</p>
Statutory framework	<p><i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></p>
Policy	<p>Council Purchasing Policy</p>
Record keeping	<p>Request for Tender Register</p>
Date adopted	<p>26 June 2024</p>
Adoption references	<p>Council resolution 102/24</p>

Delegation	1.2.17 Tenders for Goods and Services - Exempt Procurement
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(2) When tenders have to be publicly invited (exemptions)
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	CEO

<p>Conditions</p>	<p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum amounts specified for the following categories:</p> <table border="0" data-bbox="427 331 1453 1070"> <thead> <tr> <th style="text-align: left;">Category</th> <th style="text-align: right;">Maximum Value for</th> </tr> </thead> <tbody> <tr> <td>individual contracts</td> <td></td> </tr> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td style="text-align: right;">\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td> <td style="text-align: right;">\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is as per the Council Policy unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.11 (2)(f)]</td> <td style="text-align: right;">\$100,000 with CEO approval</td> </tr> <tr> <td>Goods or services supplied by a person registered on the specified in F&G.r.11(2)(h)(ii) Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</td> <td style="text-align: right;">\$250,000 or less* as</td> </tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</td> <td style="text-align: right;">\$250,000</td> </tr> </tbody> </table> <p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the amounts delegated above, the decision is to be referred to Council.</p>	Category	Maximum Value for	individual contracts		WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is as per the Council Policy unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.11 (2)(f)]	\$100,000 with CEO approval	Goods or services supplied by a person registered on the specified in F&G.r.11(2)(h)(ii) Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	\$250,000 or less* as	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
Category	Maximum Value for														
individual contracts															
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000														
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000														
Goods or services that are determined to be unique so that it is as per the Council Policy unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.11 (2)(f)]	\$100,000 with CEO approval														
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Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000														
<p>Express power to subdelegate</p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>														
<p>Subdelegates</p>	<p>Director Finance and Community Director Operations Executive Manager Corporate Services Manager Community Services Manager Corporate Services Manager Development Services Manager Financial Services Manager Works & Services</p>														
<p>Subdelegate conditions</p>	<p>a. Each sub-delegate may only use the sub-delegation for contracts that are within the scope of the incumbent's position role and responsibilities.</p>														

Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.18 Expressions of Interest for Goods and Services
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.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
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 Shire Works Coordinator Technical Services Director Finance and Community Director Operations Executive Manager Corporate Services Manager Community Services Manager Corporate Services Manager Development Services Manager Financial Services Manager Works & Services Project Asset Officer
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Policy	Council Purchasing Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024

Adoption references

Council resolution 102/24

Delegation	1.2.19 Panels of Pre-Qualified Suppliers for Goods and Services
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> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function	<ol style="list-style-type: none"> 1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD (6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Delegates	CEO
Conditions	a. In accordance with the Shire's Regional Price Preference and Purchasing Policies.
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 Finance and Community Director Operations Executive Manager Corporate Services Manager Community Services Manager Development Services Manager Works & Services Project Asset Officer
Subdelegate conditions	a. Each sub-delegate may only use the sub-delegation for contracts that are within the scope of the incumbent's position role and responsibilities.

Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Policy	Council Purchasing Policy Council Regional Price Preference Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.20 Application of Regional Price Preference Policy
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) Regulations 1996::</i> r.24G Adopted regional price preference policy, effect of
Function	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	a. In accordance with the Council's Purchasing Policy.
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 Shire Works Coordinator Technical Services Director Finance and Community Director Operations Executive Manager Corporate Services Manager Community Services Manager Development Services Manager Works & Services Project Asset Officer
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
Policy	Council Regional Price Preference Policy
Record keeping	Request for Tender Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.21 Disposing of 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:</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
Function	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. to the highest bidder at public auction [s.3.58(2)(a)]. b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> i. disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)]; ii. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]; iii. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G r.30(2)(e)]; iv. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]; v. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via State-wide public notice [F&G r.(2A)]; vi. disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r.30(3)(a)]; vii. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. In accordance with Council policies. b. Any disposals under this delegation are to be reported to Council quarterly. c. Items with a value of \$1,000 (excluding GST) or less can be sold without calling for expressions of interest or advertising. d. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

- e. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$10,000 (excluding GST) or less.
- f. When determining the method of disposal:
- I. Where a public auction is determined as the method of disposal:
 - i. Reserve price has been set by independent valuation;
 - ii. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.
 - II. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.
 - III. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:
 - i. Negotiate the sale of the property up to a -10% variance on the valuation; and
 - ii. Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded
- g. A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.
- h. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken:
 - i. Without reference to Council for resolution; and
 - ii. In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.
- i. The Chief Executive Officer is authorised to affect the renewal of leases and agreements, service level agreements or written arrangements in place between Council and third parties, where:
 - i. There is no significant change proposed to the terms and conditions of the lease/agreement; and
 - ii. The lease/agreement must include provisions for further renewal within the document.

PROPERTY MANAGEMENT FRAMEWORK

- j. The Chief Executive Officer is authorised to approve and execute any new lease and licence agreements, or variation, extension, assignment, or sub-lease in respect to Category One (1) – Small community groups or Category Two (2) – Sporting clubs, community groups and organisations tenant, pursuant to the adopted Property Management Framework, where:
 - i. The community/sporting group or organisation is currently occupying a Shire building, or building on Shire owned or managed land; and
 - ii. The terms and condition of any lease or licence agreement must be in accordance with the terms and conditions approved by Council as set out in the Property Management Framework.

Any new applications for *Category One (1) - Small community groups, or Category Two (2) – Sporting clubs, community groups and organisations, not currently occupying a Shire building, or building on Shire owned or managed land, will require a specific resolution of Council.*

The delegation does not extend to *Category Three (3) – Commercial*

	<p><i>entities, state and national clubs, associations, and community organisations, or Category Four (4) – Government agencies, pursuant to the adopted Property Management Framework.</i></p> <p>Any leases, or licences in accordance with <i>Category Three (3) or Four (4)</i> will require a specific resolution from Council.</p> <p>k. The Chief Executive Officer is authorised to approve and execute the renewal of Commercial leases in place between Council and third parties, where:</p> <p>i. There is no significant change proposed to the terms and conditions of the lease/agreement; and</p> <p>ii. The lease/agreement has provided for the further term within the document; and</p> <p>iii. The lease has not been transitioned to the adopted Property Management Framework.</p>
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 Finance and Community Director Operations Executive Manager Corporate Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 – s.3.58 Disposal of Property</i> <i>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</i>
Policy	Council Commercial Lease Policy Council Property Management Policy
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.22 Acquisition of Interest in Land by Lease or other Short-Term Instrument
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.3.59 Commercial enterprises by local governments <i>Local Government (Functions and General) Regulations 1996:</i> r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
Function	<ol style="list-style-type: none"> 1. Authority to acquire an interest in land (includes buildings), by lease or other short-term instrument ONLY, where the total value of the consideration and anything done by the Shire of Donnybrook Balingup is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)]. 2. Authority to acquire an interest in land by lease or other short-term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]: <ol style="list-style-type: none"> i. without intending to produce a profit to the Local Government; and ii. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than two (2) years. b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget. <p>NOTE - Examples of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short-term lease of storage space for equipment while a refurbishment is completed.</p> <ol style="list-style-type: none"> c. Where the acquisition total consideration value is greater than \$50,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract. d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$100,000 or less. e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.
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	<p><i>Local Government Act 1995:</i> s.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget Corporate Business Plan as adopted by Council <i>Local Government (Functions and General) Regulations 1995 Regulations 8A and 8</i> <i>Residential Tenancy Act 1987</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i></p>
Policy	Council Purchasing Policy
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.23 Payments from the Municipal or Trust Funds
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	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	CEO
Conditions	a. To take into consideration allocations in the budget. b. Annual Operational procedural reviews.
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 Finance and Community Director Operations Executive Manager Corporate Services Manager Corporate Services Manager Financial Services
Subdelegate conditions	a. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. b. Payments by Cheque and EFT transactions must be approved jointly by two Delegates.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i>
Policy	Council Credit Card Policy
Record keeping	Synergy: Financial Management Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.24 Defer, Grant Discounts, Waive or Write Off Debts
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 s.6.12 (3) Granting a concession under subsection (1)(b)
Function	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)] 2. Grant a concession in relation to money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(b)] 3. Write off an amount of money which is owed to the Shire of Donnybrook Balingup [s.6.12(1)(c)]
Delegates	CEO
Conditions	<p><i>This delegation is subject to section 6.12(2) of the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.</i></p> <ol style="list-style-type: none"> a. This delegation is to be used in accordance with all Council policies. b. Any waiver of a debt or granting of a concession shall only be up to \$1,000 and shall be considered solely on its merits [s.6.12(1)(b)]. c. Concessions can be granted on adopted scheduled fees and charges for the Donnybrook Recreation Centre for the purposes of promotional activities, for up to 10% of a scheduled fee and charge. Individual promotions must not exceed 31 days. d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Donnybrook Balingup. e. Write off individual debts valued below \$1,000 ex. GST. Debts greater than \$1,000 ex. GST must be referred for Council decision. f. A list of all deferments, concessions, granted discounts, waivers or write-off of debts executed under this delegation are to be presented to Council monthly.
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 Finance and Community Director Operations Manager Financial Services
Subdelegate conditions	a. Directors/Managers have authority where applicable to individual directorate only.
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Attain: Executed Delegations Register Council Information Bulletin

Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.25 Power to Invest and Manage Investments
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.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy to invest funds. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Management Committee not less than once in every three financial years [Audit r.17].
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 Finance and Community Manager Financial Services
Subdelegate conditions	<ol style="list-style-type: none"> a. A decision to invest must be jointly confirmed by two Delegates.
Statutory framework	<i>Local Government Act 1995</i> - Investment of money, restrictions on, refer s.6.14(2)(a)) <i>Local Government (Financial Management) Regulations 1996</i> - refer r.19C
Policy	Council Investments Policy
Record keeping	Schedule of Investments Cash & Financial Assets Note - Supplementary Information Reported to Council in Monthly Financial Report
Date adopted	26 June 2024

Adoption references

Council resolution 102/24

Delegation	1.2.26 Rate Record Amendment
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.6.39(2)(b) Rate record
Function	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	CEO
Conditions	a. Delegates must comply with the requirements of s.6.40 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	Director Finance and Community Manager Financial Services Rates Officer
Subdelegate conditions	a. Any amendments being made by the Rates Officer proceeding the 12 months prior to the current financial year are to be signed off by the Director Finance and Community.
Statutory framework	<i>Local Government Act 1995</i> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.
Record keeping	Synergy; Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.27 Agreement as to Payment of Rates and Service Charges
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.6.49 Agreement as to payment of rates and service charges
Function	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
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 Finance and Community Manager Financial Services Rates Officer
Subdelegate conditions	a. Manager or Director approval is required for any agreement for the payment of the rates and/or service charge debt that exceeds the next annual rates or service charges and levies.
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy: Rates & Property Module Rates: Direct Debit Processing File
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.28 Determine Due Date for Rates or Service Charges
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.6.50 Rates or service charges due and payable
Function	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Donnybrook Balingup [s.6.50].
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 Finance and Community
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Annual Budget Council resolution
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.29 Recovery of Rates or Service Charges
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	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Delegates	CEO
Conditions	Compliance with the Shire's adopted Policies and Procedures.
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 Finance and Community Manager Financial Services Rates Officer
Subdelegate conditions	<ol style="list-style-type: none"> a. A list of rates debtors referred to the debt collection agency is to be provided to Director Finance and Community before lodgement. b. Chief Executive Officer to be notified prior to lodging or withdrawing of a caveat.
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy: Rates & Property Module Information regarding caveat actions taken to be reported to Council in the Council Information Bulletin
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent
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.6.60 Local Government may require lessee to pay rent
Function	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Donnybrook Balingup [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	CEO
Conditions	a. Comply with the Shire's adopted Policies and Procedures.
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 Finance and Community Manager Financial Services Rates Officer
Subdelegate conditions	a. Prior approval required by the Director Finance and Community.
Statutory framework	<i>Local Government Act 1995</i> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Record keeping	Synergy: Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.2.31 Recovery of Rates Debts - Actions to Take Possession of the 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:</i> s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> i. lease the land, or ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Donnybrook Balingup [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. In accordance with s.5.68(3A), a decision to exercise a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, may only be made where the reasons why court action has not been pursued is recorded in Council Minutes. b. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
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 Finance and Community
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation. <i>Local Government (Financial Management) Regulations 1996</i> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.
Record keeping	Synergy: Rates & Property Module Council Meeting Agenda Minutes as per s.6.68(3A)
Date adopted	26 June 2024

