

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of West Arthur will be held on Tuesday 12th April 2022 in the Council Chambers commencing at 7.00pm.

Schedule

7.00pm Ordinary Council Meeting

Vin Fordham Lamont
Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

AGENDA

Shire of West Arthur
Ordinary Council Meeting
12th April 2022

MISSION STATEMENT

To value and enhance our community lifestyle and environment through strong local leadership, community involvement and effective service delivery.

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of West Arthur.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.

Vin Fordham Lamont
Chief Executive Officer



SHIRE OF WEST ARTHUR - QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

*If applicable-see below**

Name of Organisation Representing: _____

If applicable

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the question(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time on Pages 4 and 5 above

* **Council Meetings:** Questions are to relate to a matter affecting the Shire of West Arthur.



APPLICATION FOR LEAVE OF ABSENCE

(Pursuant to Section 2.25 of the *Local Government Act 1995* (as amended))

- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day;
or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending;
or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

I, _____ hereby apply for Leave of Absence from
the West Arthur Shire Council from _____ to _____
for the purpose of

Signed: _____ Date: _____



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

(1) I, _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on

(2) _____

(3) Agenda item _____

(4) The type of interest I wish to declare is;

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(5) The nature of my interest is

(6) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.

- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

11 – Disclosure of interest

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;

or

(b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
- (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
- (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
- (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
- (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



Shire of West Arthur

Notice of Ordinary Council Meetings

In accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* Reg 12 (2) it, is hereby notified that as from January 2022 to December 2022, Ordinary Council meetings of the Shire of West Arthur will be held as follows:

DATE		LOCATION	TIME
January 2022	No meetings Scheduled		
15 February 2022	Council Meeting	Council Chambers	7.00pm
15 March 2022	Council Meeting	Council Chambers	7.00pm
12 April 2022	Council Meeting	Council Chambers	7.00pm
17 May 2022	Council Meeting	Council Chambers	7.00pm
21 June 2022	Council Meeting	Council Chambers	7.00pm
26 July 2022	Council Meeting	Council Chambers	7.00pm
16 August 2022	Council Meeting	Council Chambers	7.00pm
20 September 2022	Council Meeting	Council Chambers	7.00pm
18 October 2022	Council Meeting	Council Chambers	7.00pm
15 November 2022	Council Meeting	Council Chambers	7.00pm
13 December 2022	Council Meeting	Council Chambers	7.00pm

SHIRE OF WEST ARTHUR

Agenda for the Ordinary Meeting of Council to be held in the Council Chambers on Tuesday 12th April 2022 – commencing at 7.00pm.

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1. DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS

The Presiding Member to declare the meeting open.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

COUNCILLOR'S: Cr Neil Morrell (Shire President)
 Cr Graeme Peirce (Deputy Shire President)
 Cr Neil Manuel
 Cr Adam Squires
 Cr Robyn Lubcke
 Cr Karen Harrington
 Cr Duncan South

STAFF: Vin Fordham Lamont (Chief Executive Officer)
 Jamie Muir (Works Manager)
 Darren Friend (A/Manager Corporate Services)

APOLOGIES:

ON LEAVE OF ABSENCE:

ABSENT:

MEMBER OF THE PUBLIC:

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER**4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****5. PUBLIC QUESTION TIME****6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****7. APPLICATIONS FOR LEAVE OF ABSENCE****8. DISCLOSURES OF INTEREST**

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 Ordinary Council Meeting Minutes 15th March 2022****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on 15th March 2022 be confirmed as true and correct.

Moved: _____ Seconded: _____

9.2 Special Council Meeting Minutes 6th April 2022**Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

Recommendation:

That the Minutes of the Special Meeting of Council held in the Council Chambers on 6th April 2022 be confirmed as true and correct.

Moved: _____ Seconded: _____

10. **REPORTS OF COMMITTEES OF COUNCIL**

11. **REPORTS FROM COUNCILLORS**

Cr Neil Morrell (President)

Cr Graeme Peirce (Deputy President)

Cr Neil Manuel

Cr Adam Squires

Cr Robyn Lubcke

Cr Karen Harrington

Cr Duncan South

12. CHIEF EXECUTIVE OFFICER**12.1 Audit and Risk Committee Terms of Reference**

File Reference:	2.1.19
Location:	N/A
Applicant:	N/A
Author:	V Fordham Lamont – Chief Executive Officer
Authorising Officer	V Fordham Lamont – Chief Executive Officer
Date:	31 March 2022
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none"> 1. Departmental Operational Guidelines No. 9 – Audit in Local Government 2. Existing Audit Committee Terms of Reference 3. Draft Audit and Risk Committee Terms of Reference

Summary:

Council is requested to consider adopting new Terms of Reference for its Audit and Risk Committee to replace the existing Audit Committee Terms of Reference.

Background:

The *Local Government Act 1995* (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

Comment:

The Shire of West Arthur adopted the current terms of reference (see Attachment 1) for its audit committee some years ago. Since that time, standard industry practice has been to rename audit committees to audit and risk committees to better reflect their overall objectives and purpose.

The Author has taken the opportunity to draft new modern Terms of Reference which, at the same time, recognises the more appropriate committee name.

Consultation:

Shire of Augusta Margaret River
Shire of Dowerin
WALGA
Department of Local Government, Sport and Cultural Industries

Statutory Environment:

Local Government Act 1995
s5.8 Establishment of committees
s7.1A Audit committee

Policy Implications:

The new Terms of Reference will be added to Council's Policy Manual.

Financial Implications:

Nil

Strategic Implications:

West Arthur Towards 2031
Theme: Leadership and Management
Outcome 5.3 Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

Risk Implications:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Nil
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	N/A
Risk Likelihood (based on history and with existing controls)	N/A
Risk Consequence	N/A
Principal Risk Theme	N/A
Risk Action Plan (Controls or Treatment Proposed)	N/A

Voting Requirements:
Simple Majority

Officer Recommendation:

That Council:

- Adopt the new Terms of Reference for its Audit and Risk Committee as presented to replace the existing Audit Committee Terms of Reference; and
- Include the new Terms of Reference to its Policy Manual.

Moved: _____

Seconded: _____

ATTACHMENTS

1. Departmental Operational Guidelines No. 9 – Audit in Local Government
2. Existing Audit Committee Terms of Reference
3. Draft Audit and Risk Committee Terms of Reference



Government of **Western Australia**
Department of **Local Government and Communities**

Local Government Operational Guidelines

Number 09 – Revised September 2013

Audit in Local Government

The appointment, function
and responsibilities of
Audit Committees

1. Introduction

The *Local Government Act 1995* (the Act) requires that all local governments establish an audit committee. An audit committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

The purpose of this guideline is to assist local governments to establish and operate an effective audit committee. Clear and comprehensive terms of reference, setting out the committee's roles and responsibilities, are essential and a model terms of reference for an audit committee is provided with this guideline. Matters such as the governing legislation, membership, primary roles and responsibilities of the committee and ancillary functions are also addressed. Guidance is provided to the committee as it approaches its task of appointing an external auditor through provision of a minimum standard audit specification and as it forms an opinion of the local government's internal audit requirements.

2. Audit Requirements, Committees and Functions

The relevant parts of the Act and regulations that relate to audit requirements, audit committees and their functions are listed below.

Financial Management

In relation to financial management under Part 6 of the Act, a local government is to –

- a) prepare and adopt an annual budget in the form and manner prescribed (section 6.2). A copy of the budget is to be sent to the Department within 30 days of adoption.
- b) prepare an annual financial report and such other financial reports as prescribed. The accounts of the local government and annual financial report are to be submitted to the auditor for audit by 30 September (section 6.4).
- c) have a municipal fund and a separate and distinct trust fund (section 6.6).
- d) establish and maintain reserve funds for the holding of monies set aside for future use (section 6.11).

Audit Requirements for Local Governments

Part 7 of the Act and the *Local Government (Audit) Regulations 1996* (the Regulations) address the situation of audit. In relation to the duties of the local government with respect to audits –

- a) the local government is to do everything in its power to –
 - i. assist the auditor to conduct an audit and carry out his or her other duties under the Act; and

- ii. ensure that audits are conducted successfully and expeditiously;
- b) a local government is to meet with its auditor at least once in every year;
- c) a local government is to examine the report of the auditor and is to –
 - i. determine if any matters raised require action to be taken by the local government; and
 - ii. ensure that appropriate action is taken in respect of those matters;
- d) a local government is to –
 - i. prepare a report on any actions taken in respect of any matters raised in the report of the auditor; and
 - ii. forward a copy of that report to the Minister by the end of the next financial year, or six months after the last report prepared by the auditor is received by the local government, whichever is the latest in time.
- e) the only powers and duties that can be delegated to a committee are any of the powers and duties of the local government under Part 7 of the Act; that is, those relating to audit. The committee cannot on-delegate the powers and duties delegated to it;
- f) an audit committee with a member who is a person that is not an elected member can be delegated powers and duties referred to in (e); and
- g) a decision of the committee is to be made by simple majority.

Audit Committee Functions

The Regulations state that an audit committee –

Establishment of the Audit Committee

The Act and Regulations provide that:

In relation to the establishment of an audit committee –

- a) each local government is to establish an audit committee consisting of three or more persons to exercise the powers and discharge the duties conferred on it;
- b) members of the committee are to be appointed by an absolute majority decision of Council. At least three of the members, and the majority of the members, are to be elected members;
- c) the Chief Executive Officer (CEO) is not to be a member of the committee and may not nominate a person to be a member or have a person to represent him or her as a member of the committee;
- d) an employee is not to be a member of the committee;
- (a) is to provide guidance and assistance to the local government –
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act;
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
- (b) may provide guidance and assistance to the local government as to –
 - (i) matters to be audited;
 - (ii) the scope of audits;
 - (iii) its functions under Part 6 of the Act;
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management;
- (c) is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to –
 - (i) report to the council the results of that review;
 - (ii) give a copy of the CEO's report to the council;

- (d) review the annual Compliance Audit Return and report to the council the results of that review, and
- (e) consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.

3. Operation of Audit Committees

Role and Responsibilities

The role of the audit committee is to support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, internal and external audit functions and ethical accountability.

The audit committee should critically examine the audit and management reports provided by the external auditor. The committee would then determine if matters raised in the reports require action to be taken by the local government and ensure that appropriate action is implemented.

A further role for the audit committee would be to receive and authorise the report relating to the audit prepared by the CEO that is to be sent to the Minister.

This report would outline any actions the local government has taken or intends to take in relation to the matters identified by the auditor.

While a formal internal audit function could be considered to be an operational function and therefore the responsibility of the CEO, it is desirable for an internal auditor to have a direct line of communication to the Audit Committee.

The Audit Committee needs to form an opinion of the local government's internal audit requirements and recommend a course of action that ensures that any internal audit processes adopted are appropriate, accountable and transparent. The role of the external auditor in this regard can be established at the time of appointment.

Please note that an audit committee (or any other committee) cannot be given a management task where the Act and Regulations make the CEO specifically responsible. Where the local government is assigned the function through the legislation, the audit committee may have a role unless the function has been delegated to the CEO by the Council.

The deliberations and recommendations of the committee must be independent and autonomous. Therefore, the Act prohibits the CEO being a member of the committee. However, it is essential that the CEO be given every opportunity to provide his/her expert advice to the committee as he/she does with full Council and other committees.

A model terms of reference is attached as Appendix 1 to assist local governments to define an appropriate role for its audit committee. When considering the model, local governments need to remember it is a guide and they can delete or modify any matters they believe not applicable.

It is important to note that the legislation gives the audit committee a specific role in appointing the auditor. It is to recommend to the Council who should be appointed as the auditor. Attached as Appendix 2 is a model 'Minimum Standard Audit Specification' that local governments can use when developing a process to be used to select and appoint a person to be the auditor.

Local governments can amend the document to suit their individual requirements. Any scope adopted must meet, as a minimum, the legislative requirements, as outlined in the Act and the Regulations.

The legislation specifies that a local government is required to meet with its auditor at least once in every year. The term "local government" in this context means the Council. If Council so resolved via a formal delegation, a meeting between the audit committee and the auditor would satisfy this requirement.

It is acknowledged that the requirement to meet at least once per year may incur a significant financial burden for the more remote local governments. In such circumstances the meeting can be conducted by telephone or video conference. The Council or audit committee should resolve how the meeting with the auditor will be conducted and for the record of the meeting to show that the auditor was involved and the matters discussed. It would be inappropriate for Council representatives to meet with the auditor in their offices unless they were members of the Audit Committee or a significant majority of the members are present.

The committee may need to liaise regularly with the external auditor to discuss the audit plan, results of the audit and implementation of any recommendations for action emerging from the audit. How communication and liaison between auditor and committee is to occur should be addressed in the agreement of appointment.

Advice from the auditor may address issues such as –

- (i) an assessment of accounting procedures;
- (ii) an assessment of internal controls;
- (iii) an assessment of risk;
- (iv) compliance with the Act and associated regulations;
- (v) compliance with Council policies;
- (vi) performance assessments on the efficiency and effectiveness of operations;
- (vii) processes of the internal audit;
- (viii) outcomes of the external audit prior to issue of management and audit reports; and
- (ix) changes to accounting standards and legislation and the impact on the local government.

Membership

The Act requires that an audit committee is to consist of a minimum of 3 members and in that situation all must be council members. Where a committee consists of more than 3 members then a majority of those members must be council members. Local governments may decide to appoint a committee involving only elected members or they may appoint one or more persons who are external to the Council. If a Council considers it appropriate, the whole Council can be appointed to the audit committee.

If the local government wishes to appoint one or more persons other than elected members to the committee, which is recommended, it should ensure that they have the requisite knowledge and skills to provide benefit to the committee.

Operation of the Committee

Irrespective of the membership of the committee, all legislative requirements relating to committee meetings such as advertising meeting dates, notice of meeting and keeping minutes of meetings need to be complied with.

The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment.

Members of the committee should be encouraged to attend appropriate courses to keep them up to date with legislation, accounting and other relevant issues.

Other Responsibilities

Local governments are required by legislation to complete a statutory compliance return (Compliance Audit Return or CAR) annually and have the return adopted by Council. The return is a checklist of a local government's compliance with the requirements of the Act and its Regulations, concentrating on areas of compliance considered "high risk."

The Audit Committee is to review the annual CAR and report to the Council the results of that review, prior to adoption of the return by Council. After adoption, the return is to be signed by the Mayor or President and the CEO prior to it being forwarded to the Department.

The Audit Committee is to consider the CEO's biennial reviews (see Regulation 17) of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance and report to the council the results of those reviews.

Attached as Appendix 3 is information to assist in determining what falls within the terms 'risk management,' 'internal control' and 'legislative compliance.'

The audit committee could also consider proposals from the CEO as to whether the compliance audit, and the biennial reviews of risk management, internal control and legislative compliance, are undertaken internally or an external party is contracted to undertake the task. In the case of an external party the audit committee would have responsibility to receive the review report from the CEO and make recommendations on it to full Council.

4. The External Audit

Appointment of the Auditor

The Act and Regulations provide that –

- a) on the recommendation of the audit committee a local government is to from time to time appoint, by absolute majority, a person to be its auditor;
- b) the local government may appoint one or more persons as its auditor;
- c) the local government's auditor is to be a person who is –
 - a. a registered company auditor; or
 - b. an auditor approved by the Minister;
- d) a person may not be appointed as a local government auditor if that person is –
 - a. a councillor or employee of the local government;
 - b. in debt to the local government for more than \$5,000;
 - c. a councillor or employee of a regional local government in which the local government is a participant;
 - d. a member of an incorporated association formed by the local government; or
 - e. a class of persons as prescribed in the Regulations;
- e) an auditor is not to be appointed for more than five years; and
- f) the appointment of a person as an auditor is to be made by agreement in writing and is to include –
 - i. the objectives of the audit;
 - ii. the scope of the audit;
 - iii. a plan for the audit;
 - iv. details of the remuneration and expenses to be paid to the auditor; and
 - v. the method to be used by the local government to communicate with, and supply information to, the auditor.

The committee should undertake a proper selection and appointment process as part of appointing, or reappointing an auditor. If reappointment is being considered, the process should include the review of key issues as in i. to v. above.

It is important to realise that the Act specifies that it is a named person(s) that is appointed as auditor, not the company, or 'the partners' of the company which employs the person. Therefore, when the audit report is received it must be signed by the person(s) appointed as the auditor; it cannot be the generic signature identifying the firm.

Conduct of the Audit

The Act and Regulations provide that –

- a) the auditor is required by 31 December next following the financial year to which the audit relates, to examine the accounts and annual financial report submitted for audit;
- b) the auditor is to form an opinion as to whether –
 - i. the accounts are properly kept; and
 - ii. the annual financial report –
 - is prepared in accordance with the financial records; and
 - represents fairly the results of the operations of the local government and its financial position at 30 June;
- c) the auditor is to prepare a report on the audit and within 30 days of completing the audit forward a copy to –
 - i. the mayor or president;
 - ii. the CEO of the local government; and
 - iii. the Minister;

- d) the report is to give the auditor's opinion on –
- i. the financial position of the local government; and
 - ii. the results of the operation of the local government;
- e) the report is to include –
- i. any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
 - ii. any matters indicating non-compliance with financial management requirements of the Act, Regulations and any other written law;
 - iii. details of whether information and explanations were obtained;
 - iv. a report on the conduct of the audit; and
 - v. the opinion of the auditor as to whether or not the specific financial ratios reported are supported by verifiable information and reasonable assumptions;
- f) where it is considered appropriate to do so the auditor is to prepare a management report to accompany the auditor's report;
- g) where the auditor considers that –
- i. there is any error or deficiency in an account or financial report;
 - ii. any money paid from, or due to the local government has been, or may have been misapplied; or
 - iii. there is a matter arising from the audit that needs to be addressed by the local government; details are to be included in the report to the Minister; and

- h) the auditor has a right of access at all reasonable times to such books, accounts, documents and assets of the local government as are in the opinion of the auditor necessary to allow the audit to be conducted.

Scope of the Audit

The Act and Regulations prescribe the scope of the external audit of the annual financial statements of a local government.

The scope details are going to vary between local governments but as an aid a model minimum standard audit specification is attached as Appendix 2 to this guideline. Individual local governments can amend that document to suit their particular needs.

Reporting by the Auditor

Regulations require the auditor, where appropriate, to prepare a management report to accompany the auditor's report. Although there is no legislative requirement for the auditor to prepare a management report unless he or she deems it appropriate, local government may wish to require the auditor to prepare a report on all issues identified during the audit.

The auditor, after completing the audit, is to forward a copy of his or her audit and management report to –

- the Mayor or President;
- the CEO of the local government; and
- the Minister via the Department.

It is the CEO's responsibility to ensure that the external audit report is provided to the audit committee. In considering the audit and management reports presented to the audit committee, the CEO should:

- a) examine any critical matters raised in the reports that affect the financial position of the local government; and
- b) provide comment on any critical matters raised and action proposed to be taken to address those matters.

Once Council has addressed matters raised, or accepted the CEO's planned remedial action on matters raised in the audit and management reports, the CEO should provide feedback to the Department on those matters.

Appendix 1

Model Terms of Reference – Audit Committees

Important: The following Model Terms of Reference contains clauses that may not be applicable to each local government. Local governments will need to consider each clause and only adopt those that are applicable to the roles and responsibilities and delegated powers and functions that will apply to their audit committee.

The clauses that may be considered optional have been asterisked (*).

Objectives of Audit Committees

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

The committee is to facilitate –

- the enhancement of the credibility and objectivity of *internal and external financial reporting;

- *effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- *the coordination of the internal audit function with the external audit; and
- the provision of an effective means of communication between the external auditor, *internal auditor, the CEO and the Council.

Powers of the Audit Committee

The Audit committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

Membership

The committee will consist of *four members with three elected and *one external person. All members shall have full voting rights.

*External persons appointed to the

committee will have business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements.

*Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum term of two years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

*Reimbursement of approved expenses will be paid to each external person who is a member of the committee.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to be available to attend meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

Meetings

The committee shall meet at least *quarterly.

Additional meetings shall be convened at the discretion of the presiding person.

Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

*The committee shall report annually to the Council summarising its activities during the previous financial year.

Duties and Responsibilities

The duties and responsibilities of the committee will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
- c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken;
- d) Recommend to Council the person or persons to be appointed as auditor;
- e) Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include –
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor;
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters to –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- j) Review the scope of the audit plan and program and its effectiveness;
- k) *Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or CEO (see reference to internal audit page 14);
- l) *Review the level of resources allocated to internal audit and the scope of its authority;
- m) *Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised;
- n) *Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs;
- o) *Review the local government's draft annual financial report, focusing on –
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;

- compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years;
- p) *Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
- q) *Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council;
- s) Review the annual Compliance Audit Return and report to the council the results of that review, and
- t) Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the committee, and report to the council the results of those reviews.

Internal Audit

Many local governments have recognised the need to improve their internal auditing processes, and have moved to either employ an internal auditor or contract out the internal audit function.

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an

organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The scope of an internal audit would be determined by the Audit committee, with input from the CEO, based on the size of the local government's internal operations and the level of compliance to be achieved. The role differs from that of the external auditor who is appointed by council on the recommendation of the Audit Committee, to report independently to it, through the mayor/president and the CEO, on the annual financial statements. The external auditor's primary role is to decide whether the annual financial statements of a local government are free of material misstatement.

There are certain functions of the internal audit that complement the external auditor's role. As the external auditor plans for an effective audit they need to assess and determine whether to include the scope, procedures and outcomes of the internal audit. The CEO must refer all internal audit reports to the Audit Committee for consideration.

An internal auditor's activities should typically include the following:

- (a) review of the internal control structure, monitoring the operations of the information system and internal controls and providing recommendations for improvements;
- (b) a risk assessment with the intention of minimising exposure to all forms of risk on the local government;
- (c) examination of financial and operating information that includes detailed testing of transactions, balances and procedures;

- (d) a review of the efficiency and effectiveness of operations and services including non-financial controls of a local government;
- (e) a review of compliance with management policies and directives and any other internal requirements;
- (f) review of the annual Compliance Audit Return;
- (g) assist in the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance; and
- (h) specific tasks requested by management.

For local government, the internal auditor should report functionally to the audit committee and administratively to the CEO. It should be remembered that pursuant to section 5.41 of the Act, the CEO is responsible for the day-to-day management of council activities including the direction of staff and implicitly the internal audit function. The CEO may choose to delegate this responsibility provided always that the delegation does not directly or indirectly interfere with the ability of the Internal Auditor to conduct an internal audit function free from interference.

A clear and properly defined reporting relationship ensures that the internal auditor is empowered to perform their role working with management. The direct reporting line to the audit committee also acts as an adequate safeguard in the event of a serious breakdown in internal controls or internal control culture at senior levels in the organisation.

While it is recognised that smaller councils may not be able to justify a

full-time internal auditor, a small size of operation does not justify forgoing internal audit altogether. If audit committee or management is of the view that the employment of an independent internal auditor either full-time or part-time is not warranted, it may request the council to have the internal audit function undertaken as necessary by an external contractor, or expand the role of its external auditor.

