



SHIRE OF WILLIAMS MINUTES

ORDINARY COUNCIL MEETING
WEDNESDAY 21 DECEMBER 2022



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SHIRE OF WILLIAMS STRATEGIC COMMUNITY PLAN 2017-2032

ECONOMIC

To support industry and business development through the development of sustainable infrastructure and investment opportunities.

ED1. Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.

ED2. To have appropriate levels of housing to cater for population retention and growth.

SOCIAL AND CULTURAL

To be a safe and welcoming community where everyone is valued and has the opportunity to contribute and belong.

SCD1. To provide community infrastructure and facilities that meet the needs of the population.

SCD2. To support a safe and healthy community with a strong sense of community pride.

SCD3. To recognise the vibrant history of the Shire and its rich, varied cultural heritage and natural environment is valued, respected, promoted and celebrated.

LAND USE & ENVIRONMENT

To have a balanced respect for our natural assets and built environment, retaining our lifestyle values and community split.

LUE1. To enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community.

LUE2. Natural assets and public open spaces are accessible, well utilised and managed.
LUE3. Recognising and implementing sustainability measures.

LUE4. To have safe and well maintained transport network that supports local economy.

CIVIC LEADERSHIP

Strong civic leadership representing the whole of the Shire which engages in effective partnerships and reflects the aspirations of an engaged community.

CL1. The Shire is efficient in its operations, actively listens to the community and anticipates and responds to the community needs.

CL2. The revenue needs of the Shire are managed in an equitable, proactive and sustainable manner.

CL3. Effective collaboration and shared services with other relevant Local, State and Federal Government agencies, industry and community organisations.

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AGENDA

1.0 Declaration of Opening / Announcement of Visitors

The Presiding Member, President Jarrad Logie, declared the Meeting open at 3.50pm.

2.0 Record of Attendance / Apologies / Leave of Absence

Elected Members

Cr Jarrad Logie - President
Cr Natalie Major - Deputy President
Cr Moya Carne
Cr Simon Harding
Cr Bob Baker
Cr Tracey Price
Cr Christine Cowcher

Staff

Geoff McKeown - Chief Executive Officer
Manuela Lenehan - Minute Taker

Visitors – Nil
Apologies - Cr Bernie Panizza, Cr John Macnamara
Leave of Absence – Nil

3.0 Public Question Time

Nil

4.0 Petitions / Deputations / Presentations

Nil

5.0 Declarations of Interest

Nil

6.0 Confirmation of Minutes of Previous Meetings

6.1 Ordinary Council Meeting Held 16 November 2022

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 16 November 2022, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Cowcher/Price

That the Minutes of the Ordinary Council Meeting held 16 November 2022, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0
Resolution 61/23**

7.0 Announcements by Presiding Member Without Discussion

Nil

8.0 Matters Which Require Decisions

8.1 Corporate and Community Services

8.1.1 Payment Listing

File Reference	4.23.15
Statutory Ref.	Local Government (Financial Management) Regulations 1996
Author & Date	Geoff McKeown 15 December 2022
Attachments	Payment listing for month ending 30 November 2022

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's municipal or trust account. In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council in the following month.

Statutory Implications

Regulation 13 of the *Local Government (Financial Management) Regulations 1995* states:

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.

Comment

The list of accounts for payment is a separate attachment to this agenda.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer's Recommendation
 That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104949 – 104954 totalling \$411,966.29 approved by the Chief Executive Officer during the month of November 2022 be endorsed.

Council Resolution
Major/Carne
 That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104949 – 104954 totalling \$411,966.29 approved by the Chief Executive Officer during the month of November 2022 be endorsed.