Adoption references

Council Resolution 102/24

Delegation	1.2.32 Rate Record – Objections
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.6.76 Grounds of objection
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
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 Finance and Community Manager Financial Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy: Rates & Property Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.2.33 Notices to Owners
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.3.25 Notices requiring certain things to be done by owner or occupier of land s 3.26 Additional powers when notices given
Function	<ol style="list-style-type: none"> 1. Authority to issue a notice in writing requiring certain things to be done by owner or occupier of land in accordance with Schedule 3.1 and if the person fails, do anything it considers necessary to achieve the purpose for which the notice was given, including recovering any associated costs as a debt. [s3.25]. 2. Authority to take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given [s3.26].
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 Operations Environmental Health Officer Manager Development Services Manager Works & Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Planner Ranger Senior Ranger
Subdelegate conditions	a. Director or Manager approval required prior to actions being undertaken which may incur costs.
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy Records – Property Assessment File
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.2.34 Renewal or Extension of Contracts during a State of Emergency
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> Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(ja)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ol style="list-style-type: none"> 1. contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and 2. contracts formed through a public tender.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Local Government; ii. It is in the best interests of the Local Government; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is \$100,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less. f. The CEO cannot sub-delegate this authority.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government (Functions and General) Regulations 1996</i> WALGA Subscription Service – Procurement Toolkit
Policy	Council's Purchasing Policy

Record keeping	Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.2.35 Procurement of Goods or Services required to address a State of Emergency
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> Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(aa) Associated definition under sub regulation 11(3)
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 1. Determine that particular goods or services with a purchasing value > \$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government (Functions and General) Regulations 1996</i> WALGA Subscription Service – Procurement Toolkit

Policy	Council's Purchasing Policy
Record keeping	Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.2.36 Extend Time for Lodging an Objection
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 Limits on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.5 Objection may be lodged
Function	1. Authority to extend the time for a person to make an objection regarding a relevant prescribed decision of the Local Government [s.9.5(2)].
Delegates	CEO
Conditions	a. Any extension of time must be requested in writing, stating the reasons for the delay; b. The Delegate must be satisfied that there are reasonable grounds to justify an extension; c. The decision to grant or refuse an extension must be documented.
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	Discharge of Delegations Table
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

01.3 CEO to Employees

Delegation	1.3.1 Appoint Authorised Persons
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> i. <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. ii. <i>Caravan Parks and Camping Grounds Act 1995</i>; iii. <i>Cat Act 2011</i>; iv. <i>Cemeteries Act 1986</i>; v. <i>Control of Vehicles (Off-road Areas) Act 1978</i>; vi. <i>Dog Act 1976</i>; vii. <i>Graffiti Vandalism Act 2016</i> – refer s.15; and viii. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.
Delegates	Director Finance and Community Director Operations Executive Manager Corporate Services
Conditions	<ul style="list-style-type: none"> a. A register of Authorised Persons is to be maintained. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Governance: Authorisations Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-delegations NREP1244

Delegation	1.3.2 Determine if an Emergency for Emergency Powers of Entry
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency s.3.34(3) Reasonable force to exercise the power s.3.34(4) Exercise the power of entry while the emergency exists
Function	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)]
Delegates	Community Emergency Services Manager (CESM) Coordinator Shire Works Director Finance and Community Director Operations Environmental Health Officer Manager Development Services Manager Works & Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Planner Ranger Senior Ranger Supervisor Parks & Gardens
Conditions	a. Ensure entry does not endanger themselves or others. b. Report any entry in an emergency to the CEO as soon as reasonably possible. c. Letter sent to property owner advising them of reason for entry.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Synergy Records: Property Assessment File
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.3 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch.9.1 cl. 3(1)(a)
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegates	Director Operations Manager Works & Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> c. Compliance with <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>.
Express power to subdelegate	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Record keeping	Works and Services Correspondence Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.4 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(6)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1cl.6
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegates	Director Operations Manager Works & Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. c. Compliance with <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>.
Express power to subdelegate	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Record keeping	Works & Services Correspondence Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.5 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Director Operations Manager Development Services Manager Works & Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.14 Private Works on, over or under Public Places. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. c. Compliance with <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>.
Express power to subdelegate	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places <i>Local Government (Uniform Local Provisions) Regulations 1996</i> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Record keeping	Works & Services Correspondence Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.6 Appoint Persons (other than employees) to Open Tenders
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Functions and Genera) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for
Function	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
Delegates	Director Finance and Community Director Operations Executive Manager Corporate Services
Conditions	Nil
Express power to subdelegate	Nil
Statutory framework	<i>Local Government (Functions and Genera) Regulations 1996</i>
Record keeping	Request for Tender Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.7 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegates	Director Finance and Community Executive Manager Corporate Services Manager Corporate Services Manager Financial Services Rates Officer
Conditions	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i>

Record keeping	Synergy: Rates & Property Module
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.8 Destruction of Electoral Papers
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Function	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
Delegates	Corporate Information Officer Director Finance and Community Executive Manager Corporate Services Governance Coordinator Manager Corporate Services
Conditions	Nil
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.9 Information to be Available to the Public
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Function	<ol style="list-style-type: none"> 1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.9.95(1)(b)].
Delegates	Corporate Information Officer Director Finance and Community Executive Manager Corporate Services Governance Coordinator Manager Corporate Services
Conditions	Nil
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Privacy and Responsible Information Sharing Act 2024</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	29 August 2024
Adoption references	CEO APPROVED SUB-DELEGATIONS NREP12744

Delegation	1.3.10 Financial Management Systems and Procedures
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Function	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Donnybrook Balingup; ii. Safe custody and security of money collected or held by the Shire of Donnybrook Balingup; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority 1.2.23; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	Director Finance and Community Executive Manager Corporate Services Manager Financial Services
Conditions	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17] c. When exercising authority to authorise persons under FM.r.5 to incur liabilities: <ol style="list-style-type: none"> i. A register of Authorisations is to be maintained as a Local Government Record. ii. Only persons who are appropriately qualified and trained may be authorised for this purpose. iii. Authorisations are to be provided in writing.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i>
Policy	Council Purchasing Policy
Record keeping	Governance: Staff Signing Authorisation Register

Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.11 Audit – CEO Review of Systems and Procedures
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Function	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to <ul style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
Delegates	Director Finance and Community Executive Manager Corporate Services Governance Coordinator Manager Corporate Services
Conditions	a. Each matter is to be reviewed at least once every 3 calendar years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Audit) Regulations 1996</i>
Record keeping	Audit and Risk Management Committee Meeting Minutes
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

Delegation	1.3.12 Infringement Notices
Head of power	01 Local Government Act 1995 Delegations
Delegator	CEO
Express power to delegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
Delegates	Director Operations Manager Development Services Manager Works & Services
Conditions	<ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices: <ol style="list-style-type: none"> i. Director Operations
Express power to subdelegate	Nil
Statutory framework	<i>Local Government Act 1995</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	29 August 2024
Adoption references	CEO Approved Sub-Delegations NREP12744

01.4 Local Law Delegations to the CEO

Delegation	1.4.1 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 (Amended 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	<u>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000:</u> Part 2 Div.1 2.2 Activities allowed with a permit – general Part 3 Div.2 3.6 Notice to owner or occupier Part 4 Div.3 4.4 Conditions on portable sign Part 6 Sub-div.2 6.5 Relevant considerations in determining application for permit Part 6 Sub-div.2 6.6 Conditions of permit Part 6 Sub-div.2 6.7 Exemptions from requirement to pay fee or to obtain permit Part 6 Sub-div.2 6.18 Variation of permitted area and permitted time Part 6 Sub-div.2 6.20 Cancellation of permit Part 7 Div.1 7.1 Application for permit Part 7 Div.1 7.2 Decision on application for permit Part 7 Div.2 7.3 Conditions which may be imposed on a permit Part 7 Div.2 7.5 Compliance with and variation of conditions Part 7 Div.3 7.8 Transfer of permit Part 7 Div.3 7.9 Production of permit Part 9 9.1 Notice to redirect or repair sprinkler Part 9 9.2 Hazardous plants Part 9 9.3 Notice to repair damage to thoroughfare Part 9 9.4 Notice to remove thing unlawfully placed on thoroughfare Part 10 Div.1 10.2 Local government may undertake requirements of notice
Function	<u>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000:</u> 1. Authority to exempt: i. a person from compliance with sub-clause (1) on the application of that person [cl 2.2(2)]. 2. Authority to give notice: i. in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.[cl 3.6]. ii. written notice of that refusal to the applicant [cl 7.2(3)]. iii. to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment [cl 9.1]. iv. to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard [cl 9.2(1)]. v. to the person who caused the damage to order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government [cl 9.3]. vi. in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing [cl 9.4]. vii. in writing to a permit holder vary - (i) the permitted area; (ii) the permitted time; or

(iii) both the permitted area and the permitted time, shown on a permit [cl 6.18(1)].

3. Authority to approve an application:

i. for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –... [cl4.4];

ii. for a permit unconditionally or subject to any conditions [cl 7.2 (1)(a)];

iii. for a permit subject to conditions relating to:

i. the payment of a fee;

ii. the duration and commencement of the permit;

iii. the commencement of the permit being contingent on the happening of an event;

iv. the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

v. the approval of another application for a permit which may be required by the local government under any written law;

vi. the area of the district to which the permit applies;

vii. where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;

viii. the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and

ix. the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder [cl 7.3].

iv. for the transfer of a permit, refuse to approve it or approve it subject to any conditions [cl7.8 (2)].

4. Authority to refuse:

i. to approve an application for a permit under this division on any one or more of the following grounds –

i. that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;

ii. that the applicant is not a desirable or suitable person to hold a permit;

iii. that –

i. the applicant is an undischarged bankrupt or is in liquidation;

ii. the applicant has entered into any composition or arrangement with creditors; or

iii. a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or

iv. such other grounds as the local government may consider to be relevant in the circumstances of the case [cl 6.5(2)].

ii. to consider an application for a permit which is not in accordance with sub-clause (2). [cl 7.1 (5)]

iii. to approve an application for a permit [cl 7.2(1)(b)].

5. Authority to request:

i. a permit holder to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person [cl 7.9].

6. Authority to authorise:

i. another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder. Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law [cl 6.6(2)].

7. Authority to:

i. cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance [cl 6.20] – SEE CONDITIONS BELOW.

ii. waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee

	<p>which has been paid, if the stall is conducted or the trading is carried on–</p> <ul style="list-style-type: none"> i. on a portion of a public place adjoining the normal place of business of the applicant; or ii. by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation [cl 6.7(2)]. iii. exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division [cl 6.7(3)]. iv. vary the conditions of a permit, and the permit holder shall comply with those conditions as varied [cl 7.5 (2)]. v. may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing [cl 10.2].
Delegates	CEO
Conditions	<ul style="list-style-type: none"> a. Contentious issues to be referred to Council. b. Part 6 Sub.div.2 6.20 Cancellation of a permit cannot be delegated to any other officer.
Express power to subdelegate	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Coordinator Shire Works Director Operations Environmental Health Officer Manager Development Services Manager Works & Services Planning Officer Principal Environmental Health Officer Principal Planner Ranger Senior Ranger Supervisor Parks & Gardens</p>
Subdelegate conditions	<ul style="list-style-type: none"> a. Sub-delegates are only authorised to execute functions relevant to their position. b. 7. iv. Condition variations are to be made by officers imposed under delegation.
Statutory framework	<p><i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i></p>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.2 Animals, Environment and Nuisance Local Law 2017 (Amended 2024)
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	<u>Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017:</u> Part 2 Div.1 2.3 Disposal of Dead Animals Part 2 Div.2 2.5 Conditions for keeping of an animal Part 2 Div.3 2.7 Limitation on numbers of poultry and pigeons Part 2 Div.3 2.9 Roosters, geese, turkeys, peafowls, guinea fowls, emus and ostriches Part 2 Div.3 2.11 Restrictions on pigeons nesting or perching Part 3 Div.1 3.3 Unauthorised storage of materials Part 3 Div.2 3.4 Prohibited activities Part 3 Div.3 3.5 Burning of cleared vegetation prohibited Part 3 Div.3 3.6 Removal of refuse and disused materials Part 3 Div.3 3.7 Removal of unsightly overgrowth of vegetation Part 3 Div.3 3.9 Commercial wrecking of vehicles Part 4 Div.1 4.3 Notice may require specified action to prevent emission or reflection of light Part 4 Div.2 4.4 Burning rubbish, refuse or other material Part 4 Div.3 4.7 Truck noise from residential land Part 4 Div.6 4.13 Restrictions of keeping of bees in hives Part 5 Div.6 6.1 Notice of breach
Function	<p>1. Authority to give written approval to:</p> <ul style="list-style-type: none"> i. the operators of commercial poultry farms, licensed piggeries and similar intensive animal or bird farming to dispose of any dead animals or birds on their premises [cl2.3(1)]; ii. a person to keep or permit the keeping of bees anywhere within the district unless written approval to do so has been given by the Local government [cl4.13(1)]; iii. a person on any land within a townsite, having an area of 2000 square metres or less, to set fire to rubbish, refuse or other materials who has: <ul style="list-style-type: none"> i. written approval has first been obtained from the local government; ii. the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low; iii. the material does not include any plastic, rubber, food scraps or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons; iv. a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; v. and the burning complies with the <i>Bush Fires Act 1954</i>, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government [cl4.4(1a)]. iv. store construction materials on a building site or development site [cl3.3(1)]; v. to store construction material on any thoroughfare verge [cl3.3(2)]. <p>2. Authority to give written notice:</p> <ul style="list-style-type: none"> i. to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time frame specified in the notice [cl3.6(2)]; ii. to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice [cl3.7(2)]; iii. to an owner or occupier of land in the district to undertake, permit or suffer the

- commercial wrecking of vehicles on that land [cl3.9];
- iv. direct to the owner or occupier to take such actions as necessary within the time specified in the notice where:
- i. floodlights or other exterior lights shine directly onto any other premises;
 - ii. artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land that interferes unreasonably with normal daily activities; or
 - iii. natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare [cl4.3(1)];
- v. the person alleged to be responsible for a breach of any provision of this local law. [cl6.1(1)].