The external auditor or his or her professional company should only undertake internal audit functions that complement the external audit and do not cloud the objectivity and independence of the external audit. An external auditor must not audit information prepared by them or their accounting practice, as this is considered incompatible with the standard of independence.

Local governments that do not establish an internal audit process but require a review of the financial management systems and procedures, may decide to use the services of the external auditor for that purpose. Such reviews are to be undertaken every four years in accordance with regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The review of financial management systems and procedures provides the external auditor with greater assurance of systems and procedures used to prepare the annual financial statements, and whether they provide information free of material misstatement.

Appendix 2

Model Minimum Standard Audit Specification

Important: The following Model Minimum Standard Audit Specification may be used as the basis for the calling of tenders or seeking of quotes for the appointment of an auditor. Local governments need to consider the Model to ensure that only those clauses applicable to its requirements are used. This applies, in particular, to the "Critical matters to be audited".

Introduction

This document is provided for the assistance of auditors who wish to apply for the role of auditor with the City/Town/Shire.

Auditors are required to address all of the matters outlined in the specification.

Auditors who submit an application may be asked to provide further information and/or make a presentation to the audit committee.

Objectives of the Audit

To provide an independent audit opinion of the accounts and annual financial reports of the local government for each financial year covered by the term of the audit appointment.

Term of Audit Appointment

For the financial years commencing 1 July through to 30 June..... (not more than 5 years)

Scope of the Audit

The auditor is to –

Carry out such work as is necessary to form an opinion as to whether –

- (a) the accounts are properly kept; and
- (b) the annual financial report –
 - (i) is prepared in accordance with the financial records; and
 - (ii) represents fairly the results of the operations of the local government and the financial position of the local government at 30 June in accordance with the Australian Accounting Standards, the *Local Government Act 1995* (as amended) (the Act), the *Local Government (Financial Management) Regulations 1996* (as amended) and other mandatory professional reporting requirements.

Give an opinion in his or her audit report on –

- (a) the financial position of the local government; and
- (b) the results of the operation of the local government.

Include in his or her audit report –

- (a) any material matters that indicate significant adverse trends in the financial position or the financial management practices of the local government;
- (b) any matters indicating non-compliance with financial management or control requirements of the Act, Regulations and any other written law;
- (c) details of whether information and explanations were obtained by the auditor;

- (d) a report on the conduct of the audit;
and
- (e) the opinion of the auditor as to whether or not the specific financial ratios reported are supported by verifiable information and reasonable assumptions.

Audit Methodology and Approach

Other requirements of the Auditor –

- (a) The auditor is required to comply with the requirements of section 7.9 of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*;
- (b) An audit is to be carried out in accordance with accounting standards adopted from time to time by the Australian Government Auditing and Assurance Standards Board (AuASB);
- (c) The auditor is to provide the local government with a general outline of his/her methodology;
- (d) The auditor is to provide the local government with a plan for the audit including –
 - timing of interim audit visits;
 - final audit visit (within 30 days of being advised that the accounts and annual financial report are available for audit);
 - timing of the legislative requirement to meet with the local government and whether that meeting will be in person or by some other means;
 - the method to be used to communicate with, and provide advice and information to, the local government; and
- (e) The auditor is required to produce an audit report as required by section 7.9 of the *Local Government Act 1995* and, if considered appropriate by the auditor, a management report.

Critical Matters to be Audited

The auditor is to include in his or her application the extent to which the critical matters outlined below will be audited so as to form an opinion on the manner in which they have been maintained.

- (i) Revenue
 - Rates revenue
 - Government grants
 - User pays revenue
 - Profit on sale of non-current assets
 - Other income
- (ii) Expenditure
 - Salary and wage costs
 - Depreciation
 - Materials and contract expenditure
 - Loss on sale of non-current assets
 - Insurances
 - Bad debts
 - Other expenditure
- (iii) Current Assets
 - Bank and short term investments
 - Receivables and prepayments
 - Inventory
- (iv) Non-Current Assets
 - Property, plant, furniture and equipment
 - Infrastructure and depreciation
 - Other receivables
- (v) Liabilities (Current and non-current)
 - Creditors and accruals
 - Loan borrowings including new loans raised
 - Provision for annual and long service leave entitlements
- (vi) Reserve Funds
- (vii) Contingent Liabilities
- (viii) Capital Commitments
- (ix) Accounting Policies and Notes to the Financial Statements
- (x) Cash Flow Statement
- (xi) The financial ratios required by the *Local Government (Financial Management) Regulations 1996*

Hours, Fees and Expenditure

The auditor is to provide –

- estimate of the time to be spent on the audit;
- fees for completing the audit in accordance with this specification;
- nominated auditor(s) and registered company audit number(s); and
- experience of the nominated auditors in completing local government audits.

The auditor is to provide a fee for any additional audit requested by Council.

Terms

Conditions to be noted by auditors –

- the auditor shall not sub contract to a third party;
- the auditor shall not, and has no right to, assign the audit contract to third parties;
- the auditor shall not be engaged by the local government to undertake any financial consultancy with the local government that requires the preparation of financial information that will be the subject of the annual audit; and
- the auditor shall confirm that he or she has, and will maintain during the duration of the audit term, professional indemnity insurance covering the legal liability arising out of any neglect, default, error, or omission.

Termination of Appointment

The appointment as auditor is terminated if –

- (a) the auditor ceases to be a registered company auditor;
- (b) the auditor ceases to be an approved auditor under Section 7.5 of the *Local Government Act 1995*;
- (c) the auditor is a disqualified person under Section 7.4(2) of the *Local Government Act 1995*;
- (d) the auditor resigns by notice in writing to Council; or
- (e) Council serves notice in writing to the auditor terminating the appointment.

Appendix 3

Issues that should be considered for inclusion in the CEO's Review of Risk Management, Internal Control and Legislative Compliance

Please note: Section 7 of the Department's Western Australian Local Government Accounting Manual provides a comprehensive internal control framework related to internal control and risk management.

Risk Management

Internal control and risk management systems and programs are a key expression of a local government's attitude to effective controls. Good audit committee practices in monitoring internal control and risk management programs typically include:

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time;
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas;
 - potential non-compliance with legislation, regulations and standards and local government's policies;
 - important accounting judgements or estimates that prove to be wrong;
 - litigation and claims;
 - misconduct, fraud and theft;
 - significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;
- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied;
- Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment;
- Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated,

monitored and there is regular reporting and ongoing management of fraud and misconduct risks.

Internal Control

Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

An effective and transparent internal control environment is built on the following key areas:

- integrity and ethics;
- policies and delegated authority;
- levels of responsibilities and authorities;
- audit practices;
- information system access and security;
- management operating style; and
- human resource management and practices.

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

Aspects of an effective control framework will include:

- delegation of authority;
- documented policies and procedures;
- trained and qualified employees;
- system controls;
- effective policy and process review;
- regular internal audits;
- documentation of risk identification and assessment; and

- regular liaison with auditor and legal advisors.

The following are examples of controls that are typically reviewed:

- separation of roles and functions, processing and authorisation;
- control of approval of documents, letters and financial records;
- comparison of internal data with other or external sources of information;
- limit of direct physical access to assets and records;
- control of computer applications and information system standards;
- limit access to make changes in data files and systems;
- regular maintenance and review of financial control accounts and trial balances;
- comparison and analysis of financial results with budgeted amounts;
- the arithmetical accuracy and content of records;
- report, review and approval of financial payments and reconciliations; and
- comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Staying informed about how management is monitoring the

effectiveness of its compliance and making recommendations for change as necessary;

- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review management's plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee;
- Considering the internal auditor's role in assessing compliance and ethics risks in their plan;
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements; and
- Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.

These guidelines are also available on the Department's website at www.dlgc.wa.gov.au



About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the Department's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

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SHIRE OF WEST ARTHUR

TERMS OF REFERENCE – AUDIT COMMITTEE

1. Objectives of Audit Committees

The primary objective of the audit committee is to accept responsibility for the annual external audit and liaise with the local government's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources. The committee will ensure openness in the local government's financial reporting and will liaise with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation.

The committee is to facilitate –

- the enhancement of the credibility and objectivity of external financial reporting;
- compliance with laws and regulations as well as use of best practice guidelines relative to auditing;
- the provision of an effective means of communication between the external auditor, *internal auditor, the CEO and the Council.

2. Powers of the Audit Committee

The committee is a formally appointed committee of council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference. This is in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

The Shire of West Arthur delegates to the Committee to meet with the auditor at least annually in accordance with Section 7.12A of the Local Government Act.

3. Membership

The committee will consist of three elected members. All members shall have full voting rights.

The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.

The CEO and employees are not members of the committee. The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the committee.

The local government shall provide secretarial and administrative support to the committee.

4. Meetings

The committee shall meet at least two times per annum. Additional meetings shall be convened at the discretion of the presiding person.

5. Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

6. Duties and Responsibilities

The duties and responsibilities of the committee will be –

- a) Provide guidance and assistance to Council as to the carrying out the functions of the local government in relation to audits;
- b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
- c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken;
- d) Recommend to Council the person or persons to be appointed as auditor;
- e) Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor;
- f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions; (Via Delegation)
- g) Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the Local Government Act 1995; and
 - ensure that audits are conducted successfully and expeditiously;
- h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
- i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
- j) Review the scope of the audit plan and program and its effectiveness;

- k) Address issues brought to the attention of the committee, including responding to requests from Council for advice that are within the parameters of the committee's terms of reference;
- l) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee's terms of reference following authorisation from the Council; and
- s) Review the Statutory Compliance Return and make a recommendation on its adoption to Council.



SHIRE OF WEST ARTHUR

AUDIT AND RISK COMMITTEE

TERMS OF REFERENCE

Reviewed 2022

SHIRE OF WEST ARTHUR

TERMS OF REFERENCE – AUDIT AND RISK COMMITTEE

Purpose

Section 7.1A of the *Local Government Act 1995* (the Act) requires that all local governments establish an Audit & Risk Committee (“the Committee”). The Committee plays a key role in assisting a local government to fulfil its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems, legislative compliance, ethical accountability and the internal and external audit functions.

This Terms of Reference (“TOR”) sets out the objectives, authority, membership, role, responsibilities and operation of the Committee.

Objectives

The objectives of the Committee are to oversee:

1. the credibility and objectivity of financial reporting;
2. the effective management of financial and other risks and the protection of Council assets;
3. compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
4. the scope of work, objectivity, performance and independence of the external and internal auditors;
5. the process and systems which protect against fraud and improper activities; and
6. the provision of an effective means of communication between the external auditor, internal auditor, the CEO and Council.

Roles and Responsibilities

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee has the responsibility to:

1. Review the internal (where applicable) and external auditor’s annual audit plans and the outcomes/results of all audits undertaken;
2. Request the CEO to seek information or advice in relation to matters considered by the Committee;
3. Formally meet with internal and external auditors as necessary;
4. Seek resolution on any disagreements between management and the external auditors on financial reporting; and
5. Make recommendations to Council with regards to matters within its scope of responsibility.

Delegated Authority

The Committee has delegated authority in accordance with Delegation Register Item 1.1.1 – Audit and Risk Committee (as amended from time to time).

Membership

Section 7.1A of the *Local Government Act 1995* states the members of the Committee are to be appointed* by the local government and at least 3 of the members, and where the Committee consists of more than 3 members then the majority of those members, are to be Councillors.

**Absolute Majority required*

The CEO is not to be a member of the Committee and may not nominate a person to be a member of the Committee, or have a person represent the CEO as a member of the Committee. Similarly, an employee is not to be a member of the Committee.

As a minimum, the Shire's Committee will consist of 3 members, being 3 Councillors including the Shire President. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected members.

All members will have full voting rights. In the event of a tie the Chairperson will have the casting vote.

The appointment of external members (if applicable) shall be based on the following criteria:

1. A suitably experienced professional who can demonstrate a high level of expertise and knowledge in financial management, risk management, governance and audit (internal and external);
2. Have an understanding of the duties and responsibilities of the position, ideally with respect to local government financial reporting and auditing requirements;
3. Have strong communication skills;
4. Have relevant skills and experience in providing independent audit advice; and
5. Be a person with no operating responsibilities with the Shire nor provide paid services to the Shire either directly or indirectly.

The appointment and re-appointment of external members shall be made by Council by way of invitation and be for a period of up to 4 years. External members will not be appointed for more than three consecutive terms.

External members will be required to confirm they will operate in accordance with the Shire's Code of Conduct and will be required to follow Council's policies pertaining to the Committee operations.

Council may, by resolution, terminate the appointment of any external member prior to the expiry of their term if:

1. The Committee, by majority decision, determines the member is not making a positive contribution to the Committee; or
2. The member is found to be in breach of the Shire's Code of Conduct or a serious contravention of the Local Government Act 1995; or
3. A member's conduct, action or comments brings the Shire into disrepute.

The Chairperson of the Committee is to be appointed by majority vote of the Committee. The Chairperson can be a Councillor or an external member.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Shire. Ideally, at least 1 member of the Committee will have accounting or related financial and/or risk management experience.

Reimbursement of approved expenses may be paid to an external member in accordance with Section 5.100 of the Local Government Act 1995.

The CEO, Manager Corporate Services and/or Manager Financial Reporting are to attend meetings to provide advice and guidance to the Committee.

The Shire shall provide secretarial and administrative support to the Committee.

A quorum will be a majority of members.

New members will receive relevant information and briefings on their appointment to assist them meet their Committee responsibilities.

Meetings

The Committee will meet at least twice per annum, with additional meetings convened as required at the discretion of the Chairperson or at the request of the CEO.

The Committee meetings shall be “Closed” and therefore not open to the public.

Elected members of the Shire may attend each Committee meeting.

Committee members are expected, where possible, to attend each meeting in person. Where attendance in person is not possible, in accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996*, the Committee may, by resolution*, allow a member to attend the meeting via telephone or other means of instantaneous communication.

**Absolute Majority required*

Notice of Meeting and Agenda

The CEO or their delegate will administratively coordinate the convening of meetings of the Committee and invite members of management, internal and external auditors or others to attend meetings as observers and to provide relevant information as necessary.

Unless otherwise agreed, notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed shall be provided to each member of the Committee no later than 72 hours prior to the meeting. Associated meeting papers are to be provided at the same time.

Minutes of Meetings

The CEO will facilitate the administrative support for the meeting, including arranging a minute taker for the meeting.

Minutes will be taken at each meeting and be presented to the subsequent meeting for confirmation. Minutes will include the proceedings and resolutions of the meeting including the names of those in attendance.

The Chairperson shall ascertain, at the beginning of each meeting, the existence of any conflicts of interest and minute them accordingly. Conflicts of Interest will be managed in accordance with the Shire's policies and the *Local Government Act 1995*.

Minutes of Committee meetings shall be circulated promptly to all members of the Committee.

Minutes of Committee meetings shall be presented to the next Ordinary Council Meeting, with any recommendations from the Committee to be considered by Council by way of a separate agenda item.

Other than confidential papers and attachments, agendas and minutes of the Committee will be made publicly available on the Shire's website in accordance with Section 5.96A of the *Local Government Act 1995*.

Functions

Regulation 16 of the *Local Government (Audit) Regulations 1996* defines the functions of an Audit Committee as:

- a) *to guide and assist the local government in carrying out —*
 - (i) *its functions under Part 6 of the Act; and*
 - (ii) *its functions relating to other audits and other matters related to financial management;*
- b) *to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;*
- c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the council;*
- d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1); and*
 - (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- f) *to oversee the implementation of any action that the local government —*
 - (iii) *is required to take by section 7.12A(3); and*
 - (iv) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (v) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
 - (vi) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- g) *to perform any other function conferred on the audit committee by these regulations or another written law.*

In addition to the above the Committee's other functions include:

External Audits

1. Provide guidance and assistance to Council as to the carrying out of the functions of the Shire in relation to external audits.
2. Provide an opportunity for the Committee to meet with the external auditors to discuss any matters that the Committee or the external auditors believe should be discussed.

3. Meet with the auditor annually to receive the audit report and make a recommendation to Council with respect to that report.
4. Examine the reports of the auditor after receiving a report from the CEO on the matters to:
 - a. Determine if any matters raised require action to be taken by the Shire; and
 - b. Ensure that appropriate action is taken in respect of those matters.
5. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that is within the parameters of the Committee's TOR.

Note: The Office of the Auditor General will be responsible for conducting external audits.

Internal Audits

1. Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to internal audits.
2. Review all internal audit reports and provide advice to Council on significant issues (i.e. high and extreme) identified in audit reports and the action to be taken on issues raised, including identification and dissemination of good practice.
3. Monitor management's implementation of internal audit recommendations.
4. Receive the findings of special internal audit assignments undertaken at the request of Council or CEO.
5. Review the annual Compliance Audit Return and report to Council the results of that review in accordance with Section 7.13(1)(i) of the *Local Government Act 1995*.
6. Consider the CEO's 3-yearly reviews of the appropriateness and effectiveness of the Shire's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to Council the results of those reviews in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*.
7. Consider the financial management systems and procedures in accordance with Regulation 5(2) of the *Local Government (Financial Management) Regulations 1996* within the statutory timeframes.

Risk Management

1. Ensure that management has in place a current and comprehensive enterprise Risk Management Framework and associated procedures for effective identification and management of Shire's business and financial risks.
2. Determine whether a sound and effective approach has been followed in managing the Shire's major risks including those associated with individual projects, program implementation, and activities.
3. Ensure the Shire identifies, reviews and regularly updates the strategic and operational risk profiles.
4. Understand and endorse the Shire's risk appetite.
5. Oversee the periodic review of the Risk Management Framework.

Business Continuity

1. Ensure a sound and effective approach has been followed in establishing the Shire's business continuity planning arrangements, including whether business continuity and disaster recovery plans have been periodically updated and tested.
2. Oversee the periodic review of the Business Continuity Framework.

Financial Reporting

1. Review significant accounting and reporting issues, recent accounting, professional and regulatory pronouncements and legislative changes, and understand their effect on the financial report.
2. Review with management and the external auditors the results of the audit, including any difficulties encountered.
3. Review the Annual Financial Statements forming part of the Shire's Annual Report and consider whether it is complete, consistent with information known to Committee members, and reflects appropriate accounting principles.
4. Review with management and the external auditors all matters required to be communicated to the Committee under the Australian Auditing Standards.
5. Recommend the adoption of the Annual Financial Statements forming part of the Annual Report to Council.

Legislative Compliance

1. Oversee the effectiveness of the systems for monitoring compliance with relevant laws, regulations and associated government policies.

Other Responsibilities

1. Monitor the progress of the implementation of external audit recommendations made by the auditor, which have been accepted by the Shire.
2. Receive recommendations arising from reviews of local government systems and procedures.
3. At least once every two years review and assess the adequacy of the Committee's TOR, request Council approval for proposed changes, and ensure appropriate disclosure as required by legislation or regulation.

12.2 Review of Register of Delegations

File Reference:	2.30.2
Location:	N/A
Applicant:	N/A
Author:	Darren Friend – A/Manager Corporate Services
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	5 April 2022
Disclosure of Interest:	Nil
Attachments:	Revised Delegations Register
Previous Reference:	N/A

Summary:

Council is requested to adopt the revised Register of Delegations.

Background:

Staff have reviewed the Register of Delegations and Council is requested to adopt the revised document.

Comment:

Delegations should be reviewed at least annually, in accordance with the provisions of the Local Government Act 1995 and with the revised staff structure in place, it is timely that the review take place now having last been undertaken in June 2021.

The only proposed significant change to the Register of Delegations is to revoke delegation 1.2.22 – Determine Due Dates for Rates or Services Charges. This is not considered a delegation as it is part of the annual Budget adoption process, part of which is Council setting due dates and instalment dates for rates.

The only minor change is the removal of the Manager Financial Operations and Manager Financial Reporting from Delegations and replace those with Manager Corporate Services in line with the new organisation structure.

These changes are reflected in the attached revised Register of Delegations.

Consultation:

Staff

Statutory Environment:

Local Government Act 1995 (WA)

Policy Implications:

There may be some minor “flow on” effects which will be reflected in the Policy Manual.

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low
Risk Likelihood (based on history and with existing controls)	Low
Risk Impact / Consequence	Low
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Low
Risk Action Plan (Controls or Treatment Proposed)	Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Officer Recommendation:

That Council:

- Revokes delegation 1.2.22 – Determine Due Dates for Rates or Services Charges and;
- Adopts the attached revised Register of Delegations in accordance with the provisions of the Local Government Act 1995.

Moved: _____

Seconded: _____

ATTACHMENT

Revised Delegations Register



SHIRE OF WEST ARTHUR REGISTER OF DELEGATIONS TO THE CEO, AND OTHERS, AND FROM THE CEO, AUTHORISATIONS AND APPOINTMENTS

Reviewed by Council 12 April 2022

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1 Local Government Act 1995 Delegations

1.1 Council to Committees of Council

1.1.1 Audit and Risk Committee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Audit and Risk Committee
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 the report of the Auditor and determine matters that require action to be taken by the Shire and ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the Shire'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)].
Council Conditions on this Delegation:	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.
Express Power to Sub-Delegate:	Nil. Sub-delegation is prohibited by s.7.1B.

Compliance Links:	Department of Local Government, Sport and Cultural Industries Audit and Risk Committee Terms of Reference
Record Keeping:	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	
2	
3	

1.2 Council to CEO

1.2.1 Compensation for Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of \$1000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.2 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.9.10 Appointment of authorised persons – refer also s.3.32(2) Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency –
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.3 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.3.40A(4) Abandoned vehicle wreck may be taken
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.4 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 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:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.5 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.6 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	<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)] (relevant to Townsite only).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation:	NA

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Local Government Act 1995 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
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.7 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 West Arthur that the Shire of West Arthur could do under s.5 of the Parks and Reserves Act 1895 [s.3.54(1)].
Council Conditions on this Delegation:	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 Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.8 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	<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 each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.

	<ul style="list-style-type: none"> 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 Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.9 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<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. Each approval provided must be recorded in the Shire of West Arthur's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.10 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<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 Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.11 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.12 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<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 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 Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – 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 Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.13 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [<i>ULP r.21(1)</i>].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.14 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. F4.1 Purchasing Policy - Shire of West Arthur
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.15 Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 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 a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. 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)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$250,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the

	<p>invitation to tender, subject to a maximum 10% variation and within the \$250,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p>
<p>Council Conditions on this Delegation:</p>	<p>a. Sole supplier arrangements 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; and iv. Rationale for why the supply is unique and cannot be sources through other suppliers. <p>b. 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 and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and

	<ul style="list-style-type: none"> The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. Any proposed purchase with a value over \$150,000 is to be provided to Elected Members with written majority acknowledgement within 7 days.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit F4.1 Purchasing Policy - Shire of West Arthur
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.16 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ 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. • 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. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and

	<ul style="list-style-type: none"> ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. 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:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal. <p>e. That any proposal to dispose of surplus plant, equipment and material with a market value above \$500 be advertised in the local community newspaper and Shire’s web site, sold by public auction, traded as part of the purchase of new plant and equipment, or offered for sale by public tender.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.17 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	a. Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the CEO. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Guideline No.11 - Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries Accounting Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.18 Defer, Grant Discounts, Waive or Write Off Debts, Donations.