3. Authority to provide approval to:

- i. an owner or occupier of a premises within a townsite to keep a horse, cow or large animal on those premises [cl2.5(1)];
- ii. an owner or occupier of premises within a townsite to keep a combined total of more than 12 poultry and pigeons on any one lot of land [cl2.7].

4. Authority to serve a notice:

- i. serve on the owner and/or occupier of the land a notice requiring the owner and or occupier to do one or more of the following:
 - i. comply with subclause (1)(a) or (1)(b);
 - ii. clean up and properly dispose of any released or escaped dust or liquid waste;
 - iii. clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - iv. take reasonable steps to stop any further release or escape of dust or liquid waste;
- ii. requiring the person to remove bees or approved beehives to be removed [cl4.13(2)].

5. Authority to give written permission to an owner or occupier of premises to keep or allow to be kept on that land a rooster; a goose or gander; a turkey; a peacock or peahen; a guinea fowl; an emu or an ostrich [cl2.9(1)].

6. Authority to grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified, upon written application [cl2.9(2)].

7. Authority to revoke an approval granted under this section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health [cl2.9(4)].

8. Authority to issue a notice to an owner or occupier of a house, in or on which pigeons are in the habit of nesting or perching, to take reasonable steps to prevent them from continuing to do so [cl2.11(1)].

9. Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice [cl3.4(4)].

10. Authority to give written authorisation to an owner or occupier of any building site or development site to burn vegetation or other material cleared from the site [cl3.5].

11. Authority to give written consent to a person to start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day [cl 4.7].

Delegates	CEO
Conditions	a. An approval cannot be revoked by an officer who approved the original approval [cl2.9 (4)].
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 Emergency Services Manager (CESM) Director Operations Environmental Health Officer Manager Development Services Manager Works & Services Principal Building Surveyor Principal Environmental Health Officer
Subdelegate conditions	a. Sub-delegates are only authorised to execute functions relevant to their position. b. Dual authorisation is required by the CESM & PEHO under cl.3.5 of the Local Law.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Animals, Environment and Nuisance Local Law 2017</i> <i>Shire of Donnybrook Balingup Animals, Environment and Nuisance Amendment Local Law 2024</i>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.3 Bushfire Brigades Local Law 2000 (Amended 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>Shire of Donnybrook Balingup Bushfire Brigades Local Law 2000:</i> Part 2 Div.1 2.1 Establishment of a Bush Fire Brigade Part 2 Div.1 2.2 Name and officers of Bush Fire Brigade Part 2 Div.3 2.5 Variation of Rules Part 2 Div.5 2.7 Dissolution of Bush Fire Brigade Part 6 6.4 Consideration in the local government budget
Function	<ol style="list-style-type: none"> 1. Authority to establish a Bush Fire Brigade for the purpose of carrying out normal brigade activities [cl1.2]. 2. On establishing a Bush Fire Brigade under clause 2.1(1) the local government is to: <ol style="list-style-type: none"> i. give a name to the Bush Fire Brigade; ii. specify the area in which the Bush Fire Brigade is primarily responsible for carrying out the normal Brigade activities (the "Brigade area"); and iii. appoint: <ol style="list-style-type: none"> i. a Bush Fire Control Officer ii. a Captain; iii. a First Lieutenant; iv. a Second Lieutenant; v. additional Lieutenants if the local government considers it necessary; vi. an Equipment Officer; vii. a Secretary; and viii. a Treasurer; or ix. a Secretary/Treasurer combined [cl 2.2(1a-c)]. 3. Authority to vary the Rules in their application to all bush fire brigades or in respect of a particular Bush Fire Brigade [cl 2.5(1)]. 4. Authority to cancel the registration of a Bush Fire Brigade if it is of the opinion that the Bush Fire Brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established [cl 2.7]. 5. Authority to approve or refuse an application for funding depending upon the assessment of budget priorities for the year in question [cl 6.4].
Delegates	CEO
Conditions	a. The Shire is to have regard to the qualifications and experience which may be required to fill each position.
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 Operations
Subdelegate conditions	Nil

Statutory framework	<i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Bushfire Brigades Local Law 2000</i>
Record keeping	Synergy Records: Bush Fire Brigades
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.4.4 Cat Local Law 2016 (Amended 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	<u>Shire of Donnybrook Balingup Cat Local Law 2016:</u> Part 2 Sec 2.4 Decision on application Part 2 Sec 2.6 Conditions Part 2 Sec 2.8 Variation or cancellation of permit Part 3 Sec 3 .1 Nuisances Part 4 Sec 4.1 Cat management facility Part 5 Sec 5.1 Destruction at request of owner Part 7 Sec 7.2 Objections and Appeals Part 7 Sec 7.3 General offence and penalty provisions Schedule 1 Sec A Permit to keep three or more cats Schedule 1 Sec B Permit to use premises as a cat management facility
Function	<p>1. Authority to;</p> <ul style="list-style-type: none"> i. approve an application for a permit subject to conditions; [cl2.4(a)]; ii. refuse to approve an application for a permit [cl2.4(b)]; iii. suspended or revoked a permit if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law; [cl2.6(c)]; iv. vary the conditions of a permit [cl2.8(1)]; v. vary or cancel a permit on the request of the permit holder [cl2.8(2)]; vi. give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance [cl3.1(2)]; vii. withdraw the notice given to abate the nuisance [cl3.1(3)]; viii. establish and maintain a cat management facility or facilities, and may approve a cat management facility maintained by any authorised person, for the impounding of cats under this local law [cl4.1(1)]; ix. determine from time to time: <ul style="list-style-type: none"> i. the times when a cat management facility will be open for the reception and release of cats; ii. times for the sale of cats from the facility; and iii. a scale of impounding fees to be paid on the release of impounded cats [cl4.1(2)]; x. destroy the cat under S.34(c) of the Act [cl5.1(1)]; xi. charge an owner a fee in respect of the destruction of a cat [cl5.1(3)]; xii. approve or refuse to approve an application for a permit under this local law; or [cl7.2(a)]; xiii. renew, vary or cancel a permit under this local law, the provisions of Division 5 of Part 4 of the Act apply to that decision [cl7.2(b)]; xiv. recover a penalty for an offence against this local law when taking proceedings against the alleged offender [cl7.3(7)]; xv. give consent to the permit holder to replace a cat [Schedule 1A (3)]; xvi. approve materials used in structures [Schedule 1B(3)].
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 Operations Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Cat Local Law 2016</i>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.5 Cemeteries Local Law 2008 (Amended 2014)
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	<u>Shire of Donnybrook Balingup Cemeteries Local Law 2008:</u> Part 2 Div.1 2.3 Plans and registers Part 2 Div.2 2.4 Issue grants Part 2 Div.2 2.5 Rights of holder Part 2 Div.2 2.6 Renewal of grant Part 2 Div.2 2.7 Replacement of grant Part 2 Div.2 2.8 Transfer of grant Part 2 Div.2 2.9 Exercising the right of holder Part 3 3.6 Receipt of application for funeral Part 3 3.7 Times for burials Part 4 4.2 Funeral directors licence Part 4 4.5 Cancellation of funeral director's licence Part 4 4.6 Single funeral permits Part 5 Div.1 5.6 Conduct of funeral by Council Part 5 Div.2 5.7 Disposal of ashes Part 6 6.2 Vault or mausoleum Part 6 6.5 Exhumation Part 6 6.6 Opening of a coffin Part 7 Div.1 7.1 Application for monumental work Part 7 Div.1 7.2 Placement of monumental work Part 7 Div.1 7.5 Removal of sand, soil or loam Part 7 Div.1 7.6 Hours of work Part 7 Div.1 7.8 Use of wood Part 7 Div.1 7.9 Plants and trees Part 7 Div.1 7.14 Monumental mason's licence Part 7 Div.3 7.16 Carrying out monumental works Part 7 Div.3 7.18 Cancellation of monumental mason's licence Part 7 Div.3 7.19 Application for single monumental work permit Part 8 8.1 Animals Part 8 8.3 Damaging and removing of objects Part 8 8.6 Advertising Part 8 8.8 Removal from cemetery
Function	<ol style="list-style-type: none"> 1. Authority to issue; <ol style="list-style-type: none"> i. that person with a grant of right of burial for a term of twenty-five (25) years [cl2.4]; ii. a new grant to replace a grant which is lost or destroyed [cl2.7(1)]; iii. to an applicant a funeral director's licence authorising a holder to direct funerals [cl4.2(1)]; iv. to an applicant a single funeral permit authorising a holder to direct a funeral [cl4.6(1)]; v. to that person a permit to carry out monumental work on a grave specified in an application [cl7.1(1)]; vi. to an applicant a monumental mason's licence [cl7.14(1)]; vii. to an applicant a single monumental work permit authorising a holder to place a monument [cl7.19(1)]. 2. Authority to determine; <ol style="list-style-type: none"> i. from time to time the number of dead bodies or ashes which may be placed in

- the grave [cl 2.5(2)];
- ii. determine the manner in which the funeral shall be conducted [cl5.6(c)];
- iii. proper and substantial foundations for the placement for the of monuments [cl7.2].

3. Authority to request;

- i. the holder to produce the grant before the exercise of any of the rights [cl2.5 (3)];
- ii. the holder to deliver an existing grant to it prior to issuing a new grant. [cl2.5 (3)].

4. Authority to give permission;

- i. in accordance with section 26 of the Act to a holder who desires to transfer a grant to another person [cl2.8(b)]; to carry out a burial:
 - i. on a gazetted public holiday in the State of Western Australia; or
 - ii. at any other time, other than during the following days and hours:
 - i. Monday to Friday between 9.00 a.m. and 4.00 p.m.
 - ii. Saturday between 9.00 a.m. and 12.00 pm [cl3.7];
- iii. for the ashes to be disposed of by one of the following methods:
 - i. Niche wall;
 - ii. Family grave;
 - iii. Bush memorial;
 - iv. .Other memorials approved by the Council [cl5.7(1)].
- iv. to carry out memorial or other work on graves within a cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays [cl7.6];
- v. to a person to remove or pick any tree, plant, shrub or flower in a cemetery or any other object or thing on a grave or memorial or which is the property of the Council [cl8.3].

5. Authority to approve;

- i. any other person the rights If evidence is produced in writing to the satisfaction of the Council that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable [cl2.9];
- ii. the construction of a vault or mausoleum within a cemetery, which vault or mausoleum [cl6.2(2)];
- iii. the materials used to seal a mausoleum [cl6.2(6)];
- iv. the opening of that coffin [cl6.6(1)];
- v. the removal of sand, earth or other material for use in the erection of any memorial or work [cl7.5];
- vi. the use of wood on or around a grave [cl7.8];
- vii. the planting of trees or shrubs [cl7.9];
- viii. a person to carry on or advertise any trade, business or profession within a cemetery [cl8.3].

6. Authority to;

- i. establish and maintain:
 - i. a plan of each cemetery showing the location and identifying number of every burial place or grave and the distribution of the land, compartments and sections;
 - ii. a register containing the identification numbers of graves and the names and description of the persons buried;
 - iii. a register of grants made with respect to each cemetery; and
 - iv. a register of persons cremated whose ashes have been buried or disposed in each cemetery.
- ii. renew the grant for a further term of twenty-five (25) years commencing on the expiry date of the grant [cl2.6];

	<ul style="list-style-type: none"> iii. fix a time for a funeral [cl3.6(a)]; iv. prepare a grave that is required. [cl3.6(b)]; v. Cancel a funeral director's licence by notice in writing to a holder of a funeral director's licence [cl4.5]; vi. refuse an application for the single funeral permit if, in the opinion of the Council, either a coffin's specifications or the details of the vehicle transporting the dead body to the gravesite, are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds [cl4.6(3)]; vii. specify an area in a cemetery where the dead body is to be buried or the ashes placed [cl5.6(d)]; viii. conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law [cl5.6(e)]; ix. do or require anything which it considers is necessary or convenient for the conduct of the funeral by it [cl5.6(f)]; x. place the ashes of the deceased person in the cemetery [cl5.7(3)]; xi. place the ashes of the deceased person within a grave [cl 5.7(4)]; xii. disinter a coffin in a cemetery for an exhumation of a dead body [cl6.5]; xiii. set conditions on a monumental mason's licence [cl7.14(2)]; xiv. authorise a person to carry out monumental work within a cemetery [cl7.16]; xv. terminate a licence of a monumental mason's licence [7.18(1)]; xvi. permit the entry of an animal in a cemetery [cl8.1]; xvii. order a person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Council, the CEO or an authorised officer is inappropriate in a cemetery may in addition to any penalty provided by this local law [cl8.8].
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
Subdelegates	Coordinator Shire Works Director Finance and Community Director Operations Executive Manager Corporate Services Manager Works & Services Ranger Senior Ranger Supervisor Parks & Gardens
Subdelegate conditions	a. Sub-delegates are only authorised to execute functions relevant to their position.
Statutory framework	<i>Local Government Act 1995</i> <i>Shire of Donnybrook Balingup Cemeteries Local Law 2008</i>
Record keeping	Grant of Right of Burial Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.6 Dogs Local Law 2000 (Amended 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>Shire of Donnybrook Balingup Dogs Local Law 2000:</i> Part 4, 4.3 Notice of proposed use Part 4, 4.4 Exemption from notice requirements Part 4, 4.8 Conditions of approval Part 4, 4.11 Form of licence Part 4, 4.13 Variation or cancellation of licence Part 4, 4.14 Transfer Part 4, 4.15 Notification Part 4, 4.16 Inspection of kennel Part 7, 7.3 Issue of infringement notice Part 7, 7.5 Payment of modified penalty Part 7, 7.7 Service Schedule 2 Conditions of a licence for an approved kennel establishment

Function	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> i. an exemption for a licence of an approved kennel establishment [cl4.4]; ii. an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions [cl4.8(1)]; iii. materials for a kennel [schedule2(c)]; iv. .approve other durable materials for the walls of a kennel [schedule2(k)]. 2. Authority to vary; <ol style="list-style-type: none"> i. any of the conditions contained in Schedule 2 [cl4.8(2)]; ii. the conditions of a licence [cl4.13(1)]. 3. Authority to; <ol style="list-style-type: none"> i. refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions [cl4.3(3)]; ii. determine the form for a licence and issue to the licensee [cl4.11]; iii. cancel a licence: <ol style="list-style-type: none"> i. on the request of the licensee; ii. following a breach of the Act, the Regulations or this local law; or iii. if the licensee is not a fit and proper person. [cl4.13(2)]; iv. approve or refuse to approve an application for the transfer of a valid licence [cl4.14(3)]; v. give 15 written notice to: <ol style="list-style-type: none"> i. an applicant for a licence of the local government's decision on her or his application; ii. a transferee of the local government's decision on her or his application for the transfer of a valid licence; iii. a licensee of any variation made under clause 4.13(1); iv. a licensee when her or his licence is due for renewal and the manner in which it may be renewed; v. a licensee when her or his licence is renewed; vi. a licensee of the cancellation of a licence under clause 4.13(2)(a); and vii. a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27 (6) of the Act [cl4.15]; vi. inspect an approved kennel establishment at any time [cl4.16]; vii. issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations [cl7.3]; viii. withdraw an infringement notice [cl7.5] (please see conditions below [cl7.6(2)]; ix. serve a notice on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government [cl7.7]; x. order that all kennels and yards and drinking vessels be maintained [schedule 2 (n)].
Delegates	CEO
Conditions	a. A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.
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 Operations Manager Development Services Ranger Senior Ranger
Subdelegate conditions	a. A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.7 Extractive Industries Local Law 1998 (Amended 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	<u>Shire of Donnybrook Balingup Extractive Industries Local Law 1998:</u> Part 2, 2.2 Applicant to advertise proposal Part 2, 2.3 Application for licence Part 3 3.1 Determination of application Part 4, 4.1 Transfer of licence Part 4, 4.2 Cancellation of licence Part 4, 4.3 Renewal of licence Part 5, 5.1 Security for restoration and reinstatement Part 5, 5.2 Use by the local government of secured sum Part 6, 6.1 Limits on excavation near boundary Part 6, 6.2 Prohibitions Part 6, 6.3 Blasting Part 6, 6.4 Obligations of the licensee Part 7, 7.4 Works to be carried out on cessation of operations Part 8, 8.1 Objections and Appeals
Function	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> i. a licence to excavate [cl2.2(1)]; ii. the content, size and construction of a notice used by an applicant to advertise the licence issued by the local government [cl2.2(2b)]; iii. the placement of the datum peg on the surface of a constructed public road or such other land in the vicinity [cl2.3(1d)]; iv. the application - <ol style="list-style-type: none"> i. over the whole or part of the land in respect of which the application is made; and ii. on such terms and conditions, if any, as it sees fit [cl3.1(2b)]; v. the issue of a licence in the form determined by the local government [cl3.1(3b)]; vi. the application to transfer a licence on such terms and conditions, if any, as it sees fit [cl4.1(2b)]; vii. excavation outside of the following limits; <ol style="list-style-type: none"> i. 20 metres of the boundary of any land on which the excavation site is located; ii. 20 metres of any land affected by a registered grant of easement; iii. 40 metres of any road; or iv. 40 metres of any watercourse. [cl6.1] viii. to a licensee in writing to remove trees or shrubs and impose any conditions in accordance with cl3.1 [cl6.2(a)]; ix. blasting on a Saturday, Sunday or Public Holiday [cl6.3(2)]; x. proposals to restore and reinstate an excavated site [cl7.4(a)]. 2. Authority to determine; <ol style="list-style-type: none"> i. the form used by an applicant to advertise the licence issued [cl2.2(2a)]; ii. the form used to apply for a licence in respect to any land [cl2.3(1)]; iii. the licence period for a licence application the licence period for a licence application, not exceeding 21 years from the date of issue [cl3.1(3a)]; iv. the annual licence fee, or the relevant proportion of the annual licence fee to 31st December [cl3.1(4a)]; v. the form used to transfer a licence [cl4.1(3)]; vi. a sum the licensee must give to the local government as a bond, bank

- guarantee or other security, of a kind and in a form acceptable to the local government [cl5.1(1)];
- vii. the hours that blasting takes place [cl6.3(1b)];
- viii. the standard of fencing required to securely fence an excavation site [cl6.4(a)].

3. Authority to refuse;

- i. to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained [cl3.1(1)];
- ii. the application, in respect of an application for a licence [cl3.1(2a)];
- iii. the application to transfer a licence [cl4.1(2a)];
- iv. the application for the renewal of a licence [cl4.3(4a)].

4. Authority to request;

- i. request any information to transfer a licence application [cl4.1(1e)];
- ii. request a licensee give a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government for security for restoration and reinstatement of an excavation site [cl5.1(1)].

5. Authority to;

- i. cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices referred to in sub-clause (1) [cl2.2];
- ii. may impose conditions in respect of the following matters:
 - i. the orientation of the excavation to reduce visibility from other land;
 - ii. the appropriate siting of access roads, buildings and plant;
 - iii. the stockpiling of material;
 - iv. the hours during which any excavation work may be carried out;
 - v. the hours during which any processing plant associated with, or located on, the site may be operated;
 - vi. requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
 - vii. the depths below which a person must not excavate;
 - viii. distances from adjoining land or roads within which a person must not excavate;
 - ix. the safety of persons employed at or visiting the excavation site;
 - x. the control of dust and wind-blown material;
 - xi. the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - xii. the prevention of the spread of dieback or other disease;
 - xiii. the drainage of the excavation site and the disposal of water;
 - xiv. the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
 - xv. the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
 - xvi. requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
 - xvii. requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;
 - xviii. any other matter for properly regulating the carrying on of an extractive industry; and
 - xix. requiring the licensee to enter into an agreement with the local

	<p>government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence. [cl3.1(5)];</p> <p>iii. cancel a licence where the licensee has:</p> <ul style="list-style-type: none"> i. been convicted of an offence against - ii. this local law; or iii. any other law relating to carrying on an extractive industry; or iv. transferred or assigned or attempted to transfer or assign the licence without the consent of the local government; v. permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law; vi. failed to pay the annual licence fee under clause 3.2; or vii. failed to have a current public liability insurance policy under clause 7.1 (1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2) [cl4.2(1)]; iv. advise the licensee in writing of the licence cancellation [cl4.2(2a)]; v. waive any of the requirements specified in clause 4.3 (1) (d) or (e) [cl4.3(2)]; vi. carry out the required restoration and reinstatement work or so much of that work as remains undone; and [cl5.291c]; vii. demand all costs incurred by the local government or which the local government may be required to pay under this clause [cl5.2(1d)]; viii. apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause [cl5.2(2)]; ix. vary a licence that a person has under this local law [cl8.1(b)].
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 Operations Manager Development Services Manager Works & Services Planning Officer Principal Planner
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Excavation Industries Local Law 1998</i>
Record keeping	Extractive Industries Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.8 Fencing Local Law 1999 (Amended 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>Shire of Donnybrook Balingup Fencing Local Law 2016:</i> Part 2, 4 Sufficient fences Part 3, 8 Fences across rights-of-way, public access ways or thoroughfares Part 8, 8 General Discretion of the Local Government Part 6, 11 Requirement for a Licence Part 6, 12 Transfer of a Licence Part 6, 13 Cancellation of a Licence Part 7, 14 Notices of Breach

Function	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> i. the erection of a dividing fence or a boundary fence that is not a sufficient fence [cl4(1)]; ii. the erection or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed [cl8]; iii. a licence to have and use an electrified fence [cl11(4)(a)]; iv. subject to such conditions a licence to have and use an electrified fence [cl11(4)(b)]; v. to transfer a licence to another occupier or owner of the lot; vi. approve the application for a transfer of the licence [cl12(3)(a)]; vii. the application for a transfer of the licence subject to such conditions as it thinks fit [cl12(3)(b)]; viii. any other material in compliance with the Local Law to erect a timber fence [cl First Schedule 5(f)]. 2. Authority to refuse; <ol style="list-style-type: none"> i. a licence to have and use an electrified fence [cl11(4)(c)]; ii. to approve the application for a transfer of the licence. [cl12 (3)(c)]. 3. Authority to determine; <ol style="list-style-type: none"> i. the form used to transfer a licence [cl12(2)(b)]; ii. the fee to transfer a licence to another occupier or owner of the lot [cl12(2)(d)]. 4. Authority to; <ol style="list-style-type: none"> i. give consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws [cl8(1)]; ii. request information to determine an application to transfer a licence to another occupier or owner of the lot [cl12(2)(e)]; iii. cancel a licence issued under this Part, subject to Division 1 Part 9 of the Local Government Act 1995 if: <ol style="list-style-type: none"> i. the fence no longer satisfies the requirements specified in clause 14(2) or 14(3) as the case may be; or ii. the licence holder breaches any condition upon which the licence has been issued [cl13]; iv. give a notice in writing to the owner of that lot ('notice of breach') where a breach of any provision of these Local Laws has occurred in relation to a fence on a lot [cl14(1)]; v. may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach [cl14(3)]; vi. may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction [cl14(3)].
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 Operations Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil

Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Fencing Local Law 1999</i>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.4.9 Health Local Laws 1999 (Amended 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	<u>Shire of Donnybrook Balingup Health Local Laws 1999:</u> Part 3 Div1 3.1.2 Guttering and Downpipes Part 3 Div2 3.2.4 Ventilation Part 4 Div1 4.1.3 Disposal of Liquid Waste Part 4 Div1 4.1.4 Approval for Septic Tank Pump outs and Removal of Liquid Waste Part 4 Div1 4.1.5 Application for Approval Part 4 Div1 4.1.6 Provision of Quarterly Reports Part 4 Div2 4.3.2 Restriction of Vehicles Part 4 Div2 4.3.3 Transport of Butchers' Waste Part 5 Div7 5.7.2 Ventilation Part 6 Div1 6.1.5 Council may Execute Work and Recover Costs Part 6 Div2 6.2.3 Council may Execute work and recover costs Part 6 Div6 6.8.1 prescribe any other "Arthropod vectors of disease" Part 7 Div1 7.1.1 Requirements for an owner or occupier to clean, disinfect and disinfect Part 7 Div1 7.1.2 Environmental Health Officer may disinfect or disinfect premises Part 7 Div1 7.1.6 Persons in contact with an infectious disease sufferer Part 7 Div1 7.1.7 Declaration of infected house or premises Part 7 Div1 7.1.10 Council may carry out work and recover costs Part 7 Div2 7.2.1 Disposal of used condoms Part 8 Div1 8.1.2 Lodging House Not to be Kept Unless Registered Part 8 Div1 8.1.4 Approval of Application Part 8 Div1 8.1.7 Revocation or Registration Part 8 Div2 8.2.7 Fire Prevention and Control Part 8 Div2 8.2.11 Sleeping Accommodation, Short Term Hostels and Recreational Campsites Part 8 Div3 8.3.3 Keeper Report Part 9 Div1 9.1.5 Certificate of Registration Part 9 Div1 9.1.7 Alterations to Premises Part 9 Div4 9.4.2 Receiving Depot
Function	<ol style="list-style-type: none"> 1. Authority to approve; <ol style="list-style-type: none"> i. the owner of a house to use or occupy, or permit to be used or occupied, a house without guttering and downpipes [cl3.1.2]; ii. the owner or occupier of premises to discharge liquid waste into an apparatus for the treatment of sewage and disposal [cl3.2.4(4)]; iii. give written approval to collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes [cl4.1.4(b)]; iv. a vehicle or container for transporting butchers' waste [cl4.3.2(a)]; v. other impervious material to cover butchers' waste in transport [cl4.3.3(1aiv)]; vi. a lodging house, with or without conditions, an application under Section 8.1.3 by issuing to the applicant a certificate [cl8.1.4]; vii. fire protection equipment fitted in a lodging house [cl8.2.7(2)]; viii. mechanical ventilation in lieu of fixed ventilation of a short-term hostel or recreational campsite [cl8.2.11(5b)]. 2. Authority to give notice to; <ol style="list-style-type: none"> i. the owner of a house that is not properly ventilated, to; <ol style="list-style-type: none"> i. provide a different, or additional method of ventilation; or ii. cease using the house until it is properly ventilated [3.2.4(4)];