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 6.5; s6.7; s6.9 s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of West Arthur [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of West Arthur [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire of West Arthur [s.6.12(1)(c)] 4. Make donations to community groups and individuals in accordance with s6.7 (2) of the Local Government Act 1995 to a maximum value of \$300 in one financial year.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A debt may only be waived in accordance with Council Policy b. A concession may only be granted in accordance with Council Policy c. 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 West Arthur. d. Limited to individual debts valued below \$500 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	C3.7 Community Organisation Assistance Program - Shire of West Arthur F4.2 Financial Hardship Policy - Shire of West Arthur F4.5 Write Off Debts Under \$10
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.19 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 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 Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) F4.4 Investment Policy - Shire of West Arthur
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.20 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.21 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with relevant Council Policies. b. Agreements must be in writing and, subject to the Council Policies, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.22 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of West Arthur. [s.6.50].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.6.50 Rates or service charges due and payable
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Revoke - Dates are set as part of the Budget Adoption Process

1.2.23 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policies.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken F4.2 Financial Hardship Policy - Shire of West Arthur
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.24 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 West Arthur [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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policies.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. F4.2 Financial Hardship Policy - Shire of West Arthur
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.25 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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) 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> 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 West Arthur [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, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising 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, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the Local Government Act 1995.
	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	<p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996– regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>F4.2 Financial Hardship Policy - Shire of West Arthur</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.2.26 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 who made the objection [s.6.76(5)].
Council Conditions on this Delegation:	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 Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Local Government Act 1995 s.6.76 Grounds of objection Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate/s:	Manager Works and Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 s.3.34(2) Entry in emergency
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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)
Delegate/s:	Manager Works and Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
CEO Conditions on this Delegation:	<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 <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. 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:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	Manager Works and Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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.
CEO Conditions on this Delegation:	<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 <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. 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:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate/s:	Manager Works and Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1.3.5 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate/s:	Manager Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
CEO Conditions on this Delegation:	<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. Delegation for Dog Act, Cat Act, all Local Laws, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> I. CEO II. Manager Corporate Services c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> (i) CEO
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 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
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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1.4 Local Law Delegations to the CEO

1.4.1 Local Laws

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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>Dogs Local Law (28/04/2017)</i> <i>Fencing Local Law (28/04/2017)</i> <i>Parking Local Law (28/04/2017)</i> <i>Property Local Law (28/04/2017)</i> <i>Standing Orders Local Law (28/04/2017)</i> <i>Thoroughfares Local Law (28/04/2017)</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	All the powers, duties, and responsibilities of the Local Government under all Local Laws of the Shire of West Arthur.
Council Conditions on this Delegation:	Must comply with relevant Council Policies.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	A register of all special environmental areas must be maintained under cl.5.8 of the Activities on Thoroughfares and Trading Local Law . Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations 1.3.3 and 1.3.4. Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</i></p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r 19 Local Government (Administration) Regulations 1996

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2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Sub-Delegate/s: <i>Appointed by CEO</i>	NA

<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	
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<p>Compliance Links:</p>	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<p>Record Keeping:</p>	<p>In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996</p>

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2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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 Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2, Building and Construction Industry Training Levy Act 1990, Heritage Act 2018</i>
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)]. <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. 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"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 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 initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s. 122 Building orders – application for review by SAT
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 - s.146 Confidentiality
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.7 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 s.145A Local Government functions
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 compliant 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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) Building Regulations 2012
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

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2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 Building Regulations 2012
Record Keeping:	In accordance with r 12 Building Regulations 2012 and r19 Local Government (Administration) Regulations 1996

Version Control:

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2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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 9.20 may be appointed as “approved officers”.</i> 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 <u>and</u> 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>
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Building Act 2011 Building Regulations 2012: r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	In accordance with r 12 Building Regulations 2012 and In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3 Bush Fires Act 1954 Delegations

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

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <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
Delegate:	Shire President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 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)].

Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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.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 <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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> 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 fire-breaks 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].

	<p>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].</p> <p>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)].</p> <p>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)].</p> <p>9. Authority to recover the cost of measures taken by the Shire 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)].</p>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 Bush Fire Regulations 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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: r.27(3) Permit, issue of</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 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"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3), 33(5)]. b. 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"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [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),(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.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 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"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. 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 [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"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office 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)].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred because 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 or those on behalf of the Shire to do [s.58].
Council Conditions on this Delegation:	NA
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Bush Fire Control Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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(2)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	Bush Fires Act 1954 s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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4 Cat Act 2011 Delegations

4.1 Cat Act 2011 Delegations Council to CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Powers, Duties and Functions of the Local Government</i> <i>Exercise the powers, discharge the duties, and perform the functions of the 'local government' under the Cat Act 2011.</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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5 Dog Act 1974 Delegations

5.1 Dog Act 1974 Delegations Council to CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10AA(1) Powers, Duties and Functions of the Local Government s.10AA(3) Power to Sub-Delegate
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The authority to: <ol style="list-style-type: none"> 1. Exercise the powers, discharge the duties and perform the functions of the 'local government' under the Dog Act 1976 [10AA(1)]. 2. Sub-delegate those powers, duties and functions to employees [10AA(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Delegation does not include those matters requiring an absolute majority, and which cannot be delegated – 31(2B), 31(3A), 31(3B) c. DOES NOT apply to s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Express Power to Sub-Delegate:	<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)

Sub-Delegate/s: <i>Appointed by CEO</i>	Ranger Manager Corporate Services s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Dog Act 1976
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<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 Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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6.1.2 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	CEO
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [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)].
Council Conditions on this Delegation:	<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: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 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:	In accordance with r19 Local Government (Administration) Regulations 1996

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7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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. determines 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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Works and Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	Health (Asbestos) Regulations 1992 Criminal Procedure Act 2004 – Part 2
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 West Arthur [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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	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)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act, including: <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	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)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <i>Criminal Investigation Act 2006, 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>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	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)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	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)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995: s.5.45, 5.46 Division 2 Part 10 Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015</i>
Express Power or Duty Delegated:	<i>Shire of West Arthur Local Planning Scheme No. 2</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>ACCEPTING AN APPLICATION</p> <ol style="list-style-type: none"> 1. Receiving an application and determining that the application and accompanying material comply with Clauses 62 and 63 of the Deemed Provisions. (this includes the application fee, owner's consent etc) 2. Requiring the application to be amended and/or seeking further information pursuant to Clause 63A(1) of the Deemed Provisions. 3. Determining the land use class and definition of the application and if the application is a "complex application" being a use that is not specifically referred to in the Zoning Table. <p>ADVERTISING AND REFERRAL Notification and Advertising of Applications for Development Approval</p> <ol style="list-style-type: none"> 1. Advertising a complex application in accordance with Clause 64(3) of the Deemed Provisions for a minimum period of 28 days. 2. Advertising an application that is not a complex application in accordance with Clause 64(4) of the Deemed Provisions for a minimum period of 14 days by any or all of the following: <ul style="list-style-type: none"> • Publishing a notice and/or information on the Council website; • Making a copy of the application available for public inspection at the Council office; • Notice to owners and occupiers of properties in the vicinity of the development; or • Erecting a sign on the subject land. 3. Consulting and referral of the application with other agencies pursuant to Clause 66 of the Deemed Provisions for a minimum period of 42 days <p>DETERMINING APPLICATIONS</p> <ol style="list-style-type: none"> 1. Determining applications for the use and/or development of land where the use is a (P) use in the zoning the table and: <ul style="list-style-type: none"> • The CEO is satisfied that the application complies with the objectives and provisions of the Scheme and any applicable Local Planning Policy; and • No objections have been received from any advertising or referral of the application. 2. Issuing a Notice of Determination in accordance with Clause 70. <p>WAPC REFERRALS OF APPLICATIONS FOR SUBDIVISION APPROVALS Pursuant to s142 of the Planning and Development Act 2005, provide comment to the Western Australian Planning Commission (WAPC) on</p>

	<p>matters associated with subdivision applications, proposed development plans (or similar) and licence applications.</p> <p>CLEARANCE OF LOCAL GOVERNMENT CONDITIONS ASSOCIATED WITH SUBDIVISION APPROVAL Pursuant to s145 of the Planning and Development Act 2005 making a recommendation to the Commission relating to the “clearance” of a subdivision condition and endorsement of a Diagram of Survey.</p>
Council Conditions on this Delegation:	<p>Any refusal to give planning approval must be determined by Council</p> <p>Any planning decision or commitment to give a planning decision in regard to a development application (DA) or proposal where the zoning table classification is not ‘P’ (use permitted by the scheme) or ‘D’ in the case of replanting of existing plantations only, where an objection to the DA has been received; or involving an agreement by Council to rezone any land or to enter into any contract concerning the DA must be determined by Council.</p>
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	NA
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	<p>Part 13 of the Planning and Development Act 2005</p> <p>Shire of West Arthur Local Planning Scheme No. 2</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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9.2 Local Planning Scheme – Council to CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.45, 5.46 Division 2 Part 10 Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015
Express Power or Duty Delegated:	Shire of West Arthur Town Planning Scheme No. 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Council delegate its authority and power to the Chief Executive Officer the following:</p> <p>ADVERTISING Notification and Advertising of Applications for Planning Consent</p> <ol style="list-style-type: none"> 1. In accordance with Clause 9.4 of the Shire of West Arthur Local Planning Scheme No 2 determine that a particular application will be advertised and notify the applicant accordingly. 2. Determine those landowners and occupiers to whom notice of an application for Planning Consent required to be advertised shall be provided pursuant to Clause 9.4.3(b) of Shire of West Arthur Local Planning Scheme No. 2 3. Determine the requirement for consultation with other of authorities for an application for Planning Approval pursuant to Clause 10.1 of the Shire of West Arthur Local Planning Scheme No. 2. 4. Determine the requirement for advertising for public comment a draft Development Plan/s pursuant to the Shire of West Arthur Local Planning Scheme No. 2. 5. To extend the advertising period for planning scheme amendments and development plans, where considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors meetings, workshops etc). <p>WAPC REFERRALS OF APPLICATIONS FOR SUBDIVISION APPROVALS Pursuant to s142 of the Planning and Development Act 2005, provide comment to the Western Australian Planning Commission (WAPC) on matters associated with subdivision applications, proposed development plans (or similar) and licence applications.</p> <p>CLEARANCE OF LOCAL GOVERNMENT CONDITIONS ASSOCIATED WITH SUBDIVISION APPROVAL Pursuant to s143 of the Planning and Development Act 2005 and where the WAPC has included conditions on a subdivision approval relevant to the Shire, determine the 'clearance' of a condition designated (LG) in a subdivision approval issued by the WAPC.</p>
Council Conditions on this Delegation:	<p>Any refusal to give planning approval must be determined by Council</p> <p>Any planning decision or commitment to give a planning decision in regard to a development application (DA) or proposal where the zoning table classification is not 'P' (use permitted by the scheme) or 'D' in the case of replanting of existing plantations only, where an objection to the DA has been received; or involving an agreement by Council to rezone any land or to enter into any contract concerning the DA must be determined by Council.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s:	NA
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<i>Appointed by CEO</i>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	NA

Compliance Links:	Part 13 of the Planning and Development Act 2005 Shire of West Arthur Local Planning Scheme No. 2
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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10 Statutory Authorisations and Delegations to Local Government from State Government Entities

10.1 Environmental Protection Act 1986

10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

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No. 47. 19-Mar-2004
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EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

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No. 232. 20-Dec-2013
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EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--
 - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

10.1.3 Noise Management Plans – Construction Sites

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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
The power to sign as owner in respect of Crown land that is:	City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton	In accordance with and subject to approved Government Land policies. Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.
in respect of development applications being made under or referred to in:		
(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);		
(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);		
(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);		
(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);		
(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);		
(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i> , or of which such a place forms part;	Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halla Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray	
(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).		

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickkepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of *June* 2016

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
 WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
)
FOR THE TIME BEING IN THE)
PRESENCE OF:)

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL of)
)
)
)
)
)
)
)
)
)
Was hereunto affixed pursuant to a)
resolution of the Council in the)
presence of:)
)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated:

THE COMMON SEAL OF THE)
 COMMISSIONER OF MAIN ROADS)
 WAS AFFIXED BY)
)
)
 COMMISSIONER OF MAIN ROADS)
 FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE)
)
)
 WAS AFFIXED PURSUANT TO A RESOLUTION)
 OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

11 Authorisations by the CEO

The following Authorisations or appointments of Authorised Persons are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s9.10	CEO Manager Works and Services Ranger	Appointed and authorised to perform the functions of an authorised person for the purposes of all the Shire of West Arthur Local Laws.	To be issued a certificate stating the person is authorised, and must produce certificate when requested by a person who has been, or is about to be, affected by an exercise of authority by the authorised person
Building Act 2011 s96	CEO	Designated an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures.	Must be issued with an identity card. Must always carry ID card when exercising powers or performing functions as an authorised person.
Building Act 2011 and Planning Act 2005	CEO	Appointed and Authorised Officer for the purpose of sections 100 to 104 of the Building Act 2011, Part 10 cl.79 of the Planning and Development (local Planning schemes)	Has been issued with Authorisation card. Must always carry ID card when exercising powers or performing functions as an authorised person
Bush Fires Act 1954 s59(1), (3); s59A(2)	CEO	Only the CEO may institute legal proceedings. Only the CEO or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958	
Caravan Parks and Camping Grounds Act 1995 s17(1) s23(11)	CEO Manager Works and Services Ranger	Appointed and authorised as authorised person for the purpose of the Caravan Parks and Camping Grounds Act 1995.	Required to be issued with an identity card, in the prescribed form, certifying that the person is an authorised person under the Caravan Parks and Camping Grounds Act 1995
Cat Act 2011 s48(1)	CEO	CEO is a Registration Officer and Authorised	Required to be issued with an identity card, in the prescribed form, certifying that the person

	<p>Finance Officer, Administration Officer</p> <p>Ranger</p>	<p>Person for all purposes of the Cat Act 2011</p> <p>Finance Officer, Administration Officer as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the Cat Act 2011.</p> <p>Ranger as Authorised Person for the purposes of s48, 49, 62, 63 of the Cat Act 2011.</p>	<p>is an authorised person under the Cat Act 2011 & Cat Regulations 2012.</p>
Control of Vehicles (Off-road Areas) Act 1978 s38(3)	<p>CEO</p> <p>Manager Works and Services</p> <p>Ranger</p>	<p>Appointed and authorised as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978</p>	<p>Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they exercise, has exercised, or is about to exercise authority.</p>
Control of Vehicles (Off Road Areas) Act 1978 – s38(3)	<p>CEO</p> <p>Manager Works and Services</p> <p>Ranger</p>	<p>Appointed as Authorised Officers to perform all functions of the local government under the Act.</p>	<p>Must have a certificate stating the employee is an authorised person for the purpose of this Act.</p>
Criminal Code Act Compilation Act 1913 – S70A(1)(a))	<p>CEO</p>	<p>CEO is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings</p>	
Dog Act 1976 s3(1) s14, s16(2),16(3A), s16(3), s16(3c), s16(6)	<p>CEO, Finance Officer, Ranger, Administration Officer</p>	<p>CEO, Finance Officer, Ranger, Administration Officer appointed and authorised as a registration officer for the purposes of</p>	<p>Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they</p>

		the Dog Act 1976 s3(1) s14, s16(2), 16(3A), s16(3), s16(3c), s16(6)	exercise, has exercised, or is about to exercise authority.
Dog Act 1976 s12A, S14, s29(1), s33G, s38, s43A, s47	CEO Manager Works and Services Ranger	CEO, Manager Works and Services, Ranger are appointed and authorised as an authorised person for the purposes of s12A, S14, s29(1), s33G, s38, s43A, s47	Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they exercise, has exercised, or is about to exercise authority.
Dog Act 1976 s33E, 33F, 33G, 33H, 39, 43A	CEO Manager Works and Services Ranger	CEO, Manager Works and Services, Ranger as a specifically Authorised Persons for the purposes of s33E, 33F, 33G, 33H, 39, 43A	Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they exercise, has exercised, or is about to exercise authority.
Dog Act 1976	CEO Manager Works and Services Ranger	CEO, Manager Works and Services and Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in prior authorisations.	Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they exercise, has exercised, or is about to exercise authority.
Dog Regulations 2013 cl 35(5)	CEO Manager Works and Services Ranger	Appointed and authorised as an authorised person to withdraw infringement notices.	Shall be furnished with a certificate in the prescribed form evidencing their appointment and shall produce that certificate on being required to do so by a person in respect of whom they exercise, has exercised, or is about to exercise authority. <u>NOTE – cannot withdraw notice issued by same person.</u>
Environmental Protection Act 1986 s38	CEO	Pursuant to s38 of the Environmental Protection Act 1986 the CEO is authorised to refer Proposals to the	

		Environmental Protection Authority.	
Fines, Penalties and Infringement Notices Enforcement Act 1994 s13(2)	CEO	<p>CEO is appointed and authorised as a Prosecuting Officer for the purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1954</p> <p>CEO is authorised the power to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.</p>	Authorised to lodge and withdraw matters which have been registered with Fines Enforcement Registry. FER are notified of appointments by the Shire (see s13)
Food Act 2008 s38, s54, s62, s 65, s66, s67, s110, s112, s122, s125, s126,	<p>CEO</p> <p>Contract Senior Environmental Health Officer</p> <p>Contract Environmental Health Officer</p>	CEO, Contract Senior Environmental Health Officer, Contract Environmental Health Officer are appointed and authorised as Authorised Persons for the purpose of the Food Act 2008.	Shall be furnished with a certificate of authority in the prescribed manner and shall produce that certificate if asked to do so when entering food premises or requiring a person to produce anything or answer any question.
Graffiti Vandalism Act 2016	Manager Corporate Services	CEO is appointed an Authorised Person to deal with Objections and Suspension of effects of Notices and for all other relevant purposes under the Act.	
Health (Asbestos) Regulations 1992 Pt 2 Criminal Procedure Act 2004	CEO	CEO be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.	Each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].

	<p>Contract Senior Environmental Health Officer</p> <p>Contract Environmental Health Officer</p>	<p>Contract Senior Environmental Health Officer, Contract Environmental Health Officer be appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.</p>	
<p>Liquor Control Act 1988 s39 (Health), s40 (Planning), s61(1)(d), (2), s69(7), (8)</p>	<p>CEO</p>	<p>CEO is authorised to issue Certificates for grant, change or removal of liquor licences.</p> <p>CEO is authorised to provide comment and make recommendations on Applications for Extended Trading Permits.</p> <p>CEO is authorised to intervene in Applications.</p>	<p>The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.</p> <p>The Chief Executive Officer may recommend approval or refusal for subsequent applications.</p>
<p>Litter Act 1979 26(1)(c)</p>	<p>All Council members and all employees – as of right, by virtue of Act.</p>	<p>Appointed and authorised as an authorised officer for the purposes of the Litter Act 1979.</p>	<p>Shall be issued with a certificate of his appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him/her under this Act, which he shall, on reasonable demands, be produced.</p>
<p>Litter Act 1979 s30(4a)</p>	<p>CEO</p> <p>Shire President</p>	<p>CEO is authorised to withdraw infringement notices.</p> <p>If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to</p>	

		withdraw such a notice.	
Local Government Act 1995 s3.25	CEO Manager Works and Services Ranger	Authorised to issue notices under sections 3.25 and 3.27 and to perform any of the other functions set out in subdivision 2 of Division 3 Part 3 of the Local Government Act 1995.	Power to issue notices and perform any of the other functions set out in Subdivision 2 may only be exercised with the prior written approval of the person who occupies the position of CEO.
Local Government Act 1995 s3.39	CEO Manager Works and Services Ranger	Appointed and authorised as an authorised person for the purposes of section 3.39 of the Local Government Act 1995 (power to remove and impound goods)	To be issued a certificate stating the person is authorised and must produce certificate when requested by a person who has been, or is about to be, affected by an exercise of authority by the authorised person.
Local Government Act 1995 s3.40A	CEO Manager Works and Services Ranger	Appointed and authorised as an authorised person for the purposes of section 3.40A of the Local Government Act 1995 (power to remove and impound abandoned vehicle wreck).	To be issued a certificate stating the person is authorised and must produce certificate when requested by a person who has been, or is about to be, affected by an exercise of authority by the authorised person.
Local Government Act 1995 s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24	CEO Manager Works and Services Ranger	CEO, Manager Works and Services, Ranger are appointed an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the Local Government Act 1995.	To be issued a certificate stating the person is authorised and must produce certificate when requested by a person who has been, or is about to be, affected by an exercise of authority by the authorised person.
Local Government Act 1995 s9.49(A)(4)	CEO	Authorised to sign and execute documents on behalf of the local government.	Authority to sign documents on behalf of the Shire in relation to all matters arising under delegated authority given by Council under Section 5.42 of the Act and generally as is necessary or appropriate in carrying out his or her functions under the Act or under any written

Local Government Act 1995 s9.49(A)(5)	CEO	Authorised to execute a document as a deed on behalf of the Shire where there is a requirement for the document to be executed as a deed.	
Local Government Act 1995 s9.49	CEO	Authorised under s9.49 of the Local Government Act to sign building permit applications on behalf of the Shire for building permits required for work on Shire owned or managed property.	
Local Government Miscellaneous Provisions Act 1960 Part xx	CEO Manager Works and Services Ranger	Appointed and authorised as an authorised person for the purposes of the Local Government Miscellaneous Provisions Act 1960.	To be issued a certificate stating the person is authorised, and must produce certificate when requested by a person who has been, or is about to be, affected by an exercise of authority by the authorised person
Public Health Act 2016 Health (Miscellaneous Provisions) Act 1911	CEO Contract Senior Environmental Health Officer Contract Environmental Health Officer	CEO and Contract Senior Environmental Health Officer, Contract Environmental Health Officer are appointed as an authorised officer under s24 of the Public Health Act 2016.	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.
Public Health Act 2016	CEO Contract Senior Environmental Health Officer Contract Environmental Health Officer	CEO as an Authorised Person to undertake duties and functions in relation to: s125 Instituting proceedings and s126(13) The Chief Executive Officer is to be the Designated Officer.	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.
Tobacco Products Control Act 2006 s77	CEO	Appointed and authorised as a Restricted Investigator for the	

		purposes of the Tobacco Products Control Act 2006.	
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12 Appointments (made, and as of right)

The following appointments are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation. The list includes some, as of right appointments.