- ii. to the occupier of an incorrectly ventilated car park to:
 - i. provide a different or additional method of ventilation; and
 - ii. cease using the car park until it is properly ventilated [5.7.2(2)];
 - iii. an owner or occupier in writing to clean, disinfect and disinfect:
 - i. the premises; or
 - ii. such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer [cl7.1.1(1)];
 - iv. the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked, before revoking the registration of a lodging house [8.1.7(3)];
 - v. the keeper of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper when revokes the registration of a lodging house [8.1.7(4)];
 - vi. withdraw permission to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2].
3. Authority to impose;
- i. terms and conditions on approvals for septic tank pump outs and removal of liquid waste [cl4.1.4(c)];
 - ii. conditions on an application for septic tank pump outs and removal of liquid waste [cl4.1.5(3)].
4. Authority to request;
- i. quarterly reports from approved carriers to the Council containing accurate details of:
 - i. the date of servicing the liquid waste system;
 - ii. the address or location of the involved property; and
 - iii. the type of system serviced [cl4.1.6];
 - ii. a report to the Council in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night [cl8.3.3].
5. Authority to direct;
- i. an officer or other person to disinfect and disinfect the premises or any part of the premises and anything in or on the premises [cl7.1.2(2)];
 - ii. the removal of a person mentioned in section 7.1.6 to isolation in an appropriate place to prevent or minimise the risk of the infection spreading [cl7.1.6(b)];
 - iii. an occupier of premises to dispose of used condoms [cl7.2.1(1)].
6. Authority to revoke;
- i. the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation [cl8.1.7(1)];
 - ii. a registration of a lodging house upon any one or more of the following grounds:
 - i. that the lodging house has not, to the satisfaction of Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - ii. that the keeper has:
 - iii. been convicted of an offence against these local laws in respect of the lodging house;
 - iv. not complied with a requirement of this Part; or
 - v. not complied with a condition of registration.
7. Authority to give written permission;
- i. to make or permit any change or alteration whatever to the premise while it remains registered under this division [cl9.1.7];
 - ii. to an owner or occupier of premises to use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works [cl9.4.2].

	<p>8. Authority to;</p> <ul style="list-style-type: none"> i. grant an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)]; ii. refuse an application for septic tank pump outs and removal of liquid waste under this section subject to conditions [cl4.1.5(2)]; iii. vary conditions on an application for septic tank pump outs and removal of liquid waste [4.1.5(4)]; iv. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.1.4 [cl6.1.5(1)]; v. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.1.5 subsection (1) [cl6.1.5(2)]; vi. execute work and recover from that person the cost of executing the work where a person fails or neglects to comply with the requirements under section 6.2.2 [cl6.2.3(1)]; vii. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 6.2.2 subsection (1) [cl6.2.3(2)]; viii. prescribe any other "Arthropod vectors of disease" [cl6.8.1]; ix. recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out. [cl7.1.2(3)]; x. issue instructions to a person if a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house [cl7.1.6(a)]; xi. declare a house or premises to be infected [cl7.1.7(1)]; xii. Carry out work or arrange for the work to be carried out to dispose of a body of a person who has died of any infectious disease [cl7.1.10(1)]; xiii. recover in a court of competent jurisdiction the costs and expenses incurred by the Council to execute work in section 7.1.10 subsection (1) [cl7.1.10(2)]; xiv. register a lodging house under section 8.1.4 [cl8.1.2(b)]; xv. issue to the applicant a certificate of registration in the form prescribed in Schedule (11) to establish an offence trade [cl9.1.5].
Delegates	CEO
Conditions	a. Sub-delegates must hold current qualifications to the satisfaction of the Chief Medical Officer to perform any functions authorised above.
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	a. Sub-delegates must hold current qualifications to the satisfaction of the Chief Medical Officer to perform any functions authorised above.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999 (Amended 2017)</i>
Record keeping	Synergy: Records Module
Date adopted	26 June 2024

Adoption references	Council Resolution 102/24
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Delegation	1.4.10 Meeting Procedures 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>Shire of Donnybrook Balingup Meeting Procedures Local Law 2017:</i> Part 6 6.10 Petitions
Function	1. Authority to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3) [cl6.10(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
Subdelegates	Administration Officer Corporate Services Director Finance and Community Director Operations Executive Manager Corporate Services Manager Corporate Services
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995 & Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Meeting Procedures Local Law 2017</i>
Record keeping	Council Meeting Agenda and Minutes
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.4.11 Outdoor Eating Areas Local Law 2013
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>Shire of Donnybrook Balingup Outdoor Eating Areas Local Law 2013:</i> Part 2 2.2 Exemptions Part 2 2.3 Application for a licence Part 2 2.5 Decision on application for licence Part 2 2.6 Conditions which may be imposed on a licence Part 2 2.8 Amendment of licence conditions Part 2 2.11 Transfer of licence Part 2 2.12 Cancellation or suspension of licence Part 2 2.13 Production of licence Part 4 4.2 Notice to repair damage to public place Part 4 4.3 Local Government may undertake requirements of notice Part 4 4.4 Removal and impounding of goods
Function	<ol style="list-style-type: none"> 1. Authority to determine; <ol style="list-style-type: none"> i. the form for a licence [cl2.3(2a)]; ii. the fee imposed for a licence [cl2.3(2d)]; iii. the form to transfer a licence [cl2.11(1)(a)]. 2. Authority to request; <ol style="list-style-type: none"> i. an applicant to provide additional information reasonably related to an application before determining the application [cl2.3(3)]; ii. a licensee to produce his or her valid licence immediately [cl2.13]. 3. Authority to refuse; <ol style="list-style-type: none"> i. to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) [cl2.3(5)]; ii. refuse to approve the application [cl2.5(1b)]; iii. refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1) [cl2.11(2)]. 4. Authority to give notice; <ol style="list-style-type: none"> i. In writing to refuse an application, and written reasons for, the refusal to the applicant [cl2.5(4a)]; ii. In writing to a licensee of, and written reasons for, its decision to amend [cl2.8(5i)]; iii. In writing of, and reasons for, the decision to cancel or suspend a licence [cl2.12(3a)]; iv. to a licensee Where any portion of a public place has been damaged as a result of the use of that public place as an outdoor eating area [cl4.2]. 5. Authority to inform; <ol style="list-style-type: none"> i. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision [cl2.5(4b)]; ii. the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision [cl2.8(5ii)]; iii. the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; [cl2.12(3b)].

	<p>6. Authority to approve;</p> <ul style="list-style-type: none"> i. the application unconditionally or subject to any conditions [cl2.5(1a)]; ii. an application for a licence subject to conditions relating to [cl2.6]; iii. approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval [cl2.11(3)]. <p>7. Authority to amend;</p> <ul style="list-style-type: none"> i. the licence, either in accordance with the application or otherwise as it sees fit [cl2.8(2i)]; ii. any of the terms and conditions of the licence [cl2.8(3)]. <p>8. Authority to cancel;</p> <ul style="list-style-type: none"> i. a licence on any one or more of the following grounds [cl2.12(1)]; ii. or suspend a licence if the local government or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place [cl2.12(2)]. <p>9. Authority to;</p> <ul style="list-style-type: none"> i. exempt a person or class of persons in writing from the requirement to have a licence [cl2.2(1)]; ii. give an exemption in subclause (1) subject to any conditions the local government sees fit [cl2.2(3)]; iii. give local public notice of the application for a licence [cl2.3(4)]; iv. impose other conditions on the licence under subclause (1)(a) [cl2.5(5)]; v. decline to amend a licence [cl2.8(2ii)]; vi. notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification [cl2.8(4)]; vii. refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence [cl2.12(5)]; viii. give lawful direction to a licensee [cl4.1(1)]; ix. undertake the works specified in the notice and recover from that licensee, as a debt, the costs incurred in so doing If a person fails to comply with a notice under clause 4.2 [cl4.3]; x. remove and impound any furniture Where an outdoor eating area is conducted without a valid licence or in contravention of a condition of a licence [cl4.4].
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	Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Outdoor Eating Areas Local Law 2013</i>

Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.12 Parking and Parking Facilities Local Law 2000 (Amended 2008)
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	<u>Shire of Donnybrook Balingup Parking and Parking Facilities Local Law 2000:</u> Part 1 1.4 Application and pre-existing signs Part 2 2.3 Vehicles to be within parking stall in parking station Part 2 2.4 Parking prohibitions and restrictions Part 3 3.2 Restrictions on parking in particular areas Part 3 3.12 Authorised person may mark tyres Part 3 3.16 Parking on reserves Part 3 3.17 Suspension of parking limitations for urgent, essential or official duties Part 4 4.2 Unauthorised signs and defacing of signs Part 4 4.6 Vehicles not to obstruct a public place
Function	<ol style="list-style-type: none"> 1. Authority to give permission; <ol style="list-style-type: none"> i. to a person to park a vehicle on any part of a parking station contrary to a sign referable to that part [cl2.4 (1b)]; ii. to a person to park a vehicle in an area designated by a sign stating "Authorised Vehicles Only" [cl3.2(4)]; iii. to a person to leave a vehicle, or any part of a vehicle, in a public place where it obstructs the use of any part of that public place [cl4.6(1)]. 2. Authority to permit; <ol style="list-style-type: none"> i. a vehicle to park on any part of a parking station [cl2.4 (1c)]; ii. a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties [cl3.17(1)]. 3. Authority to authorise a person; <ol style="list-style-type: none"> i. person to drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose [cl3.16)]; ii. *to mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law [cl4.2(a)]; iii. *to remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act [cl4.2(b)]; iv. *to affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law [cl4.2(c)]. 4. Authority to; <ol style="list-style-type: none"> i. agree in writing with the owner or occupier of that facility or station that this Local Law will apply to that facility or station [cl1.4(2)]; ii. direct a person to park a vehicle in a parking station otherwise than wholly within a parking stall [cl2.3]; iii. mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers [cl3.12(1)]; iv. prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission [cl3.17(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
Subdelegates	Director Operations Manager Development Services Manager Works & Services Ranger Senior Ranger
Subdelegate conditions	a. *Ranger and Senior Ranger are not authorised for Function 3. ii, iii, iv.
Statutory framework	<i>Local Government Act 1995</i> <i>Parking and Parking Facilities Local Law 2000</i>
Record keeping	Synergy: Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	1.4.13 Local Government Property Local Law 2000 (Amended 2014)
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	<u>Local Government Property Local Law 2000:</u> Part 1 1.4 Application Part 2 Div1 2.2 Procedure for making a determination Part 2 Div1 2.3 Discretion to erect sign Part 2 Div1 2.5 Register of determinations Part 3 Div2 3.2 Application for permit Part 3 Div2 3.3 Decision on application for permit Part 3 Div2 3.4 Conditions which may be imposed on a permit Part 3 Div3 3.5 Imposing conditions under a policy Part 3 Div3 3.6 Compliance with and variation of condition Part 3 Div4 3.7 Agreement for building Part 3 Div4 3.10 Transfer of permit Part 3 Div4 3.11 Production of permit Part 3 Div4 3.12 Cancellation of permit Part 3 Div5 3.13 Activities needing a permit Part 4 Div2 4.6 Signs Part 5 Div1 5.1 When entry must be refused Part 5 Div2 5.2 No entry to fenced or closed local government property Part 6 6.1 No unauthorised entry to function Part 7 7.1 Application of Division 1, Part 9 of the Act Part 8 8.1 Authorised person to be obeyed Part 8 8.2 Persons may be directed to leave local government property Part 8 8.3 Disposal of lost property Part 8 8.4 Liability for damage to local government property Part 9 Div1 9.2 Local government may undertake requirements of notice
Function	<p>1. Authority to enter;</p> <p>i. into an agreement with any person regarding the use of any local government property [cl1.4 (2b)];</p> <p>ii. into an agreement with the permit holder in respect of the ownership of the materials in the building [cl3.7].</p> <p>2. Authority to erect a sign;</p> <p>i. on local government property to give notice of the effect of a determination which applies to that property [cl2.3];</p> <p>ii. on local government property specifying any conditions of use which apply to that property [cl4.6(1)].</p> <p>3. Authority to determine;</p> <p>i. the form for an application for a permit under this local law [cl3.2(2a)].</p> <p>4. Authority to request;</p> <p>i. an applicant to provide additional information reasonably related to an application before determining an application for a permit [cl3.2(3)];</p> <p>ii. an applicant to give local public notice of the application for a permit [cl3.2(4)];</p> <p>iii. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)];</p> <p>iv. an applicant to provide such information as require to enable the application to be determined [cl3.10(1c)];</p>

	<p>v. a permit holder to produce to an authorized person her or his permit immediately [cl3.11].</p> <p>5. Authority to refuse;</p> <p>i. to consider an application for a permit which is not in accordance with sub clause (2) [cl3.2(5)];</p> <p>ii. to approve an application for a permit [cl3.3(1b)];</p> <p>iii. to approve an application for the transfer of a permit [cl3.10(2)];</p> <p>iv. admission to, may direct to leave, or shall remove or cause to be removed, from a pool area any person [cl5.1].</p> <p>6. Authority to approve;</p> <p>i. an application for a permit unconditionally or subject to any conditions [cl3.3(1a)];</p> <p>ii. an application subject to conditions by reference to a policy [cl3.4(1)];</p> <p>iii. an application subject to conditions by reference to a policy. [cl3.5(2)];</p> <p>iv. an application for the transfer of a permit, or approve it subject to any conditions. [cl3.10(2)].</p> <p>7. Authority to give written notice;</p> <p>i. for the refusal to approve a permit to an applicant [cl3.3(3)];</p> <p>ii. to a person who unlawfully damages local government property to pay the costs of [cl8.4(1)].</p> <p>8. Authority to exempt;</p> <p>i. a person from compliance with sub-clause (1) on the application of that person [cl3.13(2)];</p> <p>ii. specified local government property or a class of local government property from the application of sub-clause (1)(a) [cl3.13(3)];</p> <p>iii. a person from compliance with sub-clause (1)(b) [cl6.1(2)].</p> <p>9. Authority to direct a person;</p> <p>i. on local government property [cl8.1];</p> <p>ii. to leave, or temporarily suspend a person from, local government property where she or he reasonably suspects that the person has contravened a provision of any written law [cl8.2].</p> <p>10. Authority to cancel;</p> <p>i. cancel a booking during the course of an annual or seasonal booking [cl3.4(2g)];</p> <p>ii. cancel a permit [cl3.12(1)].</p> <p>11. Authority to;</p> <p>i. hire local government property to any person [cl1.4(2a)];</p> <p>ii. give local public notice of its intention to make a determination [cl2.2(1)];</p> <p>iii. keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6 [cl2.5];</p> <p>iv. give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2) [cl3.5(3)];</p> <p>v. vary the conditions of a permit [cl3.6(2)];</p> <p>vi. authorise a person to enter local government property which has been fenced off or closed to the public by a sign or otherwise [cl5.2];</p> <p>vii. renew, vary, or cancel a permit or consent that a person has under this local law [cl7.1(b)];</p> <p>viii. dispose of any article left on any local government property, and not claimed within a period of 3 months [cl8.3];</p> <p>ix. recover the costs referred to in the notice as a debt due to failure to comply with a notice issued under sub-clause (1) [cl8.4(3)];</p> <p>x. do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing when a person fails to comply with a notice referred to in clause 9.1 [cl9.2].</p>
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	Administration Officer Administration Officer Corporate Services Community Emergency Services Manager (CESM) Coordinator Shire Works Customer Service Officer Director Finance and Community Director Operations Environmental Health Officer Executive Manager Corporate Services Governance Coordinator Manager Community Services Manager Corporate Services Manager Development Services Manager Works & Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Planner Project Asset Officer Ranger Senior Customer Service Officer Senior Ranger Supervisor Parks & Gardens
Subdelegate conditions	<ul style="list-style-type: none"> a. Senior Customer Service Officer and Customer Service Officer are authorised to dispose of any article left on any local government property and not claimed within a period of 3 months under the value of \$50.00. b. Sub-delegates are only authorised to execute functions relevant to their position. c. The Director Finance and Corporate, Director Operations and Executive Manager Corporate Services can perform all functions under this delegation.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and general) Regulations 1996</i> <i>Shire of Donnybrook Balingup Local Government Property Local Law 2000</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	1.4.14 Waste Local Law 2017 (Amended 2024)
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>Shire of Donnybrook Balingup Waste Local Law 2017:</i> Part 1, 1.6 Local public notice of determinations Part 1, 1.7 Rates, fees and charges Part 1, 1.8 Power to provide waste services Part 2, 2.3 General waste receptacles Part 2, 2.4 Recycling waste receptacles Part 2, 2.5 Organic waste receptacles Part 2, 2.6 Direction to place or remove a receptacle Part 2, 2.7 Duties of owner or occupier Part 2, 2.8 Exemption Part 2, 2.9 Damaging or removing receptacles Part 3, 3.1 Duties of an owner or occupier Part 3, 3.2 Removal of waste from premises Part 3, 3.3 Receptacles and containers for public use Part 4, 4.2 Hours of operation Part 4, 4.3 Signs and directions Part 4, 4.4 Fees and charges Part 4, 4.5 Depositing waste Part 4, 4.6 Prohibited activities
Function	<ol style="list-style-type: none"> 1. Authority to determine; <ol style="list-style-type: none"> i. a matter under this local law [cl1.6]; ii. the weight for general waste receptacles [cl2.3(1b)]; iii. the weight for recycling waste receptacles [cl2.4(c)]; iv. the weight for organic waste receptacles [cl2.5(c)]; v. an area for placing a receptacle for collection [cl2.7(b)]; vi. the hours of operation of a waste facility [cl4.2]; vii. the classification of any waste that may be deposited at a waste facility [cl4.5(2)]; viii. non-collectable waste [clSchedule1(l)]. 2. Authority to give written direction; <ol style="list-style-type: none"> i. to an owner or occupier of specified premises to place a receptacle in respect of those premises for collection [cl2.6(1a)]; ii. to an owner or occupier of specified premises to remove a receptacle in respect of those premises after collection [cl2.6(1b)]. 3. Authority to approve; <ol style="list-style-type: none"> i. in writing a position for placing a receptacle for collection [cl2.7(b)]; ii. a person to remove waste from a receptacle [cl3.2(2a)]; iii. a person to deposit household, commercial or other waste from any premises on or into a receptacle provided for the use of the general public in a public place [cl3.3(a)]; iv. a person to remove any waste from a receptacle provided for the use of the general public in a public place [cl3.3(b)]. 4. Authority to authorise; <ol style="list-style-type: none"> i. a person to remove a receptacle from any premises to which it was delivered by the local government or its contractor [cl2.9(b)]; ii. a person in writing to remove waste from premises [cl3.2(1c)];

	<ul style="list-style-type: none"> iii. a person to remove any waste or any other thing from a waste facility [cl4.6(1a)]; iv. a person to deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law [cl4.6(1b)]; v. a person to light a fire in a waste facility [cl4.6(1c)]; vi. a person to remove, damage or otherwise interfere with any flora in a waste facility [cl4.6(1d)]; vii. a person to remove, injure or otherwise interfere with any fauna in a waste facility [cl4.6(1e)]; viii. a person to damage, deface or destroy any building, equipment, plant or property within a waste facility [cl4.6(1f)]. <p>5. Authority to direct;</p> <ul style="list-style-type: none"> i. an owner or occupier of premises thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle [cl3.1(d)]; ii. a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately [cl4.3(3)]. <p>6. Authority to;</p> <ul style="list-style-type: none"> i. give local public notice, under section 1.7 of the LG Act [cl1.6(a)]; ii. impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the Waste Avoidance and Resource Recovery Act 2007 and section 6.16 and 6.17 of the LG Act [cl1.7]; iii. provide, or enter into a contract for the provision of, waste services as dealt with in section 50 of the Waste Avoidance and Resource Recovery Act 2007 [cl1.8]; iv. grant, with or without conditions an application for exemption from compliance under this clause [cl2.8(2)]; v. impose conditions on an exemption [cl2.8(3c)]; vi. decide if an exemption ceases to apply on reasonable grounds, that there has been a failure to comply with a condition of the exemption [cl2.8(4a)]; vii. inform the owner or occupier of its decision under clause 2.8(4)(a) [cl2.8(4b)]; viii. regulate the use of a waste facility [cl4.3(1)]; ix. demand a person to pay the fee or charge as assessed on or before entering a waste facility [cl4.4(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Finance and Community Director Operations Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	<i>Local Government Act 1995</i> <i>Waste Avoidance and Resource Recovery Act 2007</i> <i>Shire of Donnybrook Balingup Waste Local Law 2017</i>
Record keeping	Synergy: Property Assessment file

Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

02 Building Act 2011 Delegations

02.1 Council to CEO / Employees

Delegation	2.1.1 Grant a Building Permit
Head of power	02 Building Act 2011 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	<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	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]: <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	a. 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> .
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 Manager Development Services Principal Building Surveyor
Subdelegate conditions	a. 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	<ul style="list-style-type: none"> • <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 permit, 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 Act 2018</i>
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	2.1.2 Demolition Permits
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]: <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	a. 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> .
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 Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil

Statutory framework	<ul style="list-style-type: none"> • <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 permit • <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 • <i>Building and Construction Industry Training Levy Act 1990</i> • <i>Heritage Act 2018</i> • <i>Building Regulations 2012</i>
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	2.1.3 Occupancy Permits or Building Approval Certificates
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	CEO
Conditions	a. 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> .
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 Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<ul style="list-style-type: none"> • <i>Building Act 2011</i> • <i>Building Regulations 2012</i> • <i>Shire of Donnybrook Balingup Health Local Laws 1999</i> • <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 • <i>Building and Construction Industry Training Levy Act 1990</i> • <i>Heritage Act 2018</i>
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	2.1.4 Designate Employees as Authorised Persons
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Function	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>. b. NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation 70.
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	Director Finance and Community Director Operations Executive Manager Corporate Services
Subdelegate conditions	<ol style="list-style-type: none"> a. A copy of the certificate of authorisation and ID card, produced by Governance for any persons being authorised under this delegation is to be kept on each personnel file. b. An identity card is to be given to each person designated by it as an authorised person [c197(1) (4) <i>Building Act 2011</i>]. c. An authorised person must carry his or her identity card at all times when exercising powers or performing functions as an authorised person. [c197(5) <i>Building Act 2011</i>].
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.5. Appoint Approved Officers and Authorised Officers
Head of power	02 Building Act 2011 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	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Function	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s.9.19 or s.9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
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	Director Finance and Community Director Operations Executive Manager Corporate Services
Subdelegate conditions	a. A certificate of appointment is to be given to each person designated by it as an authorised officer [r 70(3) <i>Buildings Regulations 2012</i>].
Statutory framework	<i>Building Regulations 2012</i> r 70(3) each authorised officer must be issued a certificate of appointment
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.6. Building Orders
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.110 Building orders s.111 Notice of proposed building order other than building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.133(1) Prosecutions
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> i. Building work; ii. Demolition work; iii. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> i. take any action specified in the order; or ii. commence or complete any work specified in the order; or iii. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
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	Director Operations Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011</i>

Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.7 Inspection and Copies of Building Records
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Function	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	CEO
Conditions	a. Only Interested persons can inspect building records – an interested person means: <ul style="list-style-type: none"> i. an owner of the building or incidental structure to which the building record relates; or ii. a person who has the written consent of an owner mentioned in paragraph (a) to inspect, or receive a copy of, a building record relating to the owner; or iii. a person, or a person belonging to a prescribed class of persons.
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	Corporate Information Officer Director Operations Executive Manager Corporate Services Governance Coordinator Manager Corporate Services Manager Development Services Principal Building Surveyor
Subdelegate conditions	a. All records being released must be reviewed by the Shire's designated Freedom of Information (FOI) Coordinator.
Statutory framework	<i>Building Act 2011</i> s.146 Confidentiality
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.8 Referrals and Issuing Certificates
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.145A Local Government functions
Function	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Donnybrook Balingup's District [s.145A(2)].
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.
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	Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011</i>
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.9. Private Pool Barrier – Alternative and Performance Solutions
Head of power	02 Building Act 2011 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	<i>Building Regulations 2012:</i> 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	<ol style="list-style-type: none"> a. Decisions under this delegation must be consistent with modifications to AS 1926.1-2012 prescribed in Building Regulation 15B. b. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5.
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 Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
Record keeping	Synergy: Swimming Pools Module
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