Act/Section	Position	Purpose	Comment
Animal Welfare Act 2002 s33(2)(a)(v)	CEO	Appointed as a General Inspector.	To be reviewed every financial year.
Bush Fires Act 1954 s38(1)	CEO	Appointed and authorised as Chief Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government.
Bush Fires Act 1954 s38(1)	CEO	Appointed and authorised as a Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government.
Bush Fires Act 1954 s38(1)	CEO	Determine the respective seniority of the other Bush Fire Officers so appointed.	
Bush Fires Act 1954 s38(8), (9), (10)	CEO CEO	Appointed 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). Appointed deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority.	Shall be issued with a certificate of appointment by the local government

Equal Employment Opportunity Act 1984 s145	CEO	CEO is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.	
Freedom of Information Act 1992 s41	CEO	CEO is designated Internal Review Officer	
Freedom of Information Act 1992 s11, 12, 100	Manager Corporate Services	Manager Corporate Services is appointed as Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the Freedom of Information Act 1992	
Freedom of Information Act 1992 s100	CEO	Principal Decision Maker is the Chief Executive Officer.	
Graffiti Vandalism Act 2016	Manager Corporate Services	CEO appoints the Manager Corporate Services as an authorised person for the other purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of Chief Executive	

		Officer, except as otherwise provided	
Public Interest Disclosure Act 2003 – s23(1)(a)	CEO	Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. CEO of the Shire of is designated accordingly.	
Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32	CEO Manager Corporate Services	CEO is the Pensioner Rates Review Officer, as defined by the Act. is the Pensioner Rates Determination Officer as defined by the Act.	

12.3 Review of Policy F1.4 - Purchasing

File Reference:	2.30.1
Location:	N/A
Applicant:	N/A
Author:	Darren Friend – A/Manager Corporate Services
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	24 March 2022
Disclosure of Interest:	Nil
Attachments:	Policy F4.1 - Purchasing
Previous Reference:	Audit Committee – 9 March 2022 Council Meeting – 15 March 2022

Summary:

Council is requested to adopt the revised Policy F4.1 – Purchasing.

Background:

Staff have reviewed Policy F4.1 – Purchasing and Council is requested to adopt the revised policy.

Comment:

As part of the recent Financial and Risk Management Review conducted by Moore Australia and adopted by Council at its March 2022 Ordinary Meeting of Council, it was recommended that changes/improvements needed to be made to Council's existing Purchasing policy.

These recommended changes include:-

- Prohibit price variations to existing contracts awarded by tender other than those provided within the original contract, as required by regulation 11 (2)(j)(iv) of the Local Government (Functions and General) Regulations 1996.
- Purchasing requirement for the issuing of contract variations and extensions for contracts not awarded by tender. Consideration should be given circumstances where the contract increases over a policy threshold level, due to the variation or extension.
- Reporting mechanism where compliance with purchasing practices is permitted to be circumvented. This should aim to assist with accountable processes and transparent decision making with purchasing activities to report the circumstances, occasions and purchasing values where the policy provision is exercised.
- Amend purchasing requirements for procurement of goods or services to be consistent regardless of where the quotations are being sought from, including those made under the exemptions referred to in Regulation 11 (2) of the Local Government (Functions and General) Regulations 1996.

These changes are reflected in the attached revised policy.

Consultation:

Staff
Council

Statutory Environment:

Local Government Act 1995 (WA)
Local Government (Functions and General) Regulations 1996

Policy Implications:

Review of Policy F4.1 – Purchasing

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low
Risk Likelihood (based on history and with existing controls)	Low
Risk Impact / Consequence	Low
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Low
Risk Action Plan (Controls or Treatment Proposed)	Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Office Recommendation:

That Council adopts the attached revised Policy F4.1 – Purchasing in accordance with the provisions of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

Moved: _____

Seconded: _____

ATTACHMENT

Policy F4.1 – Purchasing



Shire of West Arthur Council Policy – Purchasing

Policy Number	F4.1 Finance
Policy Title	Purchasing
Related Legislation	Local Government Act 1995 (WA) Local Government (Functions and General) Regulations 1996 State Records Act
Strategic Outcome Supported	Outcome 2.1: The business community will be Dynamic, Growing and Diverse providing employment and economic benefits to the Shire.
Adopted by Council	Adopted 2008 Amended 12 May 2018 Amended 15 June 2021 Amended 12 April 2022
Review	CEO Annually

1. Objective

The Shire of West Arthur (the “**Shire**”) is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the “**Act**”) and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the “**Regulations**”). Procurement processes and practices to be complied with are defined within this Policy and the Shire’s prescribed procurement procedures.

2. Scope

The scope of this policy is to:

- a) provide policy and guidance to all Council employees to allow consistency and robust control over Council procurement activities;
- b) deliver a best practice approach and procedures to ensure procurement for the Council is aligned to the Council’s strategic objectives for all operational areas;
- c) provide guidance on ethical behaviour and ensure probity, transparency, effective competition, and the avoidance of conflicts of interest and nepotism in all Council procurement and contracting activities;
- d) ensure compliance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

3. Definitions

Nil

4. Policy Statement

4.1 Ethics & Integrity

The Shire's Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and for the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

4.2 Value for Money

"Value for money" is an overarching principle governing procurement that allows the best possible outcomes to be achieved for the Council.

It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly considering end-user requirements, quality standards, sustainability, life cycle costing, and service benchmarks. An assessment of the best value for money outcome for any procurement should consider:

- All relevant whole of life costs and benefits, whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as, but not limited to, holding costs, consumables, deployment, maintenance and disposal.
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
- Financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history).
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining enough competitive quotations wherever practicable.
- Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced conforming offer.

4.3 Sustainable Procurement

"Sustainable Procurement" is defined as the procurement of goods and services that have less environmental, social, and local economic impact than competing products and services.

The Council is committed to sustainable procurement and, where appropriate, shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise negative environmental, social, and local economic impacts. Consideration shall be given to the inclusion of environmental evaluation criteria in the evaluation process and this shall be published as part of the quotation or tender process.

Sustainable considerations must be balanced against value for money outcomes in accordance with the Council's sustainability objectives.

Practically, sustainable procurement means the Council will always endeavour to identify and procure products and services that:

- a) are necessary;
- b) demonstrate environmental best practice in energy efficiency/and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- c) demonstrate environmental best practice in water efficiency;
- d) are environmentally sound in manufacture, use and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- e) can be refurbished, reused, recycled, or reclaimed shall be given priority and those that are designed for ease of recycling, remanufacture or otherwise to minimise waste; and
- f) ensure recycled products are procured competitively from licensed waste processing facilities; and
- g) encourage the development of competitive local business within its boundary, where economic benefits can be demonstrated.

Motor vehicle selection will feature the highest fuel efficiency available, based on vehicle type, have an ANCAP rating of 5, where practicable, and within the designated price range;

New buildings and refurbishments will use renewable energy technologies for energy infrastructure where available. Consideration shall be given to the use of enhanced energy conservation measures and enhanced thermal efficiency by design.

4.4 Local Purchase

Having due regard to quality, price and availability, preference will be given to local goods and services, from businesses within the Shire, wherever possible. When considering price - the price differential between local and non-local goods and services should fall within 15% variance in favour of the local supplier.

The variance ~~in~~is the cost for the supply of goods and services in West Arthur versus non-local supply plus freight.

Nothing prevents staff from seeking the supply of goods not specifically held in the local marketplace, though the intent of the policy is that every effort should be undertaken to find a local supplier before ordering externally.

Where goods are not readily available, nothing prevents Council staff from obtaining the goods from a non-local supplier when anticipated delivery of the goods will be sooner.

4.5 Purchasing Thresholds and Practices

The Purchasing Value, assessed in accordance with clause 4.2.4, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold (ex GST)	Purchasing Practice
Less than \$5,000 (ex GST)	Goods and services of a low risk, consumable item and occasional nature may be purchased without the need for a quotation. These goods or services must be ad hoc and not of a repetitive nature. Otherwise, a single written or verbal quotation may be required.
From \$5,000 and up to \$49,999 less than \$50,000 (ex GST)	<p>Seek at least two (2) verbal or written quotations from suitable suppliers.</p> <p>If purchasing from a WALGA PSA, CUA or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price.
From \$50,000 and up to \$249,999 less than \$250,000 (ex GST)	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations.

<p>Over \$250,000 and over (ex GST)</p>	<p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>OR</p> <p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation.</p> <p>The Shire will request quotations from Pre-Qualified Suppliers in accordance with the following processes:-</p> <ul style="list-style-type: none"> a) Establishing a Pre-Qualified Supplier Panel. b) Entering into a Contract with a Pre-Qualified Supplier. <p>The Council will ensure each Pre-Qualified Supplier will be invited to quote for the supply of goods and services by:</p> <ul style="list-style-type: none"> a) Maintaining a comprehensive panel register; and b) Inviting each Pre-Qualified Supplier to quote for the supply of goods and services. <p>When engaging a supplier from a Pre-Qualified Panel, the following must be undertaken.</p> <ul style="list-style-type: none"> a) A written specification must be prepared. b) Authorisation received from Officer assigned to the respected delegated limit to invite panel members to respond. c) Follow the process 'Entering into a Contract with a Pre-Qualified Supplier'. <p>The Council will ensure clear, consistent, and regular communication between prequalified panel members by:</p> <ul style="list-style-type: none"> a) Maintaining a comprehensive panel register; b) Providing to suppliers on the panel register regular information of upcoming opportunities; c) Notifying all panel members of quotation outcomes. <p>Factors which will be considered when distributing work include but are not limited to:</p> <ul style="list-style-type: none"> a) the Council's mandatory compliance requirements; b) cost; c) availability; d) capacity; e) project specific requirements. <p>All written information will be recorded and retained in accordance with Section 4.7 of the Procurement Policy.</p>
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Commented [VFL1]: Darren, the rest of this section seems to relate to local panels established by the Shire of West Arthur rather than, for example, WALGA panels. I think this needs to be clarified in the text.

Emergency Purchases	To be approved by the President or by the Chief Executive Officer under delegation and reported to the next available Council Meeting. An emergency purchase is defined as an unanticipated purchase which is required in response to an emergency as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.
LGIS Services Section 9.58(6)(b) Local Government Act	The suite of LGIS insurances <u>are</u> established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-based service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST).

Occasionally market testing shall be undertaken for regular trades (i.e. electrician) to ensure best value is maintained.

It is recognised that it is not always possible to obtain quotes for goods or services in regional areas, especially when considerable travel is required for a site visit to quote. Where it is not practical to obtain multiple written or verbal quotations the CEO may approve the purchase of goods and services where deemed appropriate without compliance with the protocol. If a purchase and the minimum protocol is not met, a file note signed by the CEO shall be completed detailing the reasons for not meeting the protocol.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement / specification is clearly understood by the employee seeking the verbal quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

4.6 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

4.7 Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained including:

- tender documentation;
- internal documentation;
- evaluation documentation;
- enquiry and response documentation;
- notification and award documentation.
- quotation documentation;
- internal documentation;
- order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire's internal records management policy.

5. Associated Documents

CEI01 Purchasing and Authorisation of Expenditure

Commented [VFL2]: I assume that specific guidance on procurement recordkeeping will be included in a procedure?

12.4 Review of Policies - Communities

File Reference:	2.30.1
Location:	N/A
Applicant:	N/A
Author:	Darren Friend – A/Manager Corporate Services
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	5 April 2022
Disclosure of Interest:	Nil
Attachments:	Policy C3.1 – CCTV Policy Policy C3.2 – Halls Policy Policy C3.4 – Edith Brown Management and Collection Policy Policy C3.5 – Community Archives Policy Policy C3.6 – Darkan Primary School Support Policy Policy C3.7 – Community Organisation Assistance Policy
Previous Reference:	N/A

Summary:

Council is requested to adopt the revised Policies relating to Communities.

Background:

Staff have reviewed the abovementioned Policies relating to Communities and Council is requested to adopt the revised policy.

Comment:

As part of the recent Financial and Risk Management Review conducted by Moore Australia and adopted by Council at its Ordinary Meeting held on 15 March 2022, it was recommended that changes/improvements needed to be made to several of Council's existing Communities policies.

These recommended changes include:-

Policy C3.4 – Betty Brown Historical Centre Management and Collection Policy

- Amend policy to require controls are in place for any third party or operational policies and procedures relating to property under the auspices of the Shire. These controls should aim to ensure any third party procedures or policies do not contradict or circumvent compliance requirements or approved processes and systems of the Shire.

Policy C3.6 – Darkan Primary School Support policy

- Review and amend the policy to set out the application and approval requirements for the provision of services by the Shire to support the Darkan Primary School or require procedures to be developed.

Additionally, staff have reviewed all policies relating to Communities and any minor changes are reflected in the attached revised policies.

Consultation:

Staff

Statutory Environment:

Local Government Act 1995 (WA)

Surveillance Devices Act 1998 WA

State Records Act 2000 (WA)

Aboriginal Heritage Act 1972.

Privacy Act 1988 (Commonwealth)

Copyright Act 1968

National Standards for Australian Museums and Galleries 1.5

Weapons Act 1999 and Weapons Regulations 1999.

First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries Guidelines of Ethical Practice of the Oral History Association of Australia

Policy Implications:

Policy C3.1 – CCTV Policy

Policy C3.2 – Halls Policy

Policy C3.4 – Edith Brown Management and Collection Policy

Policy C3.5 – Community Archives Policy

Policy C3.6 – Darkan Primary School Support Policy

Policy C3.7 – Community Organisation Assistance Policy

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low
Risk Likelihood (based on history and with existing controls)	Low
Risk Impact / Consequence	Low
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Low
Risk Action Plan (Controls or Treatment Proposed)	Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:
Simple Majority**Officer Recommendation:**

That Council adopts the attached revised Policies:

- Policy C3.1 – CCTV Policy
- Policy C3.2 – Halls Policy
- Policy C3.4 – Edith Brown Management and Collection Policy
- Policy C3.5 – Community Archives Policy
- Policy C3.6 – Darkan Primary School Support Policy
- Policy C3.7 – Community Organisation Assistance Policy

in accordance with the provisions of the:

- Local Government Act 1995
- Surveillance Devices Act 1998 WA
- State Records Act 2000 (WA)
- Aboriginal Heritage Act 1972.
- Privacy Act 1988 (Commonwealth)
- Copyright Act 1968
- National Standards for Australian Museums and Galleries 1.5
- Weapons Act 1999 and Weapons Regulations 1999.
- First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries
- Guidelines of Ethical Practice of the Oral History Association of Australia

Moved: _____

Seconded: _____

ATTACHMENTS

Policy C3.1 – CCTV Policy

Policy C3.2 – Halls Policy

Policy C3.4 – Edith Brown Management and Collection Policy

Policy C3.5 – Community Archives Policy

Policy C3.6 – Darkan Primary School Support Policy

Policy C3.7 – Community Organisation Assistance Policy



Shire of West Arthur Council Policy – CCTV Network

Policy Number	C3.1 Community
Policy Title	CCTV Network
Related Legislation	Surveillance Devices Act 1998 WA
Strategic Outcome Supported	Outcome 1.1 - The Shire is a safe place to live, strives to reduce risks and is prepared for emergencies.
Adopted by Council	20 October 2020
Review	12 April 2022

1. Objective

This policy provides guidelines for the management of Council's CCTV Network.

This Policy does not apply to CCTV systems on private property, as they do not fall under the jurisdiction of the Shire.

The CCTV Network will be operated with due regard to the privacy and civil liberties of individual members of the public, including the rights to freedom of religious and political expression and assembly.

2. Scope

This policy applies to all Council owned and managed unmonitored CCTV systems in the Shire of West Arthur.

3. Definitions

<u>Authorised officer:</u>	Chief Executive Officer of the Shire of West Arthur
<u>Authorised staff:</u>	Any staff member of the Shire of West Arthur or a Council appointed contractor who has been given approval by the Shire of West Arthur Authorised officer to undertake activities relating to the operation or management of the CCTV network.
<u>CCTV:</u>	Closed Circuit Television – video transmission from camera looped to a monitor – rewrites after limited data is used. Recordings only available for a limited time.
<u>Monitored installation:</u>	CCTV which provides real time observation of events so that real time responses can be initiated.
<u>Unmonitored installation:</u>	CCTV which captures evidence of events which can be acted upon subsequently.

4. Policy Statement

The Shire of West Arthur provides an unmonitored CCTV system to:

- Provide a deterrent to offences against person or property and antisocial behaviour.
- Assist in the investigation of offences and the identification of offenders.
- Increase the safety and security of residents and visitors.

in the following locations:

- Shire Depot
- Darkan Swimming Pool
- Other locations as determined by the Shire CEO

4.1 Ownership and Control

The CCTV system is owned by and is the sole property of the Shire of West Arthur. The system is under the control of the Shire CEO and may be delegated to authorised staff and/or to a third party who Council may engage under contract to manage and maintain the system.

4.2 Management and Maintenance

Council may contract out the management and maintenance of the CCTV system under a management agreement that is consistent with the terms of this policy.

4.3 CCTV Operation

All staff operating the CCTV system must be duly authorised by the Shire CEO. Authorised staff must adhere to the guidelines outlined in this policy.

The network includes stand-alone camera systems connected to a recording device in the server control room on site. All images are recorded and retained for a limited time dependent on amount of data used before it records over itself. Images are not kept unless they are required in relation to the investigation of a crime or other circumstances provided by law. No sound will be recorded.

4.4 Locations

Unmonitored cameras are located:

- Shire depot (6)
- Darkan Swimming Pool (2)
- Any other location as directed by the Shire CEO

4.5 Access to CCTV

Only authorised officers and staff are permitted to have access to the CCTV system. Other persons viewing the CCTV must be authorised by the Shire CEO.

4.6 Use of Recorded Material

The Shire will ensure that CCTV systems are used ethically at all times and in accordance with all relevant legislation and guidelines. The use of CCTV is regulated by the Surveillance Devices Act 1998 WA and this legislation prohibits the recording of "private activity" as defined by Section 3 of the Act.

Recorded material will not be sold or used for commercial purposes or the provision of entertainment.

The showing of recorded material to the public will be allowed only in connection with the investigation of a crime or in any other circumstances provided by law.

Appropriate security measures will be taken against unauthorised access to, alteration, disclosure, accidental loss or destruction of recorded material.

4.7 Partnership with WA Police

The Shire of West Arthur will make available any footage and provide access to the members of the WA Police Service for the purposes of investigation of a crime or other circumstances provided by law.

4.8 Records

The details of all material, if recorded and kept for the purposes of investigation of a crime or in any other circumstances provided by law, from the CCTV network will be registered in accordance with the State Records Act 2000.

5. Legislative and Strategic Context

The use of CCTV is regulated by the Surveillance Devices Act 1998 WA and this legislation prohibits the recording of “private activity” as defined by Section 3 of the Act.

Placement and use of surveillance cameras should also have regard to –

<https://www.wa.gov.au/government/publications/registration-of-cctv-systems-premiers-circular-200905>

6. Associated Documents



Shire of West Arthur Council Policy – Halls

Policy Number	C3.2 Community
Policy Title	Halls
Related Legislation	Local Government Act 1995 (WA)
Strategic Outcome Supported	Outcome 3.2 – Sustainable, well maintained quality facilities that support long term community needs.
Adopted by Council	Adopted 2009 Amended - 19 November 2019
Review	12 April 2022

1. Objective

To outline the Shire's and community's roles in the management, maintenance and improvements of Shire owned halls

2. Scope

The policy will apply to all halls owned by the Shire of West Arthur being Arthur River, Darkan, Duranillin, and Moodiarrup.

3. Definitions

Minor: generally less than \$300 in material and contract expense and/or less than 15 hours staff time per maintenance item i.e. repairs to doors or windows.

4. Policy Statement

The Shire of West Arthur owns halls in Arthur River, Darkan, Duranillin and Moodiarrup.

4.1 Arthur River Hall

The Arthur River Development Committee, which is a Committee of Council, manage and maintain the Arthur River Hall, including the original and the 1950s sections.

The Shire will hold all insurances (including building, volunteer, and liability), maintain fire extinguishers, pay for utilities, emergency services levy, removal of rubbish, provide annual white ant inspection, and assist the Committee with minor (including preventative) maintenance of the older original section of the hall.

Shire contributions towards improvements and major maintenance works will be considered by Council and will be subject to demonstrated use of the hall.

Public toilets, located at the rear of the hall, will be maintained by the Shire.

4.2 Darkan Hall

The Shire will manage and maintain the Darkan Hall. Fees and charges will be in accordance with those set annually.

4.3 Duranillin Hall

The Shire will hold building insurance for the hall, maintain fire extinguishers, provide annual white ant inspection, pay for utilities and emergency services levy.

Management of the hall is to be undertaken by the Duranillin Hall Committee including maintenance, improvements and use.

Public toilets, adjoining the hall, will be maintained by the Shire

Shire contributions towards capital improvements and major maintenance works will be considered by Council with consideration for demonstrated use of the hall.

4.4 Moodiarrup Hall

The Moodiarrup Hall is leased to the Moodiarrup Hall Committee Inc. In accordance with the lease agreement, the Committee manage the property including keeping the land and all buildings in condition and repair.

The Shire hold building insurance for the hall and toilet building, maintain the pump, provide an annual inspection for white ants, and spray the reserve for weed control on request.

Additionally, the Shire will pay for all utilities (in recognition of the power used for the pump which supplies water for Shire and firefighting purposes), emergency service levy and provide and maintain fire extinguishers.

5. Associated Documents

Arthur River Hall Report

Moodiarrup Hall Lease



Shire of West Arthur Council Policy – Betty Brown Historical Centre Management and Collection

Policy Number	C3.4 Community
Policy Title	Betty Brown Historical Centre Management and Collection Policy
Related Legislation	Local Government Act 1995 (WA) Aboriginal Heritage Act 1972. Weapons Act 1999 and the Weapons Regulations 1999. National Standards for Australian Museums and Galleries 1.5 First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries Guidelines of Ethical Practice of the Oral History Association of Australia
Strategic Outcome Supported	Outcome 1.4 - pride in our community and a strong sense of identity is forged from our cultural heritage and past and present achievements.
Adopted by Council	20 May 2020
Review	12 April 2022

1. Objective

This Management and Collection Policy will be used to guide the funding, establishment and management structure of the Betty Brown Historical Centre. In addition, it will assist with the collection and inclusion of items into the Betty Brown Historical Centre, in accordance with the key theme and sub-themes of the Centre. The procedures developed to implement these policies will be outlined in a separate document, the Collection Procedures Manual.

2. Scope

This Policy will apply to the Betty Brown Historical Centre and those involved in the management and operations thereof.

3. Definitions

Deaccessioning: the administrative process of removing an item from the collection.

4. Policy Statement

The Betty Brown Historical Centre and its collection are owned by the Shire of West Arthur. The Centre is housed in the old Road Board building within the West Arthur Health and Resource Centre. Normal access to the Centre will be during the CRC opening hours of 8.30am to 4.30pm with after hours by prior arrangement.

4.1 Centre Management

4.1.1 Museum Reference Group

The Centre will be managed by a Museum Reference Group (MRG) which will consist of a maximum of six members of which, up to three will be Shire of West Arthur Representatives (either staff or elected members) and up to three West Arthur Community Resource Centre (CRC) representatives (staff or nominated representatives). The MRG will be responsible for the operation of the Centre, the collection and cataloguing of items for inclusion in the Centre, and updating of policies and procedures associated with the Centre. The MRG will meet on an “as required” basis.