Delegation	2.1.10 Smoke Alarms – Alternative Solutions
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	a. 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> .
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 Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<i>Building Act 2011</i> <i>Building Regulations 2012</i>
Record keeping	Synergy: Building Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	2.1.11 Authorise persons to commence proceedings
Head of power	02 Building Act 2011 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	<i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	1. Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
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	Synergy: Records Module Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

03 Bush Fires Act 1954 Delegations

03.1 Council to CEO, President and Bush Fire Control Officer

Delegation	3.1.1 Make Request to FES Commissioner – Control of Fire
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Function	1. Authority to request on behalf of the Shire of Donnybrook Balingup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.2 Prohibited Burning Times - Vary
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 unders.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 <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	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised <i>Conservation and Land Management Act 1984</i> Officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer President
Conditions	a. Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.3 Prohibited Burning Times – Control Activities
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner 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. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	CEO
Conditions	a. Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024

Adoption references

Council resolution 102/24

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

Function	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised Officer under the Conservation and Land Management Act 1984, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B (3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Donnybrook Balingup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024

Adoption references

Council resolution 102/24

Delegation	3.1.5 Control of Operations Likely to Create Bush Fire Danger
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <p><i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised Conservation and Land Management Act 1984 Officer.</i></p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.6 Burning Garden Refuse / Open Air Fires
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Function	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of <ol style="list-style-type: none"> a. building or fence, only where satisfied it is not likely to create a fire hazard [s.24F (2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> i. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. ii. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> i. camping or cooking [s.25(1)(a)]. ii. conversion of bus into charcoal or for the production of lime, in consultation with an authorised Officer under the Conservation and Land Management Act 1984 [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i> <i>Shire of DonnybrookBalingup Animals, Environment and Nuisance Local Law 2017 Sec 4.4</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024

Adoption references

Council resolution 102/24

Delegation	3.1.7 Firebreaks
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <ol style="list-style-type: none"> i. clearing of firebreaks as determined necessary and specified in the notice; ii. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; iii. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]; and iv. determine that these matters have been acted upon to the satisfaction of the Shire of Donnybrook Balingup. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]: <ol style="list-style-type: none"> i. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Function	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> i. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and ii. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Donnybrook Balingup [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]: <ol style="list-style-type: none"> i. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i>
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.9 Control and Extinguishment of Bush Fires
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<p>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46 (1A)].</p> <p>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised Officer under the <i>Conservation and Land Management Act 1984</i> is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act 1954
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Function	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Donnybrook Balingup or those on behalf of the Shire of Donnybrook Balingup to do [s.58].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	3.1.11 Prosecution of Offences
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
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A].
Delegates	CEO Director Operations Manager Development Services Manager Works & Services Ranger Senior Ranger
Conditions	<ol style="list-style-type: none"> a. Section 59A Alternative Procedure – Infringement Notices of the Act must be complied with. b. CEO authorised for both Functions 1 & 2. c. Director Operations, Manager Development Services, Manager Works & Services, Senior Ranger and Ranger authorised for Function 2 (infringement notices) only
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	<i>Bush Fires Act 1954</i> s.65 Proof of certain matters & s. 66 Proof of ownership or occupancy
Record keeping	Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

04 Cat Act 2011 Delegations

04.1 Council to CEO

Delegation	4.1.1 Cat Registrations
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Donnybrook Balingup's District [Regs. Sch. 3 cl.1(4)].
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegates	<p>Administration Officer Administration Officer Corporate Services Customer Service Officer Director Finance and Community Director Operations Executive Manager Corporate Services Finance Coordinator Finance Officer Manager Corporate Services Manager Development Services Manager Financial Services Payroll Officer Ranger Rates Officer Senior Customer Service Officer Senior Finance Officer Senior Ranger</p>
Subdelegate conditions	<p>a. Only the Director Operations, Manager Development Services, Senior Ranger and Ranger can cancel a cat registration, reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Donnybrook Balingup's District.</p>
Statutory framework	<p><i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Shire of Donnybrook Balingup Cat Local Law 2016</i></p>
Record keeping	<p>Synergy Cats Module Attain: Executed Delegations Register (Function 5)</p>
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.2 Cat Control Notices
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Donnybrook Balingup's District [s.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Operations Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)] prescribes the Form of the notice <i>Shire of Donnybrook Balingup Cat Local Law 2016</i>
Record keeping	Synergy Records
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.3 Approval to Breed Cats
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. b. The Officer that approved an application to breed cats cannot cancel the approval.
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Operations Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Shire of Donnybrook Balingup Cat Local Law 2016 <i>Cat Act 2011</i> <i>Cat Regulations 2012</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.4. Recovery of Costs – Destruction of Cats
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by localgovernment
Express power or duty delegated	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Function	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> Shire of Donnybrook Balingup Cat Local Law 2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.5 Authorise a person to perform Specified functions under the Cat Act 2011
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.73 Prosecutions
Function	1. Authority to authorise a person to commence a prosecution for an offence against the <i>Cat Act 2011</i> and the Shire of Donnybrook Balingup Cat Local Law 2016 [s.73(1)(b) & (2)(b)]
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Finance and Community Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> Shire of Donnybrook Balingup Cat Local Law2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.6 Applications to Keep Additional Cats
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>. b. Decisions are to be made based on the advice received from the Senior Ranger, Ranger. c. Neighbour consultation must be undertaken.
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011 and Cat Regulations 2012</i> <i>Shire of Donnybrook Balingup Cat Local Law 2016</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	4.1.7 Reduce or Waiver Registration Fee
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Function	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	CEO
Conditions	This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> Shire of Donnybrook Balingup Cat Local Law 2016
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

04.2 Cat Act Delegations - CEO to Employees

Delegation	4.2.1 Infringement Notices – Extensions and Withdrawals
Head of power	04 Cat Act 2011 Delegations
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Function	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Director Operations
Conditions	<ol style="list-style-type: none"> a. The maximum extension is 28 days. b. The officer who issued the notice cannot withdraw the notice.
Express power to subdelegate	Nil
Statutory framework	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Shire of Donnybrook Balingup Cat Local Law 2016</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

05 Dog Act 1976 Delegations

05.1 Council to CEO

Delegation	5.1.1 Appoint Registration Officer
Head of power	05 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.3 Terms Used (<i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i>)
Function	1. Authority to authorise a person for the purposes of performing the prescribed office of Registration Officer under the <i>Dog Act 1976</i> [s.3].
Delegates	CEO
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. A register of Authorisations is to be maintained as a Local Government Record. c. Only persons who are appropriately trained may be appointed as Authorised persons. d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Finance and Community Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> Division 1 Registration <i>Dogs Local Law 2000</i>
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.2 Grant Exemption as to Number of Dogs Kept at Premises
Head of power	05 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.26(3) Limitation as to numbers
Function	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
Delegates	CEO
Conditions	<p>a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Donnybrook Balingup Dogs Local Law 2000, including:</p> <ol style="list-style-type: none"> i. Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]; ii. Apply the provisions of s.26(4). <p>c. Conditions that must be applied to an approved exemption, include:</p> <ol style="list-style-type: none"> i. Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO; ii. Registrations for each dog subject of the approved exemption must be current and maintained; iii. An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. <p>d. Prior to granting an exemption the following must be undertaken:</p> <ol style="list-style-type: none"> i. An application for exemption must be made and paid for by the applicant; ii. A Ranger must inspect the proposed property and be satisfied with the property being suitable for the management of the amount of proposed dogs; iii. Neighbour consultation must be undertaken, and any objections being received given due consideration; iv. The request not exceeding any of the maximum requirements outlined in the Act; v. Written advice from the Ranger received providing a recommendation and comment on any previous issues relating to the property or animals on the property.
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Operations
Subdelegate conditions	Nil

Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.3 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons
Head of power	05 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.10A Payments to veterinary surgeons towards costs of sterilisation.
Function	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of 50% [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.4 Refuse or Cancel Registration
Head of power	05 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.15(2) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Function	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Donnybrook Balingup's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Finance and Community Director Operations Executive Manager Corporate Services Manager Development Services Ranger Senior Ranger

Subdelegate conditions	<p>a. Manager Development Services, Senior Ranger and Ranger are only authorised for Functions 1,2 & 4.</p> <p>b. Director Operations, Director Finance and Community and Executive Manager Corporate Services are authorised for Function 3.</p>
Statutory framework	<p><i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal– s.16A, s.17(4) and (6)</p>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.5 Kennel Establishments
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976 s.10AA Delegation of local government powers and duties</i>
Express power or duty delegated	<i>Dog Act 1976 s.27 Licensing of approved kennel establishments</i>
Function	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	CEO
Conditions	<p>a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].</p> <p>b. Application processing and decisions made under this delegation are to comply with the <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>.</p>
Express power to subdelegate	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976 and Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.6 Recovery of Moneys Due Under this Act
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976 s.10AA</i> Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976 s.29(5)</i> Power to seize dogs
Function	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i> Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense; s.33M Local government expenses to be recoverable; s.47 Veterinary service expenses recoverable from local government; r.31 Local government expenses as to dangerous dogs (declared)
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.7 Dispose of or Sell Dogs Liable to be Destroyed
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976 s.10AA Delegation of local government powers and duties</i>
Express power or duty delegated	<i>Dog Act 1976 s.29(11) Power to seize dogs</i>
Function	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO
Conditions	<p>a. The Chief Executive Officer may further delegate (subdelegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p>
Express power to subdelegate	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	<p>a. Function to be undertaken in accordance with Operational Procedures.</p> <p>b. CEO to be notified prior to exercising this delegation.</p>
Statutory framework	<p><i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i></p>
Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.8 Declare Dangerous Dog
Head of power	05 Dog Act 1976 Delegations
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976 s.10AA Delegation of local government powers and duties</i>
Express power or duty delegated	<i>Dog Act 1976 s.33E(1) Individual dog may be declared to be dangerous dog (declared)</i>
Function	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	CEO
Conditions	a. The CEO may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].
Express power to subdelegate	<i>Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</i>
Subdelegates	Director Finance and Community Director Operations Executive Manager Corporate Services Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976 & Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.9 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Head of power	05 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.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> I. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)]. b. Delegation of the s.33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person / position who is delegated / authorised to exercise s.33E powers enabling the declaration of a dangerous dog. – See 5.1.8.
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.10 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
Head of power	05 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.33H(5) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ol style="list-style-type: none"> a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. b. Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2).
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE –sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	5.1.11 Determine Recoverable Expenses for Dangerous Dog Declaration
Head of power	05 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.33M(1)(a) Local Government expenses to be recoverable
Function	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	CEO
Conditions	<p>a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation [s.10AA(3)].</p> <p>b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee occurs by Council resolution in accordance with s.6.16 of the <i>Local Government Act 1995</i>.</p>
Express power to subdelegate	<i>Dog Act 1976</i> : s.10AA(3) Delegation of local government powers and duties (NOTE –sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation).
Subdelegates	Director Operations Manager Development Services
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> <i>Shire of Donnybrook Balingup Dogs Local Law 2000</i>
Record keeping	Synergy: Dogs System Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

06 Food Act 2008 Delegations

Note that any references to CEO in the Food Act 2008 mean the CEO of the Department of Health. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.

06.1 Council to CEO

Delegation	6.1.1 Determine Compensation
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express power to subdelegate	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records - HealthFood Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	6.1.2 Prohibition Orders and Certificates of Clearance
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records -Health Food Business file
Date adopted	26 June 2024
Adoption references	Council Resolution 102/24

Delegation	6.1.3 Food Business Registrations
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> i. <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 iii. WA Priority Classification System iv. Verification of Food Safety Program Guideline
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i>
Record keeping	Synergy Records – HealthFood Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	6.1.4 Appoint Authorised Officers and Designated Officers
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
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
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	CEO Director Operations
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> i. Appointment of Authorised Officers as Meat Inspectors ii. Appointment of Authorised Officers iii. Appointment of Authorised Officers – Designated Officers only iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer b. The CEO is to keep a Register of Authorisations as per [s.1.22(3)]; c. The CEO is to keep a copy of the certificate of authorisation [s.123] and ID card, produced by Governance for any persons being authorised under this delegation.
Express power to subdelegate	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999</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
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	6.1.5 Debt Recovery and Prosecutions
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Function	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Delegates	CEO Director Operations Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. CEO to be informed prior to instituting legal action.
Express power to subdelegate	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999</i>
Record keeping	Synergy Records – Health Food Business file Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	6.1.6 Abattoir Inspections and Fees
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security; ii. determine the form that security is to be provided; and iii. discharge a security held by the Shire of Donnybrook Balingup [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation
Statutory framework	<i>Food Act 2008 & Food Regulations 2009</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999</i>
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	6.1.7 Food Businesses List -Public Access
Head of power	06 Food Act 2008 Delegations
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food businesses publicly available
Function	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	CEO Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. All records being released must be reviewed by the FOI Coordinator.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	<i>Food Act 2008</i> <i>Food Regulations 2009</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999</i>
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

07 Graffiti Vandalism Act 2016 Delegations

Note that a reference to CEO in the Graffiti Vandalism Act 2016, only means a Local Government CEO, where the reference appears in Part 3 of the Act. In all other instances a reference to CEO in the Graffiti Vandalism Act will mean the CEO of the Public Sector Agency responsible for administration of the Act (i.e. Commissioner of Police as the head of the Police Service).