Specifically the MRG will be responsible for the following:

- recommending to Council procedures and guidelines associated with the management of the Centre;
- adopting and supporting the Collection Procedures Manual for the Centre;
- approving the Centre content (e.g. information for inclusion on panels, items to be included in the Centre);
- considering the annual budget needs and presenting to the Shire for budget consideration through the annual report;
- developing the long term vision for the Centre both financially and strategically through the Centre’s Forward Plan;
- overseeing short term planning and determining how new exhibits or programmes will be funded;
- approving significant changes to displays;
- recommending use of reserve/renewal funds to the Shire;
- approving who can open the Centre after hours/when it can be opened
- maintaining contact with relevant peak bodies and networks, in particular Museums Australia (WA); and
- identifying risks associated with the Centre and implementing strategies to manage these risks.

4.1.2 Role of Organisations in MRG

Each organisation within the MRG will have specifically allocated roles in the management of the Centre. The roles of each organisation are outlined below.

The Shire of West Arthur will be responsible for:

- managing Centre funds;
- meeting day to day operational and maintenance costs (power, cleaning materials, and consumables) excluding wages. All expenses are to be approved in advance by a Shire authorised officer;
- insuring the items contained within the collection and the display cases and panels in the Centre;
- cleaning the Centre a minimum of twice per week;
- payment of remuneration to the CRC for operating the Centre as part of the Memorandum of Understanding between the Shire and the CRC; and
- provision of staff to manage the Centre.

The CRC will be responsible for:

- ensuring the Centre is accessible to the public during opening hours;
- assisting visitors with enquiries;
- having a good understanding of the Centre and assisting patrons with electronic devices associated with the Centre (e.g. iPad and headphones) and managing the upkeep of the software on these devices; and
- ensuring the Centre is kept clean and tidy outside of normal Shire cleaning.

4.1.3 Centre Funding

The ongoing management of the Centre will be funded by the Shire of West Arthur. A portion of the money bequeathed to the Shire by Ms Betty Brown (\$50,000) plus funds remaining from the bequest following establishment has been annexed for future management. In addition to the bequeathed funds, the Shire will endeavour to allocate \$5,000 per annum, where possible, for the future upkeep and development of the Centre.

A donations box will be provided in the Centre and visitors will be encouraged to contribute to the donations box to assist with the Centre upkeep. Money from the donations tin will be managed by the Shire.

4.2 Collection Policy

The key theme for the Centre is to communicate the “Changing Role of Women in Agricultural Communities” with specific reference to the Shire of West Arthur. Subthemes of “Providing, Working, and Belonging” have been identified to assist with collection of items.

4.2.1 Method of Acquisition

The Centre will acquire objects for the permanent collection by donation, bequest, purchase or transfer. The Centre will consider conditional donations on a case by case basis. Loans will also be considered on a case by case basis. Decisions on items to acquire or loan will be made by the Museum Reference Group (MRG).

4.2.2 Acquisition Criteria

The MRG will consider the following criteria before approving acquisition of an object:

- **Relevance** - The Centre only collects objects that relate to the Centre’s purpose and key collecting areas and will not indiscriminately acquire objects that are not related to the themes described here.
- **Significance** - Priority is given to objects which are significant for their historic, aesthetic, scientific/research or social/spiritual value.
- **Provenance and Documentation** - Priority will be given to objects from the Shire of West Arthur and surrounding areas where the history of the object is known and associated documentation and support material can be provided. However, material may be obtained from other areas for comparative purposes where this enhances understanding of the key themes within the collections.
- **Condition, intactness, integrity** - The condition of the object must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the collection.
- **Interpretive Potential** - Objects that tell a story that adds to the interpretation of Centre themes will be prioritised.
- **Rarity** - Objects may be prioritised if they are rare examples of a particular kind of object.
- **Representativeness** - Objects may be prioritised if they are an excellent representative example of a particular kind of object
- **Duplications** - Objects that duplicate items already in the collection will not be accepted unless they are of superior condition and/or historic value. In such a case the duplicate may be considered for deaccessioning.
- **Legal Requirements** - The Centre only accept objects where the donor/vendor has legal title to the object.
- **Resource implications** - The Centre will consider its responsibility in relation to items that have highly specialised conservation, storage and display needs and the ability of the personnel to care for these items and the financial resources that maybe required to house such items.

4.3 Deaccessioning and Disposal

An object can be deaccessioned from the Centre's collection if:

- it does not comply with the current collection policy of the Centre;
- it is damaged beyond repair;
- the conservation and storage costs for it are beyond the means of the Centre;
- it is a lesser quality duplicate of an object the Centre already owns;
- it lacks any supporting information to enable proper identification or to establish its relevance to the collection; and
- a substantiated request for the return of the object to its original owner/donor is received. This could be the return of sacred material to Indigenous peoples.

Deaccessioning will be undertaken in accordance with Deaccession Procedures outlined in the Collection Procedures Manual.

In the event that the Centre needs to be closed, a resolution of council will be required.

5. Associated Documents

- Betty Brown Historical Centre Procedures Manual Rev 2 (draft)
- Betty Brown Historical Centre Annual Report (draft)
- Betty Brown Historical Centre Forward Plan (draft)



Shire of West Arthur Council Policy – Community Archives

Policy Number	C3.5 Community
Policy Title	Community Archives
Related Legislation	Local Government Act 1995 (WA) State Records Act 2000 (WA) Aboriginal Heritage Act 1972. Privacy Act 1988 (Commonwealth) Copyright Act 1968 National Standards for Australian Museums and Galleries 1.5
Strategic Outcome Supported	Outcome 5.2 - Accountable service delivery by Council and well trained, motivated, customer focussed staff
Adopted by Council	20 May 2020
Review	12 April 2022

1. Objective

To outline the role of the Shire and the Community in the establishment and management of a Community Archive Collection.

2. Scope

This policy applies to documents, objects or other items that document the cultural heritage of community groups or organisations within the Shire of West Arthur. It does not apply to records required for the daily management of community groups or organisations (such as financial records or documentation relating to incorporation).

3. Definitions

Deaccessioning: the administrative process of removing an item from the collection.

4. Policy Statement

4.1 What can be included in the Community Archives

The Community Archives will include historical documents and items from volunteer groups, clubs and organisations within the Shire of West Arthur. These groups may include craft groups, sports clubs, historical groups, church groups or other volunteer organisations.

Items stored in the Community Archives for each group can include (but are not limited to):

- Minute books
- Reports
- Ledgers
- Photographs
- Letters

4.2 Method of Acquisition

Community archives will initially comprise boxes currently stored by the Shire. Once the Archives are established, the Shire will advise other community groups that the option for storing historical items is available and then Community Archives will be acquired by donation from the community groups on an as required basis.

Acquisition may be limited by storage space available. This will need to be determined as Archives are sorted and stored. The method of acquisition will need to be modified once the initial influx of material is catalogued.

4.3 Acquisition Criteria

The Shire of West Arthur will consider the following criteria when assessing items for inclusion in the Community Archives:

- **Relevance** - The Shire will only retain items that relate to the community group's purpose and that have a historical importance in describing the cultural fabric of the group.
- **Significance** - Priority is given to objects which are significant for their historic, aesthetic, scientific/research or social/spiritual value.
- **Provenance** – Only items related to volunteer community groups based in the Shire of West Arthur will be included in the community archives.
- **Condition, intactness, integrity** - The condition of the object must be taken into consideration when assessing material for inclusion in the Archives. Badly damaged material will not normally be accepted into the collection.
- **Interpretive Potential** - Items that tell a story that adds to historical understanding of the group or organisation will be included.
- **Rarity** - Items may be prioritised if they are rare examples of a particular kind of object.
- **Representativeness** - Items may be prioritised if they are an excellent representative example of a particular kind of object
- **Duplications** - Items that duplicate items already in the archives will not be accepted unless they are of superior condition and/or historic value. In such a case the duplicate may be considered for deaccessioning.
- **Resource implications** - The Shire will consider its responsibility in relation to items that have highly specialised conservation, storage and display needs and the ability of the personnel to care for these items and the financial resources that maybe required to house such items. The Community Archives will largely be document based. Larger objects (such as uniforms) may be considered for inclusion in the Betty Brown Historical Centre.
- **Legal Requirements** – The Shire will only accept items where the legal ownership is transferred to the Shire.

4.4 Documentation and Record Keeping

The Shire shall at all times to maintain an effective documentation system in accordance with the Community Archives Collection Procedures Manual, 2020 (draft). All documentation including Archive Deposit Forms, Archive Agreement forms, Acquisition register and Database will be kept at the Shire office.

4.5 Storage and Conservation

The Community Archives will be stored in the Shire strong room in the Shire office. Additional storage maybe required and this will need to be determined after the initial establishment of the Archives.

4.6 Loans

The Shire will consider lending material to the relevant community group if requested by the community group that originally deposited the items in the Community Archives. Decisions relating to the borrowing of material will be made by the Shire representatives and will be undertaken on a case by case basis. The Shire will consider the length of time of the loan on a case by case basis.

4.7 Deaccessioning and Disposal

An object can be deaccessioned from the Community Archives collection if:

- it does not comply with the current collection policy of the Shire;
- it is damaged beyond repair;
- the conservation and storage costs for it are beyond the means of the Shire or the community group to which the object original belonged;
- it is a lesser quality duplicate of an object the Centre already owns;
- it lacks any supporting information to enable proper identification or to establish its relevance to the collection; and
- a substantiated request for the return of the object to the original community group is received. This could be the return of sacred material to Indigenous peoples.

Prior to an item being deaccessioned from the collection, the item identified for removal from the collection must be discussed with the relevant community group if it is still in operation, or a past member of that group if it is no longer in existence.

The community group's overseeing Committee must discuss the relevance of the object and advise the Shire on the appropriateness of the items inclusion in the Community Archives taking into consideration the criteria stated above before it is disposed of.

Once an item has been deemed no longer suitable for inclusion in the Community Archives it should be returned to the community group if this group still exists, wherever possible. If the community group no longer exists then every effort should be made to contact a past member of the community group to discuss the item. If after a thorough search this is impossible, the following procedures should be followed in the order outlined below:

1. Transferred to another appropriate institution;
2. Sold by public auction, where appropriate;
3. Used as an educative/interpretive tool; or
4. Destroyed or recycled if appropriate.

In the event that the Shire needs to close the Community Archives, a resolution of council will be required.

5. Associated Documents

Community Archives Collection Procedures (draft), 2020



Shire of West Arthur Council Policy – *Darkan Primary School Support*

Policy Number	C3.6 Community
Policy Title	Darkan Primary School Support
Related Legislation	Local Government Act 1995 (WA)
Strategic Outcome Supported	Outcome 1.2 - People of all ages have the support they require to live and participate in the community.
Adopted by Council	December 2013
Review	12 April 2022

1. Objective

- Clearly identify the works the Shire will provide to the school.
- Outline a commitment to maintaining a positive relationship and regular communication with the Darkan Primary School (DPS).

2. Scope

This policy will apply to the provision of services to the Darkan Primary School and relationships with DPS staff and support groups in the Shire of West Arthur.

3. Definitions

DPS: Darkan Primary School

4. Policy Statement

4.1 Commitment

The Shire of West Arthur acknowledges:

- that DPS is an integral part of the community and thus plays an important role in the social, economic and cultural life and composition of the West Arthur community

The Shire of West Arthur is committed to providing support to the DPS in the form of:

- use of machinery at no charge, where shire plant operators volunteer their time to operate the machinery
- provision of limited use of shire staff and machinery of up to 30 hours per annum to assist with minor non-routine activities where the school does not have the in-house resources to complete the task. Examples may be spraying the oval for weeds, spreading sand etc.
- provision of plant and staff at Shire “cost rates” for larger projects or regular routine activities (i.e. mowing oval).

Provision of staff and machinery is subject to the availability of resources.

Requests for financial assistance that fall outside of the CEO’s delegation for Community Financial Assistance will require a resolution of Council.

All requests for assistance to be authorised by the Principal of the DPS and submitted in writing to the CEO..

The Shire of West Arthur will maintain a positive relationship with the DPS by:

- providing a Shire Councillor representative for School Council;
- maintaining regular communication with the DPS Principal or representative to enable the Shire to stay abreast of current issues;
- supporting the DPS fostering opportunities to work with the community by forming partnerships with groups such as Tidy Towns, Landcare, Kid's Central and Seniors (intergenerational activities);
- Inviting the Principal and a parent representative to meet with the Shire Council at least once per year (May or June Council meeting where suitable).

5. Associated Documents

Shire of West Arthur Corporate Business Plan



Shire of West Arthur Council Policy – Community Organisation Assistance Program

Policy Number	C3.7 Community
Policy Title	Community Organisation Assistance Program
Related Legislation	
Strategic Outcome Supported	
Adopted by Council	
Review	

1. Objective

- To assist community organisations to develop and maintain community facilities located on land that is owned or vested in the Shire of West Arthur and used by community organisations.
- To improve and support the level of participation in recreational, cultural and community activities within the Shire of West Arthur.
- To increase the number and variety of recreational, cultural and community opportunities in the Shire.
- To positively contribute to the well being of the community.
- To assist community organisations through relief from Council imposed rates, fees and charges.
- To assist community organisations through financial assistance to defray running costs of community facilities.

2. Scope

Community groups, organisations, and sporting groups are encouraged to apply for assistance under the Community Organisation Assistance Program for projects in the following areas:

- Culture, arts and events
- Reimbursement or waiver of Council Property Rates
- Equipment and minor projects
- Community Facility Grant

3. Definitions

Nil

4. Policy Statement

4.1 Amount of funding available

Council will fund up to \$5,000 and no more than 50% of the total cost of a project. In special circumstances Council may consider a higher contribution; justification will need to be provided by the applicant. The applicant's contribution may include voluntary labour calculated at \$20 per hour. The applicant must demonstrate that they have tried to source funding elsewhere.

The application form may also be used for in-kind works by Council or use of Council plant where a shire plant operator has agreed to operate the plant in their own time free of charge.

4.2 Advertising

The availability of the Community Organisation Assistance Program will be advertised at least once per annum in the Shire newsletter and six monthly in the community paper the "Bleat."

4.3 Administration of financial assistance

Financial Assistance approvals shall be administered in accordance with the following:

Approval for financial assistance will only be considered for organisations within the Shire of West Arthur. The sale or transfer of any assets or equipment purchased with the assistance of the Community Financial Assistance Program cannot take place without prior Council approval. Where infrastructure or equipment is to be insured by the Shire it must remain an asset of the Shire.

Where the property is to remain an asset of the Shire, it must be purchased by the Shire. The community organisations contribution and any additional funding must be paid to the Shire. All groups, whether registered for GST or not, will be charged for GST. Where a group is not registered for GST, Council will make a donation equivalent to the cost of the GST to the organisation.

Where the property is to remain an asset of the organisation groups registered for GST will have their grant grossed up by 10% and will be required to produce a Tax Invoice.

Groups not registered for GST will be required to provide an ABN number, or complete a declaration form as to why their group does not have an ABN number. Such organisations will receive grant funds only (i.e. not grossed up amount).

A copy of the supplier's invoice or receipt must be provided to the Shire to substantiate purchase of agreed goods. All unexpended funds must be returned to the Shire of West Arthur within one month of the project's completion.

Funding will not be provided for any purpose or any project where the project has been commenced or where expenditure has been incurred prior to funding approval. i.e. Grants will not be provided retrospectively.

It is expected that Groups that receive funding will acknowledge Council's support in any advertising, promotion and any media publicity to the satisfaction of the Council.

4.4 How to apply

All applications shall be on the form available from the Shire Office which is attached to these guidelines. There is no closing date for applications, each application will be considered when it is received taking into consideration the information provided in the application and available funds.

The assessment process is expected to take up to two months. Where no financial contribution is requested and where the works requested are considered as minor, Councils CEO may approve the request.

An amount will be set aside annually for the Program, however if Council does not have sufficient funds at the time of the application Council may consider offering to contribute to the project in the next financial year.

COMMUNITY ORGANISATION ASSISTANCE PROGRAM - APPLICATION FORM

Name of Organisation: _____

Postal Address: _____

Contact Person: _____

Position in the Organisation: _____

Telephone: _____

Facsimile: _____

Email _____

I, acknowledge that the organisation and has resolved to accept the terms and conditions of this grant application as outlined in the guidelines.

Signature _____

Are you registered for GST purposes?

If yes, please provide your ABN: No _____

Project description/detail?

What specifically will council's contribution be used for?

How will your organisation and/or community benefit from this project?

How many members does your organisation have? _____

What attempts have been made to secure the financial assistance from other sources ?(i.e. Dept of Sport And Recreation, Healthways, Lotterywest, commercial sponsorships etc.) not applicable if requesting works only.

List any grants that you have applied for/or will apply for/ identify if approval has been received.

FUNDING AGENCY	AMOUNT	APPROVED
		YES NO PENDING
		YES NO PENDING
		YES NO PENDING

BUDGET (only if requesting financial assistance)

EXPENDITURE	COST (INCLUDING GST)
Voluntary Labour _____ hrs @ \$20 per hour	
Total Expenditure	

INCOME	
Applicant contribution cash and in-kind	
Other income – specify	
Council cash contribution requested	
Council works requested	
Total	

Additional Information

If requesting financial assistance, your application must include a copy of the audited financial statements of your organisation for the last two years.

Additional information may be provided including:

Needs analysis study

Feasibility study

Management plan

Quotes for expenditure on capital items or for engaging professional services.

13. FINANCE**13.1 Financial Reports – March 2022**

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	M King
Authorising Officer	V Fordham Lamont
Date:	1 April 2022
Disclosure of Interest:	N/A
Attachments:	Financial Reports – March 2022
Previous Reference:	N/A

Summary:

Consideration of the financial reports for the period ending 31 March 2022

Background:

The financial reports for the periods ending 31 March 2022 are included as attachments.

Comment:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

Consultation:

Not applicable.

Statutory Environment:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

Policy Implications:

Not applicable.

Financial Implications:

Not applicable.

Strategic Implications:

Not applicable.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Officer Recommendation:

That the financial report for the period ending 31 March 2022 as presented be accepted.

Moved: _____

Seconded: _____

ATTACHMENT

Financial Report – March 2022

SHIRE OF WEST ARTHUR
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 March 2022

	Note	Annual Budget 2021/2022 \$	YTD Budget (a) \$	YTD Actual (b) \$	Var. \$ (b)-(a) \$	Var. % (b)-(a)/(a) %	Var.
Opening Funding Surplus (Deficit)	2	1,162,486	1,162,486	1,162,486	0	0%	
Revenue from operating activities							
Rates		1,776,244	1,776,244	1,776,264	20	0%	
Operating Grants, Subsidies and Contributions	6	813,807	570,097	647,669	77,572	14%	▲
Fees and Charges		262,985	216,550	256,260	39,710	18%	▲
Interest Earnings		36,389	22,642	14,249	(8,393)	(37%)	
Other Revenue		71,872	53,904	50,218	(3,686)	(7%)	
Profit on Disposal of Assets		6,799	0	1,129	1,129		
		2,968,096	2,639,437	2,745,789	106,352		
Expenditure from operating activities							
Employee Costs		(1,869,777)	(1,711,328)	(1,787,535)	(76,207)	(4%)	
Less overhead and wage allocations			320,029	327,945	7,916		
Materials and Contracts		(811,033)	(723,810)	(758,169)	(34,359)	(5%)	
less Pdepn and POC allocations			210,583	215,792	5,209		
Utility Charges		(93,534)	(62,356)	(54,803)	7,553	12%	
Depreciation on Non-Current Assets		(2,140,359)	(390,730)	(383,977)	6,753	2%	
Interest Expenses		(25,232)	(19,430)	(19,430)	0	0%	
Insurance Expenses		(103,791)	(103,791)	(103,527)	264	0%	
Other Expenditure		(36,500)	(18,250)	(24,403)	(6,153)	(34%)	
Loss on Disposal of Assets		(5,350)	0	(2,968)	(2,968)		
		(5,085,576)	(2,499,083)	(2,591,075)	(91,992)		
Operating activities excluded from budget							
Add back Depreciation		2,140,359	390,730	383,977	(6,753)	(2%)	
Adjust (Profit)/Loss on Asset Disposal		(1,449)	0	1,839	1,839		
Adjust Provisions and Accruals		0	(32,833)	(32,833)	0	0%	
Amount attributable to operating activities		21,430	498,251	507,697	9,446		
Investing activities							
Grants, Subsidies and Contributions	6	995,128	440,540	448,602	8,062	2%	
Proceeds from Disposal of Assets		64,228	0	38,432	38,432		▲
Land and Buildings	7	(579,700)	(35,000)	(35,168)	(168)	(0%)	
Infrastructure Assets - Roads	7	(1,138,717)	(684,439)	(688,632)	(4,193)	(1%)	
Infrastructure Assets - Other	7	(586,188)	(170,000)	(165,344)	4,656	3%	
Plant and Equipment	7	(530,115)	(385,715)	(385,712)	3	0%	
Furniture and Equipment	7	(8,500)	(8,500)	(6,437)	2,063	24%	▲
Amount attributable to investing activities		(1,783,864)	(843,114)	(794,259)	48,855		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		28,087	13,927	13,927	0	0%	
Transfer from Reserves	5	1,237,967	0	0	0		
Repayment of Debentures		(96,883)	(75,134)	(75,134)	0	0%	
Transfer to Reserves	5	(569,223)	(4,338)	(3,901)	437	10%	▲
Amount attributable to financing activities		599,948	(65,545)	(65,108)	437		
					0		
Closing Funding Surplus (Deficit)	2	0	752,078	810,816	58,738	8%	

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 1 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 1: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2021/22 year is \$10,000 or 10% whichever is the greater.

Operating Grants, Subsidies and Contributions

51,128	General Purpose Grant above budget - permanent variance
23,142	WALGGC - Roads Grant above budget - permanent variance

Fees and Charges

39,937	Caravan Park Income is above budget. Includes \$21,627 employee accommodation (non cash). - permanent variance
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Employee Costs

(76,207)	Employee costs greater than budget due to Council decision made 3 November 2021 and payment of entitlements. Permanent variance Recognition of accommodation for staff at caravan park chalet (non cash). Partly offset by vacant positions.
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Materials and Contracts

(25,986)	Fire shed for Arthur River ESL funded. Will be offset by income. Council decision Sep 21. Will be moved to capital expenditure. Permanent variance
(51,583)	Plant operation costs are above budget. Fuel cost increase and increased plant repairs. Permanent variance
(25,518)	Storm damage expenditure. Council approval November 21. Expected reimbursement to offset. Permanent variance
23,750	Bridge maintenance below budget. Permanent variance
14,530	Refuse collection below budget. Permanent variance
(11,584)	Lake Towerrinning furniture - reallocation of funding (funded by LRCI) - Timing variance
42,032	There are several non reportable variances which partly offset the additional expenditure.

Proceeds from Disposal of Assets

37,302	Sale of Toyota Prado - unbudgeted. Council decision Nov 21. Permanent variance.
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SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2021	31 Mar 2022
		\$	\$
Current Assets			
Cash Unrestricted	3	1,261,046	981,732
Cash Restricted	5	2,892,467	2,896,368
Cash Restricted - unspent grants		296,748	118,294
Receivables - Rates	4	145,377	142,080
Receivables - Other	4	241,642	51,909
Inventories		23,433	23,433
		4,860,713	4,213,816
Less: Current Liabilities			
Payables		(509,012)	(388,338)
Unspent grants, contributions and reimbursements 20/21		(296,748)	(118,294)
Unspent grants, contributions and reimbursements current 21/22		0	0
		(805,760)	(506,632)
Less: Cash Reserves	5	(2,892,467)	(2,896,368)
Net Current Funding Position		1,162,486	810,816

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	186,204			186,204	NAB	0.01%	At Call
Municipal Bank - Bendigo	33,222			33,222	Bendigo	0.01%	At Call
Municipal Cash Maximiser	0			0	NAB	0.01%	At Call
Trust Bank Account			2,689	2,689	NAB	0.01%	At Call
Trust Cash Maximiser			10,269	10,269	NAB	0.01%	At Call
Reserve Cash Maximiser		4		4	NAB	0.01%	At Call
Bendigo Reserve		9		9	Bendigo	0.10%	At Call
(b) Term Deposits							
Municipal term deposit	400,000			400,000	NAB	0.43%	5/04/2022
Municipal term deposit	480,000			480,000	Bendigo	0.29%	7/04/2022
Reserve term deposit		1,278,005		1,278,005	NAB	0.34%	28/06/2022
Reserve term deposit		1,618,350		1,618,350	Bendigo	0.25%	27/06/2022
Trust term deposit			60,000	60,000	NAB	0.29%	7/04/2022
Total	1,099,426	2,896,368	72,958	4,008,752			

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 4: Receivables

Receivables - Rates Receivable	31 Mar 2022	30 June 2021	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Years	237,534	199,932	Receivables - General	8,103	316	468	42,257	51,144
Levied this year (incl rubbish & ESL)	1,876,228	1,847,083						
<u>Less Collections to date</u>	(1,882,483)	(1,809,481)	Balance per Trial Balance					
Equals Current Outstanding	231,279	237,534	Sundry Debtors					0
Add paid in advance	2,958		Receivables - Other					0
Net Rates Collectable	234,237	237,534	Total Receivables General Outstanding					51,144
% Collected	89.06%	88.40%						
Less Recognised as doubtful	(92,157)	(92,157)						

Amounts shown above include GST (where applicable)

90+ day amount includes funding including \$36,669 LRCI to be received when annual report/acquittal finalised and accepted.

\$5,714 outstanding instalments.

\$2,103 pensioner rebates to be processed

\$242,683 was outstanding at the 31 March 2021.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 5: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	210,490	842	284	0	0	(25,000)	0	186,332	210,774
Plant Reserve	522,877	2,102	705	310,000	0	(465,887)	0	369,092	523,582
Building Reserve	677,641	2,712	914	85,650	0	(515,000)	0	251,003	678,555
Town Development Reserve	71,305	285	96	0	0	(70,000)	0	1,590	71,401
Recreation Reserve	162,775	651	220	0	0	0	0	163,426	162,995
Heritage Reserve	5,755	23	8	300	0	0	0	6,078	5,763
Community Housing Reserve	153,767	610	207	20,000	0	(25,000)	0	149,377	153,974
Waste Management Reserve	122,370	489	165	0	0	(100,000)	0	22,859	122,535
Darkan Swimming Pool Reserve	44,081	176	59	5,000	0	0	0	49,257	44,140
Information Technology Reserve	50,306	201	68	50,000	0	0	0	100,507	50,374
Darkan Sport and Community Centre Reserve	289,516	1,158	390	30,000	0	0	0	320,674	289,906
Arthur River Country Club Renewal Reserve	34,043	136	46	6,000	0	0	0	40,179	34,089
Museum Reserve	128,155	497	173	0	0	(5,000)	0	123,652	128,328
Moodiarrup Sports Club Reserve	13,539	58	18	5,000	0	0	0	18,597	13,557
Landcare Reserve	37,871	173	51	0	0	(17,080)	0	20,964	37,922
Corporate Planning and Valuation Reserve	34,836	139	47	0	0	(15,000)	0	19,975	34,883
Kids Central Members Reserve	1,607	3	2	5,704	0	0	0	7,314	1,609
The Shed Reserve	12,258	47	17	0	0	0	0	12,305	12,275
Recreation Trails Reserve	1,214	5	2	0	0	0	0	1,219	1,216
Community Gym Reserve	11,026	34	15	0	0	0	0	11,060	11,041
Economic Development Reserve	73,617	294	99	40,000	0	0	0	113,911	73,716
Road Reserve	233,418	934	315	0	0	0	0	234,352	233,733
	2,892,467	11,569	3,901	557,654	0	(1,237,967)	0	2,223,723	2,896,368

Note: Reserve transfers are generally completed at year end unless funds are required sooner.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 6: Grants and Contributions	Grant Provider	Type	Opening Balance (a)	Budget Operating (b)	Capital (c)	YTD Actual Revenue (f)	(Expended) (g)	Unspent Grant (a)+(f)+(g) \$	Comment
General Purpose Funding									
Grants Commission - General	WALGGC - General Purpose Grant	Operating	0	279,900	0	261,053	0	0	Grant income expected to be \$68,172 above budget
Grants Commission - Roads	WALGGC - Local Roads Grant	Operating	0	237,417	0	201,205	0	0	Grant income expected to be \$30,855 above budget
Law, Order and Public Safety									
FESA Grant - Operating Bush Fire Brigade	Dept. of Fire & Emergency Services	Operating - Tied	0	43,126	0	32,781	(32,781)	0	
Federal Road & Community Infrastructure - St Johns Building	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	75,000	0	0	0	0	Project reallocated
Housing									
Community Housing Repairs	Dept of Communities	Operating - Tied	0	10,495	0	10,495	(10,495)	0	Recognised as income when corresponding expenditure recognised
Community Amenities									
Federal Road & Community Infrastructure - Seat	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	2,000	0	2,000	(2,000)	0	Seat ordered.
Recreation and Culture									
Federal Road & Community Infrastructure - Railway reserve and cricket wicket	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	77,000	24,008	(24,008)	0	
Federal Road & Community Infrastructure - Swimming pool	Dept. of Infrastructure, Transport, Regional Development and Communications	Operating - Tied	0	20,000	0	0	0	0	Project reallocated.
Federal Road & Community Infrastructure - Lake Towerrinning shade and landscaping	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	27,996	38,407	(37,537)	870	Additional LRCI funds allocated to project.
Heritage Inventory	Dept of Planning, Lands & Heritage	Operating - Tied	0	9,198	0	9,198	(4,774)	4,424	
Community event grants	Unknown	Operating - Tied	0	1,000	0	0	0	0	
Transport									
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	320,264	136,568	(136,568)	0	
Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	102,073	102,073	(102,073)	0	Shown as a liability until spent, then recognised as income
RRG Grants - Capital Projects	Regional Road Group	Non-operating	0	0	350,884	140,354	(140,354)	0	Shown as a liability until spent, then recognised as income
Federal Road & Community Infrastructure Direct Grant	Main Roads - Direct Grant	Non-operating	0	0	38,000	113,000	0	113,000	Line marking project reallocated. Reseal projects new allocation.
Operating		Operating	0	134,671	0	134,671	0	0	
Economic Development									
Kylie Dam Project	Department of Water	Non-operating	0	0	53,911	0	0	0	
Federal Road & Community Infrastructure - Potable water	Dept. of Infrastructure, Transport, Regional Development and Communications	Non-operating	0	0	25,000	8,062	(8,062)	0	
TOTALS			0	812,807	995,128	1,213,875	(498,652)	118,294	
SUMMARY									
Operating	Operating Grants, Subsidies and Contributions		0	651,988	0	596,929	0	0	
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	160,819	0	54,474	(50,050)	4,424	
Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	995,128	562,472	(448,602)	113,870	
TOTALS			0	812,807	995,128	1,213,875	(498,652)	118,294	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
Furniture									
Other Property & Services									
	Printer	0	(6,437)	(6,437)	0	(8,500)	(8,500)	2,063	
	Furniture Total	0	(6,437)	(6,437)	0	(8,500)	(8,500)	2,063	
Land and Buildings									
Housing									
	Renovations to existing joint venture community housing units	0	0	0	0	(25,000)	(25,000)	25,000	
Community Amenities									
	Chalet completion	0	(23,612)	(23,612)	(1,000)	(25,000)	(26,000)	2,388	
	Toilet - Bowelling (grant to be sourced for materials)	0	0	0	(8,700)	0	(8,700)	8,700	
Other Property & Services									
	Staff housing improvements/renovations	0	0	0	(8,300)	(50,000)	(58,300)	58,300	
	New staff house	0	(11,556)	(11,556)	(11,700)	(450,000)	(461,700)	450,144	Land has been purchased.
	Buildings Total	0	(35,168)	(35,168)	(29,700)	(550,000)	(579,700)	544,532	
Infrastructure									
Community Amenities									
	Darkan Refuse Site	0	0	0	(20,000)	(100,000)	(120,000)	120,000	
Recreation And Culture									
	Darkan Railway Reserve - redevelopment of play and youth area	(3,366)	(115,324)	(118,690)	(30,000)	(220,000)	(250,000)	131,310	
	Cricket oval infrastructure - wicket	(368)	(6,573)	(6,941)	0	(17,000)	(17,000)	10,059	
	Lake Towerrinning - Shade and landscaping	(5,198)	(25,953)	(31,151)	0	(40,000)	(40,000)	8,849	
Transport									
	Slip lane car park off Burrowes Street	0	0	0	(34,073)	(19,115)	(53,188)	53,188	
Economic Development									
	Kylie Dam Water Project	0	(500)	(500)	(14,000)	(67,000)	(81,000)	80,500	
	Potable water Infrastructure	0	(8,062)	(8,062)	0	(25,000)	(25,000)	16,938	
	Infrastructure Total	(8,932)	(156,412)	(165,344)	(98,073)	(488,115)	(586,188)	420,844	
Plant , Equip. & Vehicles									
Transport									
	Prime Mover	0	(163,656)	(163,656)	0	(170,000)	(170,000)	6,344	
	Side Tipping Trailer	0	(20,600)	(20,600)	0	(120,000)	(120,000)	99,400	
	Passenger Vehicle	0	(51,725)	(51,725)	0	(52,225)	(52,225)	500	
	Forklift	0	(22,325)	(22,325)	0	(25,000)	(25,000)	2,675	
	Road Broom	0	0	0	0	(45,000)	(45,000)	45,000	Will not be purchased this year.
	Utes	0	(107,123)	(107,123)	0	(104,000)	(104,000)	(3,123)	
	Mower	0	(10,890)	(10,890)	0	(13,890)	(13,890)	3,000	
	Spray unit	0	(9,393)	(9,393)	0	0	0	(9,393)	Council decision Nov 21
	Plant, Equip & Vehicles Total	0	(385,712)	(385,712)	0	(530,115)	(530,115)	144,403	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 March 2022

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
Roads									
Regional Road Group									
	Boyup Brook Arthur Road	(126,798)	(113,735)	(240,533)	(158,152)	(126,856)	(285,008)	44,475	
	Bowelling Duranillin Road	(8,190)	(2,547)	(10,737)	(146,055)	(104,307)	(250,362)	239,625	
	Regional Road Group Total	(134,988)	(116,282)	(251,270)	(304,207)	(231,163)	(535,370)	284,100	
Roads to Recovery									
	Darkan South Road - Slip Lane and Intersection	(26,337)	(22,704)	(49,041)	(28,850)	(29,600)	(58,450)	9,409	
	Darkan South Road - Widening Corners	(78,976)	0	(78,976)	(67,652)	(40,220)	(107,872)	28,896	
	Sandalwood Road	(86,141)	(9,852)	(95,993)	(83,641)	(26,480)	(110,121)	14,128	
	Moodiarrup South Road	(63,790)	0	(63,790)	(46,394)	(12,450)	(58,844)	(4,946)	Allocations above budget, materials will be below.
	Darkan South Road	(471)	0	(471)	(47,664)	(51,100)	(98,764)	98,293	Project reallocated.
	Roads to Recovery Total	(255,715)	(32,556)	(288,271)	(274,201)	(159,850)	(434,051)	145,780	
Road and Community Infrastructure Program									
	Bowelling Dura, Darkan South, Moodiarrup Changerup Centre line	0	(4,989)	(4,989)	0	(38,000)	(38,000)	33,011	Project reallocated LRCI.
	Shire Funded Total	0	(4,989)	(4,989)	0	(38,000)	(38,000)	33,011	
Shire Funded									
	Burnett Road	(75,249)	0	(75,249)	(53,011)	(11,031)	(64,042)	(11,207)	Allocations above budget
	Cordering North Road	(68,853)	0	(68,853)	(50,019)	(11,690)	(61,709)	(7,144)	Allocations above budget
	Collie South East Road	0	0	0	(225)	(5,320)	(5,545)	5,545	
	Shire Funded Total	(144,102)	0	(144,102)	(103,255)	(28,041)	(131,296)	(12,806)	
	Roads Total	(534,805)	(153,827)	(688,632)	(681,663)	(457,054)	(1,138,717)	450,085	
	Capital Expenditure Total	(543,737)	(737,556)	(1,281,293)	(809,436)	(2,033,784)	(2,843,220)	1,561,927	

13.2 Accounts For Payment – March 2022

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	D Friend
Authorising Officer	V Fordham Lamont
Date:	1 April 2022
Disclosure of Interest:	N/A
Attachments:	Cheque Listing – March 2022
Previous Reference:	N/A

Summary:

Council to endorse payments of accounts for March 2022 as listed.

Background:

The schedule of accounts for payment is included as an attachment for Council information.

Comment:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

Consultation:

There has been no consultation.

Statutory Environment:

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making
 - (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
 - (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under sub regulation (1) or (2) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

There are no strategic implications.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Officer Recommendation:

That Council endorses, in accordance with clause 13 of the Local Government (Financial Management) Regulations 1996 and delegated authority, payment of Municipal Fund vouchers

Creditors EFT 040322.01 to 040322.25 & 170322.01 to 170322.24	\$152,716.17
Creditors Debits & Bpay	\$15,684.30
Salaries & Wages - Net Pays	\$173,263.47
Bank Fees & Charges - Direct Debit	\$206.16
DoT Licensing Transfers	\$12,776.05

Totalling \$354,646.15 as per the attached detailed listing.

Moved: _____

Seconded: _____

ATTACHMENT

Accounts for Payment Listing – March 2022

Date	Number	Name/Payee & Description of Goods and Services	Amount
4/03/2022	040322.01	ABCO PRODUCTS 13L TERRACYCLIC BIODEGRADABLE REFILL CARTRIDGE - 1 BOX	\$715.45
4/03/2022	040322.02	ADROIT INFORMATION MANAGEMENT MANUAL RECORDS MANAGEMENT SYSTEM 50% PAYMENT	\$4,125.00
4/03/2022	040322.03	BLACKWOOD BASIN GROUP (INC) LANDCARE SUPPORT FOR JANUARY 2022	\$1,293.60
4/03/2022	040322.04	BURGESS RAWSON KYLIE DAM(2021-22) & WATER CONSUMPTION FOR ROSE GARDEN	\$1,252.45
4/03/2022	040322.05	CHIA, KERRY N REIMBURSE FOR SUPPLIES FOR SHEEPFEST	\$43.54
4/03/2022	040322.06	CJD EQUIPMENT PTY LTD PARTS & REPAIRS - FILTERS & BRAKES	\$631.75
4/03/2022	040322.07	COLLIE ELECTRICAL SERVICES CHECK ELECTRICAL PROBLEM IN DOCTORS ROOMS	\$133.38
4/03/2022	040322.08	DARDANUP BUTCHERING COMPANY CONSUMABLES - MOW	\$110.83
4/03/2022	040322.09	DEPARTMENT OF FIRE AND EMERGENCY SERVICES 2021/22 ESL QUARTER 3 CONTRIBUTION	\$16,526.40
4/03/2022	040322.10	G & M DETERGENTS DISPOSABLE RESPIRATORS	\$420.00
4/03/2022	040322.11	HERSEY'S SAFETY PTY LTD WORKSHOP CONSUMABLES - 15kg RAGS, 12 X SAFETY GLASSES, FLY REPELLANT	\$354.62
4/03/2022	040322.12	INTEGRATED ICT VARIOUS HARDWARE PURCHASES AND SOFTWARE SUPPORT	\$13,164.80
4/03/2022	040322.13	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA 2 DAY COURSE IN PROJECT MANAGEMENT ESSENTIALS FOR KERRY N CHIA	\$860.00
4/03/2022	040322.14	NARROGIN CARPET COURT 15 NANGIP CR - CARPET FOR 2 BEDROOMS	\$1,650.00
4/03/2022	040322.15	P & S GRIGGS PLUMBING BACKFLOW TESTING OF LOT 298 HORWOOD & REPLACE ELECTRIC HWS 10 GIBBS ST	\$1,870.00
4/03/2022	040322.16	PARKER BLACK & FORREST PTY. LTD. KEYS FOR PADLOCK SYSTEM - KEY LEVEL 3101	\$117.70
4/03/2022	040322.17	PFD FOOD SERVICES PTY LTD 500 RECTANGULAR PLASTIC CONTAINERS WITH LIDS	\$189.75
4/03/2022	040322.18	PHOENIX GLASS SUPPLY AND INSTALL SHOWER PANEL AT 18 GIBBS ST DARKAN	\$680.00
4/03/2022	040322.19	PUTLAND MOTORS PARTS,REPAIRS & SERVICING COUNCIL PLANT	\$2,591.50
4/03/2022	040322.20	SIGNS PLUS CEO BADGE	\$34.50
4/03/2022	040322.21	SOUTH WEST ISUZU 3 SETS OF FILTERS FOR T1, T3,T22	\$983.70
4/03/2022	040322.22	TOLL TRANSPORT PTY LTD FREIGHT CHARGES	\$24.51
4/03/2022	040322.23	TRADELINK BUNBURY LEFT GRABRAIL & STRAIGHT SS GRAB RAIL	\$137.19
4/03/2022	040322.24	WAGIN EARTHMOVING Excavator Hire to dig grave	\$770.00
4/03/2022	040322.25	WHITE AMY REIMBURSE CONSUMABLES - CLEANING SUPPLIES	\$53.05
17/03/22	170322.01	AUSTRALIA POST COPY PAPER, STAMPS, ENVELOPES & POSTAGE	\$423.87
17/03/22	170322.02	BLACKWOOD BASIN GROUP (INC) LANDCARE SUPPORT FOR FEBRUARY 2022	\$1,293.60
17/03/22	170322.03	BUNCE, GEOFF REIMBURSE GLOSS PAINT - HISTORICAL PROJECT & NUMBERS 1 AND 2 FOR CHALETs	\$59.91
17/03/22	170322.04	COHESIS PTY LTD INFORMATION TECHNOLOGY AND COMMUNICATIONS 50% INITIAL INVOICE	\$5,225.00
17/03/22	170322.05	DARDANUP BUTCHERING COMPANY 8KG WHOLE CHICKEN, 1.5KG BEEF MINCE, 2.5KG PORK MINCE ESTIMATE \$110.00	\$105.65
17/03/22	170322.06	DARKAN AGRI SERVICES ASSORTED CONSUMABLES, PROTECTIVE CLOTHING & SUPPLIES	\$3,130.55

Date	Number	Name/Payee & Description of Goods and Services	Amount
17/03/22	170322.07	DKM WORKPLACE SOLUTIONS PREPARE A COVID-19 PANDEMIC PLAN, ONGOING COVID ADVICE - COMMUNITY PREPAREDNESS, EMPLOYEE CLOSE CONTACT ADVICE	\$2,077.90
17/03/22	170322.08	EASIFLEET MANAGEMENT- MOUNTSVILLE PTY LTD SALARY SACRIFICE PAYMENTS BUNCE - MONTH OF MARCH 22	\$1,318.99
17/03/22	170322.09	FLEAYS STORE OFFICE & KITCHEN CONSUMABLES	\$27.00
17/03/22	170322.10	FORDHAM LAMONT, V REIMBURSE REMOVALIST & FUEL COSTS	\$3,924.56
17/03/22	170322.11	FUELS WEST PETROLEUM 13,000 LITRES DIESEL & 3,000 LITRES UNLEADED	\$26,230.38
17/03/22	170322.12	GREAT SOUTHERN FUEL SUPPLIES DIESEL FOR DARKAN FIRE TRUCK	\$265.39
17/03/22	170322.13	INTEGRATED ICT ACER B247Y MONITORS, DEVICE SETUP & IT REMOTE SUPPORT AGREEMENT	\$3,190.00
17/03/22	170322.14	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA Advertise Manager Corporate Services position	\$165.00
17/03/22	170322.15	MUIR, JAMES REIMBURSE DIESEL FUEL	\$51.00
17/03/22	170322.16	P & S GRIGGS PLUMBING BACKFLOW TESTING - QUINDANNING RD STANDPIPE & DARKAN CARAVAN PARK	\$460.00
17/03/22	170322.17	PROMPT SAFETY SOLUTIONS MAINTENANCE OTHER - Yearly Generic Traffic Management Plan & TGS's.	\$2,750.00
17/03/22	170322.18	SIGMA CHEMICALS SWIMMING POOL CHEMICALS AND CONSUMABLES	\$848.10
17/03/22	170322.19	SOS OFFICE EQUIPMENT PHOTOCOPIER BILLING FEBRUARY 2022 APEOSPORT C4570	\$134.80
17/03/22	170322.20	WARREN BLACKWOOD WASTE DOMESTIC WASTE, COMMERCIAL WASTE & RECYLING BINS FEB2022	\$2,465.30
17/03/22	170322.21	WEST COAST PROFILERS RRG Boyup Brook Arthur Rd Stabilisation SLK 23.19-24.59	\$45,101.54
17/03/22	170322.22	WESTRAC BUNBURY Repair/Replace fuse panel in D6 Dozer	\$4,517.71
17/03/22	170322.23	WHITAKER, G & K FLIPPERS FOR DARKAN SWIM CLUB	\$149.75
17/03/22	170322.24	WHITE AMY REIMBURSE CLEANING CONSUMABLES	\$66.45
4/03/22	Debit	TELSTRA MOBILE PHONE USAGE AND SERVICE CHARGES	\$70.00
17/03/22	Debit	SYNERGY ELECTRICITY USAGE AND SUPPLY CHARGES - COUNCIL BUILDINGS & FACILITIES - DEC 21 TO FEB 22	\$7,186.22
17/03/22	Debit	TELSTRA ADMIN, CRC, DEPOT & POOL LINE CALLS AND CHARGES - FEB/MAR 2022	\$880.13
17/03/22	Debit	WATER CORPORATION SERVICE CHARGE FOR 10 KING STREET 1/3/-30/4 2022	\$44.95
22/03/22	Bpay	AUSTRALIAN TAXATION OFFICE FEB 22 BAS	\$7,503.00
3/03/22	EFT	NAB On-Line Net Payroll - F/E 02/03/2022	\$56,052.08
17/03/22	EFT	NAB On-Line Net Payroll - F/E 16/03/2022	\$62,931.66
31/03/22	EFT	NAB On-Line Net Payroll - F/E 30/03/2022	\$54,279.73
2/03/22	DirectDebit	BENDIGO BANK MERCHANT FEE BENDIGO	\$116.57
31/03/22	DirectDebit	NATIONAL AUSTRALIA BANK FEE ACCOUNT 086724 508314385 FEES	\$38.60
31/03/22	DirectDebit	NATIONAL AUSTRALIA BANK NAB Connect Fees	\$40.99
31/03/22	DirectDebit	NATIONAL AUSTRALIA BANK FEE ACCOUNT TRUST	\$10.00

Shire of West Arthur
 Accounts for Payment Detail March 2022

Date	Number	Name/Payee & Description of Goods and Services	Amount
		Summary	Amount
		Creditors EFT 040322.01 to 040322.25 & 170322.01 to 170322.24	\$152,716.17
		Creditors Debits & Bpay	\$15,684.30
		Salaries & Wages - Net Pays	\$173,263.47
		Bank Fees & Charges - Direct Debit	\$206.16
		DoT Licensing Transfers	\$12,776.05
			\$354,646.15

13.3 Fees & Charges – Animal Impounding Fees

File Reference:	3.15.1
Location:	N/A
Applicant:	N/A
Author:	Darren Friend – A/Manager Corporate Services
Authorising Officer	Vin Fordham Lamont – Chief Executive Officer
Date:	4 April 2022
Disclosure of Interest:	Nil
Attachments:	Draft Fees & Charges – Animal Impounding
Previous Reference:	N/A

Summary:

Council is requested to adopt the attached fees and charges relating to dog and cat impounding and upkeep.