07.1 Council to CEO

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	07 Graffiti Vandalism Act 2016 Delegations
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	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Finance and Community Director Operations Executive Manager Corporate Services Manager Development Services Manager Works & Services Planning Officer Principal Planner
Subdelegate conditions	Nil
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Record keeping	Synergy: Records Module
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	7.1.2 Notices -Deal with Objections and Give Effect to Notices
Head of power	07 Graffiti Vandalism Act 2016 Delegations
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.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Record keeping	Synergy Records – Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	07 Graffiti Vandalism Act 2016 Delegations
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.25(1) Local government graffiti powers on land not local government property
Function	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	CEO
Conditions	a. Subject to exercising Powers of Entry.
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Record keeping	Synergy Records - Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	7.1.4 Powers of Entry
Head of power	07 Graffiti Vandalism Act 2016 Delegations
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.28 Notice of entry s.29 Entry under warrant
Function	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Operations
Subdelegate conditions	Nil
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Record keeping	Synergy Records – Property Assessment file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

08 Public Health Act 2016 Delegations

08.1 Council to CEO

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Head of power	08 Public Health Act 2016 Delegations
Delegator	Local Government
Express power to delegate	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) - Infringement Notices.
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992</i> r.15D(5) - Infringement Notices.
Function	1. Authority to appoint a person or classes of persons as an Authorised Officer or Approved Officer for the purposes of the <i>Criminal Procedure Act 2004</i> [r.15D(5)].
Delegates	CEO
Conditions	a. Subject to each person so appointed being issued with a certificate of authorisation, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express power to subdelegate	Nil. Health (Asbestos) Regulations 1992 do not provide a power to sub delegate.
Statutory framework	<i>Health (Asbestos) Regulations 1992</i> <i>Criminal Procedure Act 2004</i> – Part 2 <i>Shire of Donnybrook Balingup Health Local Laws 1999</i>
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	8.1.2 Enforcement Agency Reports to the Chief Health Officer
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
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 Donnybrook Balingup [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	Principal Environmental Health Officer
Conditions	<p>a. Shire CEO to be provided with a copy of reports required under this delegated function prior to submission to the Chief Health Officer.</p> <p><i>NOTE s.21 provides that powers may only be delegated to the CEO OR an Authorised Officer designated under s.24.</i></p>
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 Shire of Donnybrook Balingup Health Local Laws 1999
Record keeping	Synergy Records – file DEP 15
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	8.1.3 Appoint Authorised Officers
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
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; <p>Including:</p> <ol style="list-style-type: none"> i. An Environmental Health Officer or Environmental Health Officers as a class; OR ii. A person who is not an Environmental Health Officer or a class of persons who are not Environmental Health Officers; OR iii. A mixture of the two.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Subject to each person so appointed, being: <ol style="list-style-type: none"> a. Appropriately qualified and experienced [s.25(1)(a)]; and b. Issued with a certificate, badge or identity card, identifying the Authorised Officer [s.30 and s.31] 2. A Register (list) of authorised officers is to be maintained in accordance with s.27. <p><i>NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.</i></p>
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	<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.</p> <p><i>Shire of Donnybrook Balingup Health Local Laws 1999</i> <i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i> <i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Record keeping	Governance: Authorisations Register

Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	8.1.4 Dealing with Seized Items
Head of power	08 Public Health Act 2016 Delegations
Delegator	Enforcement Agency (means Local Government vide s.4 definition)
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.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation
Function	<ol style="list-style-type: none"> 1. Authority to determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	<p>a. Compensation is limited to a maximum value of \$500 with any proposal for compensation above this value to be referred for Council's determination.</p> <p><i>NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.</i></p>
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 s.20</i> <i>Shire of Donnybrook Balingup Health Local Laws 1999</i> Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record keeping	Synergy Records –Health Food Business file
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	8.1.5 Appoint Designated Officer – Information Sharing
Head of power	08 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.299 Information Sharing
Function	1. Authority, to appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Delegates	CEO
Conditions	<p>a. Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline, prepared in accordance with s.300.</p> <p>b. A Register (list) of appointed designated officers is to be maintained.</p> <p><i>NOTE s.21 provides that powers may only be delegated to the CEO or an Authorised Officer designated under s.24.</i></p>
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.300 Guidelines relating to information sharing.
Record keeping	Governance: Authorisations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

Delegation	8.1.6 Give Enforcement Orders and Issue Clearance Certificates
Head of power	08 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.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Function	Authority to: <ol style="list-style-type: none"> 1. Give an enforcement order in accordance [s.216]. 2. Extend the period for compliance specified in the order [s.218]. 3. Give a certificate of clearance (in the Department of Health approved form) where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated [s.223]. 4. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment [s.224(2)].
Delegates	CEO
Conditions	a. Content of enforcement order must comply with s.217 provisions.
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016 specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
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 s.217 Contents of enforcement order <i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 Public Health Act 2016</i> <i>The Criminal Code, Chapter XXVI – refer s.252 Public Health Act 2016</i>
Record keeping	Synergy: Property Assessment file
Date adopted	25 June 2025

Adoption references

Council resolution 122/06-25

Delegation	8.1.7 Enforcement Orders - Implement and Recover Costs
Head of power	08 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.219 Enforcement agency may implement enforcement order s.221 Recovery of costs incurred by or on behalf of enforcement agency
Function	<ol style="list-style-type: none"> 1. Authority to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not been complied with [s.219(2)]. 2. Authority to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified [s.221(2)].
Delegates	CEO
Conditions	a. Costs incurred in taking action under s.219 are to be recovered, including recovery in a court of competent jurisdiction [s.221(1)].
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016 specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	<p><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 s.220 Application of Criminal and Found Property Disposal Act 2006</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s. 245 Public Health Act 2016</i> <i>The Criminal Code, Chapter XXVI – refer s.252 Public Health Act 2016</i></p>
Record keeping	Property Assessment file
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

09 Planning and Development Act 2005 Delegations

09.1 Council to CEO/Employees

Delegation	9.1.1 Illegal Development
Head of power	09 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> Section 214(2), (3) and (5)
Function	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> i. to remove, pull down, take up, or alter the development; and ii. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
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 Operations Manager Development Services Planning Officer Principal Planner
Subdelegate conditions	Nil
Statutory framework	<i>Planning and Development Act 2005 - Part 13</i> <i>Local Government Act 1995</i>

Record keeping	Attain: Executed Delegations Register
Date adopted	26 June 2024
Adoption references	Council resolution 102/24

09.2 Local Planning Scheme – Council to CEO

Delegation	9.2.1 Local Planning Scheme No. 7 - Development Applications
Head of power	09 Planning and Development Act 2005 Delegations
Delegator	Local Government
Express power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schl 2, Div 2, s.82(1) Delegation of some powers or duties to a committee or CEO Schl 2, Div 2, s.83(1) Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015: Schedule 2 – Part 1-11 Part 5, Div 3 Process for standard amendments to Local Planning Scheme Part 5, Div 4 Process for basic amendments Part 5, Div 5 Giving Effect to decision on amendment to local planning scheme
Function	<ol style="list-style-type: none"> 1. Authority to exercise the powers or discharge the duties of the local government under the Planning and Development (Local Planning Schemes) Regulations 2015 and Local Planning Scheme No.7 including the authority to sub-delegate. 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 [Part 10, Planning and Development Act 2005]. <p><i>NOTE: In accordance with Regulation 84C of the Planning and Development (Local Planning Schemes) Regulations 2015, when a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by the local government CEO or an authorised employee.</i></p>
Delegates	CEO
Conditions	<ol style="list-style-type: none"> a. Key Trigger for Council Consideration This delegation must not be exercised by the delegated officer where: <ol style="list-style-type: none"> i. There are unresolved submissions/objections; or ii. Is significant in size, scale and or value.; <p>Note: Mandatory DAP's when >\$10m, and optional when > \$2m-\$10m.</p> b. Development Applications - Exclusions to Delegated Authority This power of delegation does not extend to approving applications for development approval in the following categories: <ol style="list-style-type: none"> i. 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; ii. Development which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest; iii. 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). c. Heritage - Exclusions to Delegated Authority This power of delegation does not extend to the following categories: <ol style="list-style-type: none"> i. The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area;

- ii. The entering, removal or modification of a place on the Heritage List;
 - iii. The designation, removal or modification of a Heritage Area;
 - iv. The entering into a Heritage Agreement with an owner or occupier of land;
 - v. The issuing revoking or varying of a Heritage Conservation Notice.
- d. **Local Planning Policy - Exclusions to Delegated Authority**
This power of delegation does not extend to the adoption, revocation or amendment of a Local Planning Policy.
- e. **Subdivision and Amalgamation - Conditions**
All decisions made in accordance with this delegation are to be Noted in the Quarterly Information Report.
- f. **Minor modification to plans - Exclusions to Delegated Authority**
This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:
- i. not minor;
 - ii. of a contentious nature;
 - iii. may attract community objection; or
 - iv. may detrimentally impact on the Shire to maintain infrastructure, land, facilities or services.
- g. **Structure Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to:
- i. Recommendations to the WAPC on structure plans other than minor amendments which are not contentious;
 - ii. Minor amendments to a structure plan which, in the opinion of the delegated officer, are;
 - 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.
- h. **Structure Plans - Conditions**
- i. 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;
 - ii. Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the Quarterly Information Report.
- i. **Activity Centre Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to:
- i. Recommendations to the WAPC on activity centre plans other than minor amendments which are not contentious;
 - ii. Minor amendments to a activity centre plan which, in the opinion of the delegated officer, are;
 - 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.
- j. **Activity Centre Plans - Conditions**
- i. Decisions to advertise activity centre plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing;
 - ii. Decisions to advertise activity centre plans and amendments to activity centre plans in accordance with this delegation are to be noted in the Quarterly Information Report.
- k. **Local Development Plans - Exclusions to Delegated Authority**
This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:
- 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.
- l. **Scheme Amendments**

	<ul style="list-style-type: none"> i. Scheme amendments for minor or procedural matters or to remove anomalies actioned is to be reported to Council prior to the preparation of a submission to the Minister for the final approval; ii. Effect modifications to Scheme Amendments by the Minister which do not change the general intent of an Amendment, in consultation with the Chief Executive Officer.
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 Operations Manager Development Services Planning Officer Principal Planner
Subdelegate conditions	a. The Principal Planner and Planning Officer have the authority to approve planning applications received for land owned or managed by the Shire of Donnybrook Balingup up to the value of \$50,000 and where such proposals are consistent with the established planning framework, which are to be noted in the Council Information Bulletin.
Statutory framework	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Shire of Donnybrook Balingup Local Planning Scheme No.7</i>
Record keeping	Attain: Executed Delegations Register
Date adopted	25 June 2025
Adoption references	Council resolution 122/06-25

Delegation	9.2.2 Planning and Development (Local Planning Schemes) Regulations 2015 - Strata Applications
Head of power	09 Planning and Development Act 2005 Delegations
Delegator	Local Government
Express power to delegate	<i>Planning and Development Act 2005</i> s.16 (3)(e) Delegation by Commission
Express power or duty delegated	<i>Strata Titles General Regulations 1996:</i> Sec. 25(1),(3),(4) Period and documents prescribed (Act s.35(1)(h)) Sec.27 Provision prescribed (Act s. 36B(1)(b))
Function	1. Authority to assess strata applications, sign Form 24 and endorse Form 26 after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission [cl25(1),(3),(4)]
Delegates	CEO
Conditions	<p>a. Review and respond to referrals for subdivision and strata applications from the Western Australian Planning Commission.</p> <p>b. Authorise clearance of strata and subdivision conditions, where the development has met the requirements of the Western Australian Planning Commission approval or represents only a minor departure thereof, this to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions.</p> <p><i>Note: "Determine" means "to approve, approve with conditions or refuse the application or referral."</i></p>
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 Operations Manager Development Services Planning Officer Principal Planner
Subdelegate conditions	Nil
Statutory framework	<i>Strata Titles Act 1985</i> <i>Strata Titles General Regulations 1996</i> <i>Planning & Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Shire of Donnybrook Balingup Local Planning Scheme No.7</i>
Record keeping	Discharge of Delegations Table
Date adopted	26 June 2024
Adoption references	Council resolution 102/24