Background:

A recent incident where a dog was impounded after being caught wandering at large has shown that Council does not have any proper fees relating to impounding and upkeep of dogs whilst impounded.

Comment:

Staff have spoken to the Ranger in Collie and obtained the fees and charges of that Council in relation to the impounding and feeding/sustenance of any impounded animal.

It appears that Council has erred in its reference to the respective legislation in its current Fees and Charges relating to this matter and this should be corrected immediately.

These changes are reflected in the attached extract from the Schedule of Fees and Charges and, subject to any resolution of Council will need to be advertised in accordance with the provisions of the Local Government Act.

Consultation:

Staff

Statutory Environment:

Dog Act 1976

Cat Act 2012

Local Government Act 1995

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low
Risk Likelihood (based on history and with existing controls)	Low
Risk Impact / Consequence	Low
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Low
Risk Action Plan (Controls or Treatment Proposed)	Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Officer Recommendation:

That Council:

- adopts the attached Fees and Charges in relation to the Dog Act and Cat Act – Impounding and Upkeep of Impounded Animals;
- advises that the new Fees apply forthwith and;
- advertises the revised Fees and Charges in accordance with Section 6.19 of the Local Government Act 1995.

Moved: _____

Seconded: _____

ATTACHMENT

Draft Fees & Charges – Animal Impounding

**SHIRE OF WEST ARTHUR
SCHEDULE OF FEES AND CHARGES
2021/22 - Amended**

	Legislation	Details	GST (excl) \$	GST \$	Fee
LAW, ORDER AND PUBLIC SAFETY					
		<u>Dogs</u>			
I052110		Impounding fee and sustenance			
		Dog Pound Fee	55.00	Free	55.00
		Dog Sustenance Charge (per day)	22.73	2.27	25.00
		Surrender of Dog	105.00	Free	105.00
		<u>Cats</u>			
I052110		Impounding fee and sustenance			
		Cat Pound Fee	55.00	Free	55.00
		Cat Sustenance Charge (per day)	22.73	2.27	25.00
		Surrender of Cat	105.00	Free	105.00
I052110	Infringements and Penalties	Cat Act 2011, Dog Act 1976, Local Laws			as per legislation

13.4 Fees and Charges – Nissen Hut – Darkan Caravan Park

File Reference: 8.1.1
Location: Darkan Caravan Park
Applicant:
Author: Darren Friend – A/Manager Corporate Services
Authorising Officer: Vin Fordham Lamont – Chief Executive Officer
Date: 7 April 2022
Disclosure of Interest: Nil
Attachments: Draft Fees & Charges – Nissen Hut
Previous Reference:

Summary:

Council is requested to adopt the attached fees and charges relating to hire of the Nissen Hut at the Darkan Caravan Park.

Background:

The Nissen Hut at the Darkan Caravan Park has been refurbished recently and is available for hire on-site. The Hut has rudimentary facilities and is best suited for self-contained campers or groups e.g. Scouts and Guides.

Comment:

Council is required to set a daily fee for the Nissen Hut, bearing in mind that it is suited to campers with swags who would still require use of the camp kitchen and ablutions. The proposed daily charge takes these into account.

These charges are reflected in the attached Schedule of Fees and Charges extract.

Consultation:

Staff

Statutory Environment:

Local Government Act 1995 (WA)
Caravan Parks and Camping Grounds Act 1995

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Risk Implications:

Risk	Low
Risk Likelihood (based on history and with existing controls)	Low
Risk Impact / Consequence	Low
Risk Rating (Prior to Treatment or Control)	Low
Principal Risk Theme	Low
Risk Action Plan (Controls or Treatment Proposed)	Low

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority

Officer Recommendation:

That Council:

- adopts the attached Fees and Charges in relation to the Nissen Hut at the Darkan caravan Park;
- advises that the new Fees apply forthwith and;
- advertises the revised Fees and Charges in accordance with Section 6.19 of the Local Government Act 1995.

Moved: _____

Seconded: _____

ATTACHMENT

Draft Fees & Charges – Nissen Hut

**SHIRE OF WEST ARTHUR
SCHEDULE OF FEES AND CHARGES
2021/22 - Amended**

Legislation	Details	GST (excl) \$	GST \$	Fee	
ECONOMIC SERVES					
1132040	<u>Darkan Caravan Park</u>				
	Site (2 people) - three nights at price of two nights.	Per night	18.18	1.82	20
	Extra person (each)/Use of shower only	Per night	4.55	0.45	5
	Site (2 people)	Per week	109.09	10.91	120
	Extra person (each)	Per week	27.27	2.73	30
	Chalet (2 people) - staying one night only	Per night	145.45	14.55	160
	Chalet (2 people) - two or more nights	Per night	118.18	11.82	130
	Chalet - extra person per night	Per night	13.64	1.36	15
	Washing Machine	Per cycle	2.73	0.27	3
	Dryer	Per cycle	0.91	0.09	1
	Nissen Hut	Per night	54.55	5.45	60

14. PLANNING AND TECHNICAL SERVICES**14.1 Heritage List Local Planning Policy**

File Reference:	6.5.14
Location:	Shire of West Arthur
Applicant:	N/A
Author:	G Lush (Planning Consultant)
Authorising Officer	V Fordham Lamont (CEO)
Date:	5 April 2021
Disclosure of Interest:	Nil
Attachments:	1. Draft Local Planning Policy No 3

Summary:

To consider the draft Local Planning Policy required to give statutory effect to the Shire's Heritage List. The Heritage Survey is prepared under the Heritage Act 2018 and it identifies and records places that are, or may become, of cultural heritage significance in its district.

The Heritage List is prepared under the Planning and Development (Local Planning Schemes) Regulations 2015. The purpose is to provide for the identification of places and areas of heritage value so that development in the Scheme can, as far as possible, be consistent with the conservation of heritage values.

Background:

Council at its Meeting on the 15th February endorsed the Shire of West Arthur's Local Heritage Survey for public advertisement. This included the draft Heritage List which is an appendix to the Heritage Survey.

All the places on the Heritage List are subject to special development provisions in the Scheme and Regulations which include requiring:

- a) The site to be properly maintained; and
- b) Planning approval for any development.

The provisions in the Local Planning Scheme and Regulations provide for general development control. The consideration of heritage-related applications can be done considering the principles contained in State Planning Policy 3.5 Historic Heritage Conservation (SPP 3.5).

It is intended, however, that local governments tailor local planning to fit the local conditions and to meet the requirements of their local planning strategy. One of the key mechanisms for this is the local planning policy, which can be used to guide both the formulation of applications and their subsequent assessment and determination.

The Local Planning Policy will assist both Council and residents in clarifying how the local planning scheme will be applied in relation to heritage places.

The draft Local Planning Policy is contained as Attachment 1 and this has been prepared having regard to the Department of Planning Lands and Heritage's heritage policy template. It has also been reviewed by the Heritage Consultant and Project Officer.

Comment:**Development Approval**

The Regulations stipulate that unless otherwise provided for then a planning approval is required for any development of a Heritage Place including:

- Any demolition works including for ancillary structures; sheds, pergolas, cubby houses flag poles etc;

- Any internal building work that does not materially affect the external appearance of the building;
- The erection of, or alterations or additions to, a single house on a lot; including ancillary structures;
- The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.
- Works to change an existing sign that has been erected or installed on land.
- The installation of a water tank.
- The erection or installation of a flagpole.
- The installation of solar panels on the roof of a building.
- Maintenance and repair works.
- Works that are urgently necessary for any of the following in relation a single house; or an ancillary dwelling; or fixture:
 - (a) public safety;
 - (b) the safety or security of plant or equipment;
 - (c) the maintenance of essential services;
 - (d) the protection of the environment.

Council can through the Local Planning Policy modify the above. It can also nominate what provisions apply to the level of heritage significance e.g.:

- Exceptional Significance (Category 1- Register of Heritage Places); and
- Considerable Significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS).

The above development provisions specifically relate to private properties. There are thirteen (13) private properties in the Heritage Survey which are classified as Category 1 or 2 as shown below.

Ref No	Address	Description
12	9873 (Lot 10) Coalfields Hwy	CWA meeting rooms
16	9889 (Lot 4) Coalfields Hwy	Darkan Hotel
27	9994 (Lot 1) Coalfields Hwy	Darkan Sawmill/Mill Houses
35	182 (Lot 59) Darkan South Road	Nangip Homestead
36	3094 (Lot 1) Darkan-Quindanning Rd	Six Mile Cottage
38	17053 (Lot 13914) Albany Hwy	The Arthur Wool Shed
39	16882 (Lot 803) Albany Hwy	St Paul's Anglican Church
44	17961 (Lot 503) Albany Hwy	Woagin Farm out buildings
71	Lot 3 Coalfields Hwy	Bowelling Station Masters House (fmr)
90	35 (Lot 6) Farrell St	Duranillin Store
91	39 (Lot 8) Farrell St	Duranillin Garage (fmr)
138	Lot 1299 Trigwell Bridge Rd	Haddleton Shearing Shed
140	Lot 1299 Trigwell Bridge Rd	Trigwell Bridge School

A more detailed table is provided as Table 1 in the attached draft Local Planning Policy.

Property Definition

The inclusion is a site or place in the Local Planning Policy will trigger the application of the nominated development provisions. The detailed reference table includes the formal property details being the lot number and survey plan.

Where only part of the property is relevant than this needs to be clearly stated and the area has to be defined, otherwise the statutory provisions in the Scheme will apply to the whole of that property. It is normally assumed that the development provisions apply to the curtilage for each place. Curtilage means the immediate area surrounding the “site” but there is no formal definition of curtilage, in terms of distance.

The Policy can have an overarching definition which could be a 20 metre setback form the perimeter of the subject building. This can also be increased for specific sites including larger rural properties.

Internal Alterations

The Planning Regulations stipulate that internal building works for a heritage building need a planning approval. It also provides that this can be waived where the interior of the building is specified as not being of cultural heritage significance.

The Heritage Consultant has advised that:

- a) It is the place that is recognised and listed which includes the interior as it is integral to a built place.
- b) The cultural heritage significance of interiors has not been determined for any places, and it is not a requirement of a local heritage survey or a Heritage List- or a heritage assessment for a development.
- c) No places have had interior inspections, and it is not part of an inventory process - it is only required for State Register assessments.
- d) A Development application for a place on the Heritage List would be considered relevant to the impact on the elements of significance of the place per the Statement of significance, so no statements in this inventory reference the interiors, so they would be a minor if any consideration of a development Application that had some impact on the interior.

The options are:

- For the Policy should clearly state where the interior is not considered to be of significance and so no Planning Application is required;
- Require a Planning Application and consider it on its merits based upon the extent and nature of the proposed works; or
- Allow for minor works to be approved under delegation.

The draft Policy specifically excludes interiors. This means that any interior works will not need Council’s approval unless they form part of a larger proposal affecting the exterior of the building.

Bushfire Prone Land

The bushfire policy framework applies to both town planning and building construction. Under State Planning Policy SPP3.7 Planning in Bushfire Prone Areas, Council is to have regard to bushfire management when considering any development application on bushfire prone land. This is part of an integrated balanced planning process where bushfire is just one consideration and heritage would another. In relation to any planning approval, the Council has discretion as to what is any bushfire management measures are required.

The position is more difficult under the Building Act 2011. For the development of residential buildings (Class 1, 2 or 3 buildings or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings) in a bushfire prone area, the bushfire construction requirements of the Building Code of Australia will be applied at the building permit stage irrespective of the planning assessment process. These may then limit any heritage works especially in terms of external building materials. The Council has no discretion for this.

Consultation:

- Heritage Consultant
- Department of Planning Lands and Heritage

The draft Local Planning Policy will need to be advertised by:

- A notice in the local community newspaper;
- Notification to all the affected landowners; and
- Publication on the Shire web site.

In addition to this an information sheet with frequently asked questions (FAQs) should be prepared.

It is noted that the owner of the Darkan Sawmill/Mill Houses (Site No 27) has objected to the proposed Category 2 classification. This will be reviewed by the Heritage Consultant with a recommendation presented to Council following the advertising of the Policy.

Statutory Environment:

Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions) relate to Heritage protection and these apply to all local government planning schemes. These require that:

- 1 The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- 2 The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless:
 - (a) notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry;
 - (b) invites each owner and occupier to make submissions on the proposal within a period specified in the notice;
 - (c) carries out any other consultation the local government considers appropriate; and
 - (d) following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.

There is a minimum period of 21 days for the public advertising.

The above also reflects the advertising requirements for a Local Planning Policy.

Policy Implications:

The Heritage Survey and List are important strategic documents for the municipality.

Financial Implications:

None

Strategic Implications:

Shire of West Arthur's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025

Outcome 1.3 - A unique identity and a strong connection to our past

Outcome 4.3 – Our cultural heritage is preserved and promoted

Risk Implications:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other. The greater the risk rating, the greater the risk and the higher the need for specific plans

to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	The policy is not progressed to adoption and the Shire does not have a consistent approach to managing its heritage resulting in the loss of significant places.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (16)
Risk Likelihood (based on history and with existing controls)	Likely (4) as owners generally oppose additional controls and red tape.
Risk Consequence	Major (4)
Principal Risk Theme	Compliance failure Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Ensure the Council and community are aware of the benefits of establishing a policy to manage its heritage.

Description of Key Risk	There is strong opposition from sections of the Community to the Policy measures.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (8)
Risk Likelihood (based on history and with existing controls)	Unlikely (2) as this is a statutory requirement.
Risk Consequence	Major (4)
Principal Risk Theme	Compliance failure Inadequate environmental management
Risk Action Plan (Controls or Treatment Proposed)	Ensure that the advertising process highlights: a) The justification for introducing the proposed measures b) The balanced approach to negotiating a practical development outcome.

Voting Requirements:

Simple Majority

Officer Recommendation:

- 1 That Council adopt for advertising draft Local Planning Policy No 3 Heritage Places (as contained in Attachment 1) pursuant to Clause 3 Division 2, Part 2 of the Deemed provisions.
- 2 That the draft Policy be advertised for a minimum period of 21 days by:
 - A notice in the local community newspaper;
 - Notification to all the affected landowners; and
 - Publication on the Shire web site.
- 3 That following the completion of advertising Council will consider any submissions which have been received and resolve to modify or adopt the Heritage Survey, List and Local Planning Policy for final approval.
- 4 That in conjunction with the final adoption of Local Planning Policy No 3, Council will also consider modifying Local Planning Policy No 1 Permitted Development and Local Planning Policy No 2 Rural Sheds to maintain consistent provisions.

Moved: _____

Seconded: _____

ATTACHMENT

Draft Local Planning Policy No 3

Policy Register Reference **X.X**



Local Planning Policy No 3

Heritage Places

Adopted xxx xxxxxxxx

Amended [dates and details of any amendments]

1 Introduction

1.1 Statutory Background

This policy is adopted under deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 which enables the Shire of West Arthur to prepare local planning policies for any matter related to the planning and development of the Scheme area. The local planning policy can only have effect where consistent with the deemed provisions and local planning scheme.

1.2 Purpose

To provide guidance on the assessment of development proposals which affect heritage protected places.

1.3 Objective

The objectives of the policy are:

- To conserve and protect places of cultural heritage significance that are identified on the Heritage List.
- To ensure that developments do not adversely impact the significance of heritage places on the Heritage List.
- To ensure that heritage significance is given due weight in local planning decision making.
- To provide certainty to landowners and community about the planning processes for identification and protection of places identified in the Heritage List.

2 Application

- a) This Policy applies to any places of Exceptional Significance (Category 1- the Heritage Council of Western Australia's Register of Heritage Places) and Considerable significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS) as listed in Table 1.
- b) The Deemed Provisions apply to the either property, or to the curtilage around the nominated Heritage object as referenced in Table 1.
- c) The Deemed Provisions do not apply to the interior of any building listed in Table 1. The intention is that no development approval is required for internal building work that does not materially affect the external appearance of the building.

3 Definitions and Terms

Unless otherwise noted, terms used in this policy have common meanings and include those defined in the *Planning and Development Act 2005*, *Planning and Development (Local Planning Schemes) Regulations 2015*, and the *Heritage Act 2018*.

Deemed Provisions

Are the -provisions contained in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Curtilage

For the purpose of this Policy the curtilage means a 20m radius around the nominated Heritage object.

Heritage Area

Means an area designated as a heritage area under Clause 9 of the Deemed Provisions.

Heritage Agreement

A contract under Part 7 of the Heritage Act 2018 is undertaken on a voluntary basis by the owners of a heritage place. The agreement binds current and successive owners to a set of conservation conditions and may provide compensating benefits in some circumstances. The purpose of a Heritage Agreement is to secure the long-term conservation of a heritage place.

Heritage Assessment

A systematic assessment that describes a place and its setting and states its significant heritage values in terms of the criteria adopted by the Heritage Council of Western Australia (HCWA). These criteria are the aesthetic, historic, social and scientific values of the place.

Heritage Impact Statement

A Heritage Impact Statement (HIS) describes and evaluates any potential impact of proposed development on the significance of a heritage place and its setting, or on the heritage area within which it is situated. The report may also outline measures by which any detrimental impact may be minimised. The Heritage Council of Western Australia (HCWA) provides guidelines for the preparation of Heritage Impact Statements.

Heritage List

A list of heritage places that has been adopted under the Local Planning Scheme are places of the highest levels of cultural heritage significance (Categories 1 and 2) that have been included within the Local Heritage Survey and assessed as being worthy of conservation, by inclusion on the Heritage List.

Heritage Place

As defined in Section 7(1) of the Heritage Act being:

- (a) archaeological remains;
- (b) buildings, structures, other built forms, and their surrounds;
- (c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;
- (d) gardens and man-made parks or sites;
- (e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.

R-Codes

Means the Residential Design Codes prepared by the Western Australian Planning Commission under section 26 of the Act, as amended from time to time.

4 Policy Statement

The Local Planning Strategy for the Shire of West Arthur highlights the importance of heritage places to the amenity of the Shire's built environment.

The Shire has a significant collection of heritage assets as identified in the Local Heritage Survey. The Heritage List identified in the Local Heritage Survey calls for the conservation and protection of those assets.

This policy:

- Builds on the heritage conservation objectives in the Heritage List.
- Applies the development control principles contained in the State Planning Policy 3.5 Historic Heritage Conservation.
- Provides guidance for the proposed development of places in the Heritage List.
- Details procedures for making applications for approval of heritage-related developments.

5 Development control principles

5.1 Development Application

In considering any planning applications in relation to a place in the Heritage List, the Shire of West Arthur will apply and have regard to the development control principles set out in sections 6.5 and 6.6 of State Planning Policy 3.5 Historic Heritage Conservation (2007) and in particular:

- a) Whether the proposed development will adversely affect the significance of any heritage place or area, including any adverse effect resulting from the location, bulk, form or appearance of the proposed development.
- b) Measures proposed to conserve the heritage significance of the place and its setting.
- c) The structural condition of a place, and whether a place is reasonably capable of conservation.

5.2 Levels of Significance

The level of heritage significance of a place is one of the matters considered in determining an application. The following levels of significance (Categories 1 and 2) have been assessed as the most significant in the Shire of West Arthur's Local Heritage Survey, and therefore form the Heritage List.

This Policy is relevant to places of Exceptional Significance (Category 1- Register of Heritage Places) and Considerable significance (Category 2) as identified in the Heritage List in the Local Heritage Survey (LHS).

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Exceptional significance HERITAGE LIST <u>Category 1</u>	Essential to the heritage of the locality Rare or outstanding example.	The place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists).
Considerable significance HERITAGE LIST <u>Category 2</u>	Very important to the heritage of the locality. High degree of integrity/authenticity.	Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.

5.3 Bush Fire Prone Land

5.3.1 Non Residential Buildings

Development of a Heritage building which is located on bushfire prone land may be required to provide a bushfire assessment and/or bushfire management plan as directed by the Shire.

5.3.2 Residential Buildings

The development of Class 1, 2 or 3 buildings or Class 10a buildings or decks associated with Class 1, 2 or 3 buildings in a bushfire prone area, the bushfire construction requirements of the Building Code of Australia will be applied at the building permit stage irrespective of the planning assessment process. This will require:

- A Bushfire Attack Level (BAL) Assessment to be prepared; and/or
- A bushfire management plan as directed by the Shire.

5.4 Applications for development approval – accompanying material

An applicant may be required to provide one or more of the following reports to assist in the determination of a development application. This is additional to the requirement for accompanying material set out in the Local Planning Scheme and the Model Scheme Text.

- a) Where an application relates to a place on the Heritage List, it must be accompanied by a statement identifying existing relevant heritage fabric of the place, and how the proposed development responds to the heritage values of the place.
- b) Works including new development within a heritage area, or that otherwise propose changes that will be substantially visible from the public domain, may be required to provide street elevations.

- c) Minor works will need to demonstrate that the development will not have an adverse effect on the cultural heritage significance of the place, but may not require submission of all accompanying material, at the discretion of the Shire.

5.5 Heritage Impact Statement (HIS)

If a development proposal is substantial, to determine the potential impact on the heritage place a Heritage Impact Statement may be required. A heritage impact statement (HIS) describes and evaluates the likely impact of a proposal. It is a clear and concise account of the proposed work that addresses three basic questions:

- How will the proposed development affect the significance of the place?
- What alternatives have been considered to minimise any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

5.6 Register of Heritage Places (Category 1)

If a proposal affects a place that is entered in the Register of Heritage Places, the Shire will refer the development application to the Heritage Council of Western Australia, together with a Heritage Impact at the applicant's expense.

5.7 Proposed demolition

A structural condition assessment is required in the case of proposed demolition if structural failure is cited as a justification for the demolition of a place in the Heritage List. The structural evidence should be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.

5.8 Archival recording in the case of demolition

If the proposed demolition application of a place in the Heritage List a condition of approval, may require the applicant to submit an archival record of the place, prior to the commencement of development.

The archival record is to be in accordance with the Heritage Council's standard for archival recording. Completed archival records are to be submitted to the Shire of West Arthur in electronic format and will form part of the local government historical records.

5.9 Conditions of approval

Where a development application for a heritage place is approved with conditions, those conditions may be used to secure positive heritage outcomes, in addition to any standard condition.

Any condition of approval must have planning purpose, and be relevant and reasonable, and may include an archival record or entry into a heritage agreement.

5.10 Shire owned/managed property

The Shire of West Arthur will seek to lead by example by conserving and managing its own property in accordance with this policy.

6 Review

6.1 Amendments to the Heritage List

The procedures for adding, deleting, or amending entries to the Heritage List are set out in the Local Planning Scheme.

The Heritage List should include, as a minimum, all those places identified in the Local Heritage Survey as being of Exceptional Significance: Category 1 (Register of Heritage Places) or Considerable Significance: Category 2.

The Shire may amend the Heritage List in the following situations:

- Consider inclusion of a place in the Heritage List if the findings of a reviewed Local Heritage Survey support it.
- A place is nominated for inclusion by the owner or a member of the public if assessment documentation to the required standard is provided by the nominator.
- If not, consideration will be deferred until a review of the Heritage List is scheduled.
- The inclusion of a place may be considered if a heritage assessment is prepared as part of a Heritage Impact Statement submitted by an applicant.
- Consider removing a place from the Heritage List if it is demolished or is damaged or destroyed, to the extent that its significance is significantly impacted or lost.

The Shire will retain a record of all places destroyed, demolished and/or removed from the Heritage List, to monitor the rate of losses over time.

6.2 Review Position and Date

Review to be authorised by the Chief Executive Officer each five years. The next review will be in 2027.

6.3 Associated Documents

Burra Charter 2013.

Heritage Act 2018

The Burra Charter 2013

State Planning Policy 3.5 Historic Heritage Conservation

Heritage Council's

Criteria for the assessment of local heritage places and areas

Heritage Impact Statement- a guide 2019

Guide to preparing an Archival record

Local Heritage Survey 2022
Heritage List 2022

7 Adoption

Denotes private land

The curtilage is 20m unless otherwise noted.

No	Cat	Address					Curtilage Or Property	Description
		No	Street	Lot	Plan	Reserve		
2	2	29	Burrowes St	201	410870		Curtilage	Darkan Road Board Office
9	2		Coalfields Hwy	500 502	55441 55441	49175 49176	Curtilage	War Memorial and gates
10	2		Coalfields Hwy					Darkan Railway Station Precinct
a				500	55441	49175	Curtilage	Station office
b				501	55441	49176	Curtilage	Station Master's House
c				502	55441	49176	Curtilage	Railway Crane & Loading Ramp
12	2	9873	Coalfields Hwy	10	11576		Curtilage	CWA meeting rooms
16	2	9889	Coalfields Hwy	4	2560		Curtilage	Darkan Hotel
17	2		Coalfields Hwy	420	77655	37824	Property	Aboriginal Reserve and Nissan Hut (caravan park)
18	2	1	Burrowes St	184	170348	10340	Curtilage	Darkan School 1908 and 1950s sections only.
20	2	76	Moodiarrup Road	147	130048	11741	Property	Darkan Cemetery
22	2	32	Hillman St	25	222360	11299	Property	Darkan Town Hall
23		32	Hillman St	25	222360	11299	Property	Darkan Pioneer Hall
27	2	9994	Coalfields Hwy	1	17669		Property	Darkan Sawmill/Mill Houses
35	2	182	Darkan South Road	59	233116		Curtilage	Nangip Homestead
36	2	3094	Darkan-Quindanning Rd	1	9770		Curtilage	Six Mile Cottage
38	1	17053	Albany Hwy	13914	205606		Property	The Arthur Wool Shed group
39	1	16882	Albany Hwy	803	302487		Property	St Paul's Anglican Church, Graveyard & Sandalwood Trees
40	1		Albany Hwy					Arthur River Precinct
a				2	75533		Curtilage	Mount Pleasant Inn Kitchen
b				201	65470	21211	Curtilage	Arthur River Hall

No	Cat	Address					Curtilage Or Property	Description
		No	Street	Lot	Plan	Reserve		
c				2	75533		Curtilage	Arthur River Post Office (fmr)
44	2	17961	Albany Hwy	503	72421		Curtilage	Woagin Farm out buildings
70	2		Coalfields Hwy			A Railway	Curtilage	Bowelling Railway Station
71	2		Coalfields Hwy	3	129064		Property	Bowelling Station Masters House (fmr) Phone exchange
89	2		Farrell St			A Railway	Curtilage	Duranillin railway siding & ramp
90	2	35	Farrell St	6	141056		Property	Duranillin Store
91	2	39	Farrell St	7 & 8	141056		Property	Duranillin Garage (fmr)
93	2	27	Horley St	37	403107	21612	Property	Duranillin School
97	2					A Railway	Curtilage	Duranillin Railway Bridge over Arthur River
98	2		Hughes Mill Road			VCL	Curtilage	Duranillin Road Bridge ruins
109	2	139	Glenorchy Rd			21786	Property	Glenorchy School
113	2		Hillman-Dardadine Rd			A Railway	Curtilage	Hillman railway bridge ruins
117	2		Hillman-Dardadine Rd	2594	5741	16904	Curtilage	Hillman Dam, channels and catchment
120	2		Bokal East Arthur Rd			A Railway	Curtilage	Kylie Railway Siding water tower
121	2		Bokal East Arthur Rd				Curtilage	Kylie Dam, 3 kms from the siding.
128			Boyup Brook Arthur Rd				Curtilage	Moodiarrup Hall
133			Lake Towerrinning Rd	50	4750 32648	24917	Curtilage	Lake Towerrinning and Rediversion
138			Trigwell Bridge Rd	1299	106510		Curtilage	Haddleton Shearing Shed
139			Trigwell Bridge Rd				Curtilage	Trigwell Bridge ruin
140			Trigwell Bridge Rd	1299	106510		Curtilage	Trigwell Bridge School

14.2 Rural Subdivision

File Reference:	A38
Location:	Lot 3722, 3723, 6364 Noble Rd Arthur River
Applicant:	Thompson Surveying Consultants
Author:	Geoffrey Lush (Planning Consultant)
Authorising Officer	Vin Fordham Lamont - CEO
Date:	12 April 2021
Disclosure of Interest:	Nil
Attachments:	1 Existing Lots 2 Subdivision Plan

Summary:

To consider the referral of subdivision application by the WAPC (Ref No 162094) for the re-subdivision of three rural lots i.e. no additional lots being created.

Background:

The subject land is situated on the corner of Albany Highway and Noble Road. It is owned by the Ramulamb Grazing Co Pty Ltd (K and J Atherton). The subject land is shown in Attachment 1 and consists of:

- Lot 3722 DP111159 having an area of 214 hectares. This extends for 2.6kms to the Arthur River and has an unconstructed road reserve along its eastern boundary.
- Lot 3723 DP111155 having an area of 340 hectares. This contains the existing dwelling and outbuildings.
- Lot 6364 DP121520 having an area of 49.77 hectares. This property is adjacent to the Arthur River and it is land locked with no gazetted road access.

There is a significant area of bushland being approximately 175 hectares along the southern portion of the site on both sides of the Arthur River.

The proposed subdivision is shown in Attachment 2 and will re-subdivide the property into three lots as follows:

- Lot 101 will have an area of 4.01 hectares located on Noble Road near the existing dwelling.
- Lot 102 will have an area of 413 hectares and includes the existing dwelling; and
- Lot 103 will have an area of 187 hectares and include the southern bushland area. This will have a frontage of 135m to Albany Highway.

The applicant has advised that:

- The intention of the application is to facilitate their daughter and her family moving back to the area by providing them with a section of land on the farm on which to build the family home.
- The location of the 4 hectare lot fronting Noble Road is fenced on the eastern and southern boundaries and is positioned in harmony with existing farming practice.
- A primary requirement of the commission is to protect the vegetated portion of the property to the south. To that end we have included all of the vegetated portion of the property onto one lot. The vegetated portion is already fenced off from the main farming portion of the land. The vegetated portion will also be further protected by the creation of a conservation covenant over this lot. The commission also requested a building envelope of approximately 1 hectare in area be included on the conservation lot. This is located in the north east corner of the lot, fronting the gazetted road reserve. Any future building on this lot will require council approval to constructed access to Noble Road.
- It is not the intent of the current owners to market any of this land. The sole purpose of the proposal is to provide a property for the daughters family to build their home on.

Comment:

There are several issues with the application while noting that encouraging family member to return to the district is beneficial.

The justification for the application is that there are no additional lots being created. This also means that there are no additional entitlements for new dwellings. This assumes that Lot 6364 can currently be developed and this is not necessarily correct as:

- Lot 6364 is land locked with formal access and hence approval for a dwelling is required under Clause 5.17 of the Scheme; and
- As Lot 6364 is fully vegetated any proposed house site is likely to have a BAL-40/FZ rating which then needs a planning approval under the Deemed Provisions. Even assuming that sufficient land can be cleared to obtain a suitable BAL rating, the site will be surrounded by an extreme bushfire hazard.

The applicant has also submitted that as no additional lots are being created, it is not necessary to undertake any bushfire assessment. This only applies where there is no intensification of the land use.

Proposed Lot 101

Clause 5.18.4(b) of the Scheme relates to the creation of homestead lots. These are normally done to recognise an existing dwelling, whereas in this instance it would be a vacant lot.

All of Lot 101 is designated as being bushfire prone and normally a new subdivision application would require a Bushfire Management Plan to be submitted. There is bushfire prone vegetation on both the eastern and western boundaries. The width of the lot varies between 80 and 150m.

State Planning Policy SPP3.7 Planning in Bushfire Prone Areas requires that any proposed development site must have a BAL-29 or lower rating. While this should be able to be achieved, there has not been any evidence to support this or the other fire management measures which the Guidelines require.

Proposed Lot 103

Proposed Lot 103 is effectively a conservation lot with two small cleared areas. One of these is located adjacent to Albany Highway but contains a drainage line. A second area is located at the eastern end of the property being 1 hectare of cleared land. This is adjacent to the unconstructed road reserve which extends for 1.6kms to Noble Road.

The applicant has stated that it is not the intention of the current owners to market any of this land. However, the application is creating a freehold lot and circumstances can easily change. Neither cleared area in proposed Lot 103 is considered suitable for a dwelling. The eastern section in particular is isolated and is likely to result in access issues.

The Shire is not under any legal obligation to construct any future access to this possible site along the road reserve, but once one is constructed then the Shire must maintain it. Clearly a future owner would have difficulty constructing this as well.

Consultation:

- Applicant
- Department of Planning Lands and Heritage

Statutory Environment:**Local Planning Scheme No 2**

The subject land is zoned Rural Local Planning Scheme No 2. The objectives for the Rural zone include:

- to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities.

- to provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability.

Clause 5.18.4 of the Scheme specifically deals with the subdivision of Rural zoned land stating when making recommendations to the Commission on applications for subdivision the local government will have regard to the relevant policies of the Commission and the following:

(b) Subdivision for Homestead Lots

The local government will support subdivision of land in the Rural Zone to create "homestead lots" as defined and consistent with Commission Policy where the application demonstrates the lots would:

- generally be in the range of 5 to 10 hectares;
- be connected to electricity and telecommunications;
- be provided with an adequate water supply for domestic purposes, land management, and fire fighting; and
- front a constructed public road.

Clause 5.17 of the Scheme relates to the development of lots abutting an unconstructed road. Planning approval is required for development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road. In considering an application the local government is to either:

- refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
- grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any conditions it thinks fit to impose; or
- require such other arrangements are made for permanent access as are to the satisfaction of the local government.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

All of proposed Lots 101 and 103 are designated as being bushfire prone. State Planning Policy SPP3.7 Planning in Bushfire Prone Areas requires that any subdivision application must be accompanied by a bushfire assessment which includes:

- a Bushfire Attack Level (BAL) Assessment or a BAL Contour Map to show the expected BAL ratings for the developed site;
- the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and
- an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.

State Planning Policy 2.5 Rural Land

State Planning Policy 2.5 Rural Land has a presumption against the subdivision of rural land except for specific circumstances being:

- A boundary re-alignment;
- To protect and actively conserve places of cultural and natural heritage;
- To allow for the efficient provision of utilities and infrastructure;
- Homestead lots; and
- For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.

In addition to the provisions of the policy the WAPC will have due regard to:

- the provisions of a local planning scheme;
- a local planning strategy or local rural strategy;
- applicable region schemes;
- applicable regional strategies;
- relevant State planning and operational policies;

- the individual merits of the proposal; and
- existing precedent(s) or any potential precedent the proposal may create.

Policy Implications:

None

Financial Implications:

None

Strategic Implications:

Shire of West Arthur Strategic Community Plan – Strategic Direction - Local Economy - supporting agriculture and local business.

Risk Implications:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other. The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	That future development of proposed Lot 103 leads to access issues.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	High (12)
Risk Likelihood (based on history and with existing controls)	Possible (4) based upon history of similar access issues in the Shire.
Risk Consequence	Moderate (3) being the cost of the potential construction of access for 1.6kms
Principal Risk Theme	Inadequate safety or security practices
Risk Action Plan (Controls or Treatment Proposed)	Ensure that the DPLH and applicant are aware that the Shire is not responsible for constructing the access.

Description of Key Risk	Poor location/siting of dwellings and access are major contributors to Bushfire Safety
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Extreme (20)
Risk Likelihood (based on history and with existing controls)	Likely (4) as it is expected that a bushfire will impact the site at some stage.
Risk Consequence	Catastrophic (5) being the potential loss of a dwelling or fatality.
Principal Risk Theme	Inadequate safety or security practices
Risk Action Plan (Controls or Treatment Proposed)	Ensure that the DPLH and are advised that a bushfire assessment should be provided with the application.

Voting Requirements:

Simple Majority

Officer Recommendation:

Council advises the Western Australian Planning Commission that it has no objection to the general concept of the subdivision application for Lot 3722, 3723, 6364 Noble Rd Arthur River (Ref No 162094) but submits that:

- a) Proposed Lot 101 (the Homestead Lot) is fully designated as bushfire prone land and it has not been demonstrated that the proposed lot being created will comply with State Planning Policy SPP3.7 Planning in Bushfire Prone Areas and the associated Guidelines.
- b) Proposed Lot 103 (the Conservation Lot) does not have a suitable building envelope for a future dwelling. The proposed 1 hectare location at the eastern end of the lot is unsuitable as it is isolated. It is also fully designated as bushfire prone land and it has not been demonstrated that the proposed lot being created will comply with State Planning Policy SPP3.7 Planning in Bushfire Prone Areas and the associated Guidelines.
- c) The 1 hectare building envelope at the eastern end of the Lot 103 does not have suitable access and the Shire has no obligation to construct the adjacent road reserve which extends for 1.6kms to Noble Road.
- d) The boundary at the western end of Lot 103, adjacent to Albany Highway should be modified to include a larger portion of the cleared land within Lot 102 so as to ensure that there is a dwelling location that is suitable in terms of access and setback from the drainage lines.

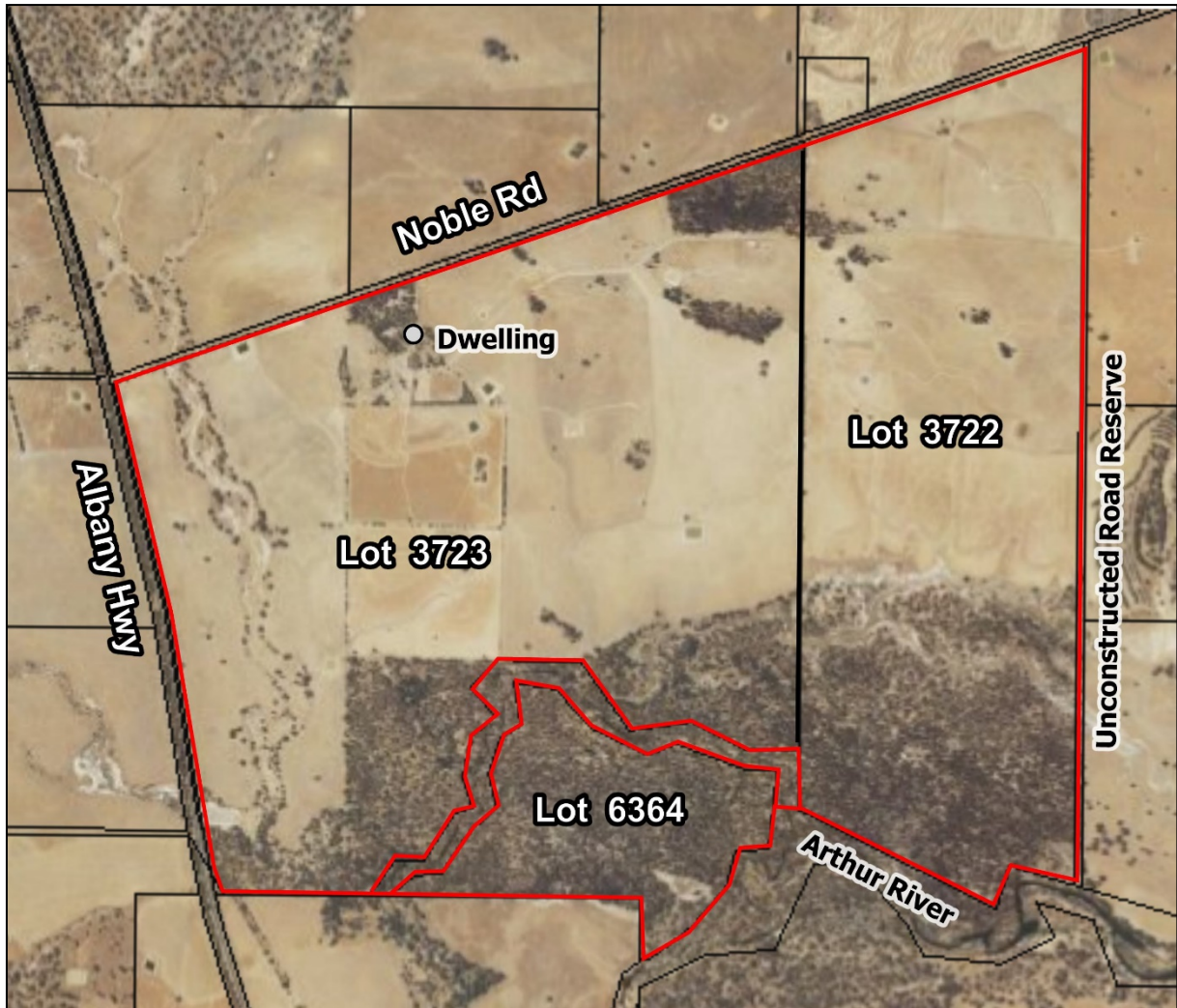
Moved: _____

Seconded: _____

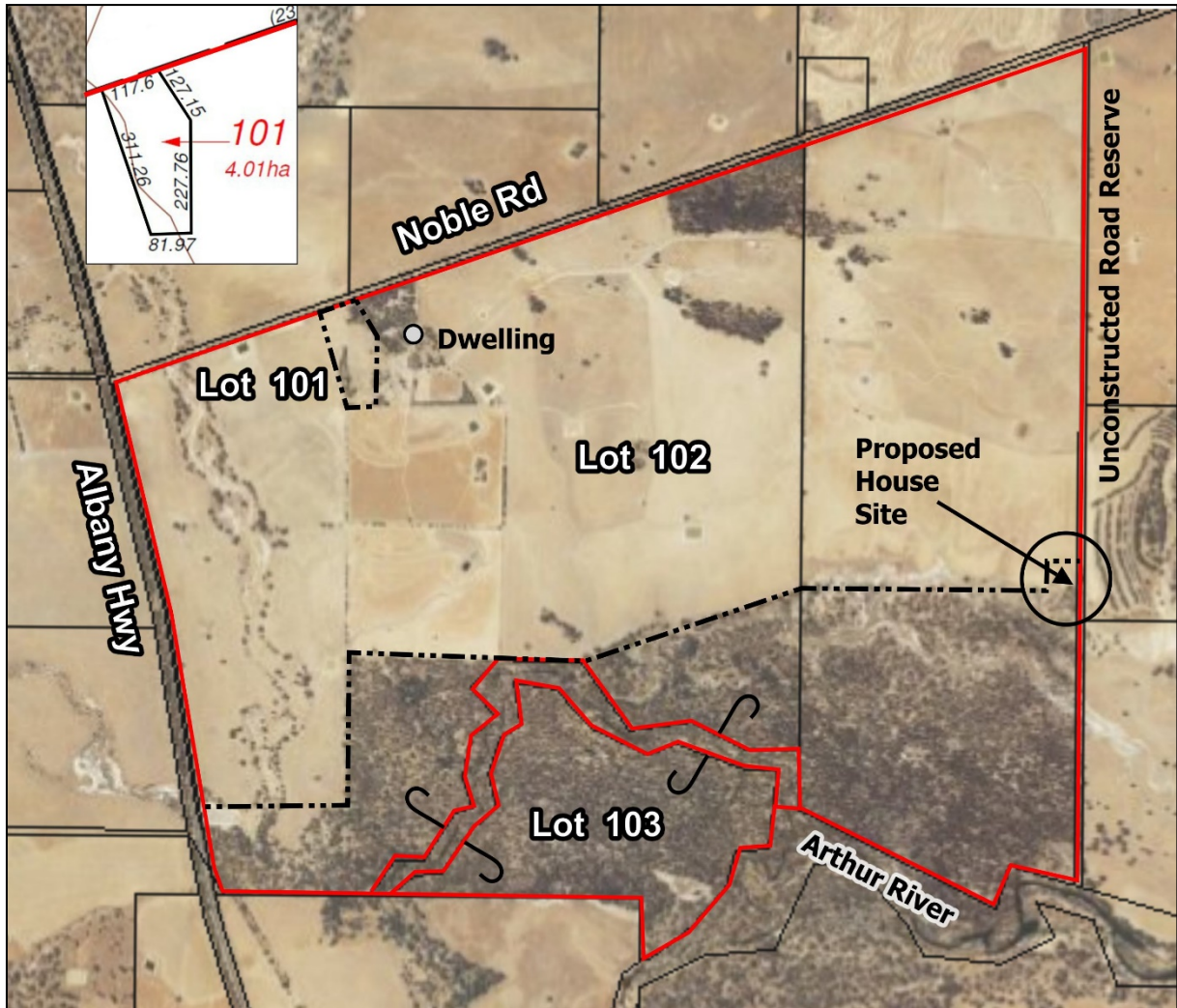
ATTACHMENTS

Existing Lots & Subdivision Plan

Attachment 1 - Existing Lots



Attachment 2 - Subdivision Plan



15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**16. NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members**16.2 Officers****17. MATTERS BEHIND CLOSED DOORS****18. CLOSURE OF MEETING**

The Presiding Member to declare the meeting closed.