Carried 7/0
Resolution 62/23

SHIRE OF WILLIAMS PAYMENT LISTING FOR THE MONTH ENDING 30 NOVEMBER 2022

Date	Name	Description	Item	Account	Original Amount
MUNICIPAL - EFT, BPAY, DIRECT DEBIT & CHEQUES					
02/11/2022	FDC EDUCATORS	FDC Educators PE 30/10/2022	A01101	Municipal Fund Cheque	\$ 20,013.34
02/11/2022	BUILDING AND ENERGY	BSL collection - October 2022	A01101	Municipal Fund Cheque	\$ 918.60
02/11/2022	WA SUPER	Superannuation October 2022	A01101	Municipal Fund Cheque	\$ 23,403.80
03/11/2022	SHIRE OF WILLIAMS	Salaries & Wages PE 02/11/2022	A01101	Municipal Fund Cheque	\$ 45,887.62
16/11/2022	FDC EDUCATORS	FDC Educators PE 13/11/2022	A01101	Municipal Fund Cheque	\$ 20,269.01
17/11/2022	SHIRE OF WILLIAMS	Salaries & Wages PE 16/11/2022	A01101	Municipal Fund Cheque	\$ 45,242.95
23/11/2022	LANDGATE.	Valuation Expenses	A01101	Municipal Fund Cheque	\$ 215.40
30/11/2022	AIR & POWER	12797 - Service Air Compressors (Depot & Refuse Site)	A01101	Municipal Fund Cheque	\$ 859.10
30/11/2022	AMPAC DEBT RECOVERY	Debt Recovery (Rates)	A01101	Municipal Fund Cheque	\$ 55.00
30/11/2022	AVON WASTE	11015 - Monthly Refuse Charges October 2022	A01101	Municipal Fund Cheque	\$ 9,875.59
30/11/2022	BELVEDERE NURSERY	12969, 12914, 12928, 12936 - Plants	A01101	Municipal Fund Cheque	\$ 1,992.00
30/11/2022	BEST OFFICE SYSTEMS	12803 - Monthly Printing/Copying Charges	A01101	Municipal Fund Cheque	\$ 466.16
30/11/2022	BITUTEK PTY LTD.	12789 - Bitumise / Road Widening (Clayton Rd)	A01101	Municipal Fund Cheque	\$ 39,082.12
30/11/2022	BOC Ltd	12822 - October 2022 Container Service Fee	A01101	Municipal Fund Cheque	\$ 44.71
30/11/2022	BODDINGTON MEDICAL CENTRE	Pre-Employment Medical (W Lowe)	A01101	Municipal Fund Cheque	\$ 220.00
30/11/2022	BW TRUCK PARTS	12873 - Parts (Water Tanker)	A01101	Municipal Fund Cheque	\$ 33.00
30/11/2022	CHATTERBOX CAFE & GALLERY	12925 - Catering (November Council Meeting)	A01101	Municipal Fund Cheque	\$ 112.50
30/11/2022	CJD EQUIPMENT PTY LTD.	12855 - Repairs to Hydraulic Ram (Volvo Excavator)	A01101	Municipal Fund Cheque	\$ 3,246.55
30/11/2022	CONTRACT AQUATIC SERVICES	12924 - Monthly Swimming Pool Management November 2022	A01101	Municipal Fund Cheque	\$ 14,300.00
30/11/2022	CORNER'S AUTOMOTIVE ELECTRICS	12879 - Deep Cycle Batteries x2 (VMS Trailer)	A01101	Municipal Fund Cheque	\$ 693.00
30/11/2022	DFES.	ESLB 2nd Qtr Contribution 2022/23	A01101	Municipal Fund Cheque	\$ 20,137.96
30/11/2022	DUFF ELECTRICAL CONTRACTING	12962 - Electrical Work (Art & Craft Air Conditioner)	A01101	Municipal Fund Cheque	\$ 265.16
30/11/2022	GEOFF PERKINS FARM MACHINERY CENTRE	12971, 12875 - Brushcutter, Parts	A01101	Municipal Fund Cheque	\$ 612.48
30/11/2022	GOODYEAR AUTOCARE NARROGIN	12876 - Supply & Fit 2 Tyres (Volvo Prime Mover)	A01101	Municipal Fund Cheque	\$ 1,230.00
30/11/2022	GREAT SOUTHERN FUELS	Monthly Fuel Account October 2022	A01101	Municipal Fund Cheque	\$ 82.42
30/11/2022	GREENWAY TURF SOLUTIONS PTY LTD	12927, 12843 - Soil Improvers (Recreation Ground)	A01101	Municipal Fund Cheque	\$ 539.00
30/11/2022	HANSON CONSTRUCTION MATERIALS P/L	12786, 12796, 12792, 13004 - Bluemetal (Various)	A01101	Municipal Fund Cheque	\$ 36,399.24
30/11/2022	HARMONY SOFTWARE	Educators' Software Fees, Month of October 2022	A01101	Municipal Fund Cheque	\$ 415.00
30/11/2022	HERSEY'S SAFETY PTY LTD	12877 - PPE, Marker Spray, Flagging Tape (Various)	A01101	Municipal Fund Cheque	\$ 791.37
30/11/2022	INDUSTRIAL AUTOMATION GROUP	12931 - Standpipe Remote Access Charge 2022/23	A01101	Municipal Fund Cheque	\$ 1,398.10
30/11/2022	JP UPHOLSTERY & CANVAS	12956 - Supply & Install 1 Gazebo Blind (Sandalwood Crnt)	A01101	Municipal Fund Cheque	\$ 772.00
30/11/2022	LIBERTY RURAL	13007 - Bulk Fuel	A01101	Municipal Fund Cheque	\$ 18,418.29
30/11/2022	M & M CONTRACTORS	13005 - Carting of Gravel (Congelin-Narrogin Rd)	A01101	Municipal Fund Cheque	\$ 4,048.00
30/11/2022	MARKETFORCE.	12910, 12904 - Advertising (Various)	A01101	Municipal Fund Cheque	\$ 887.35
30/11/2022	MELCHIORRE PLUMBING & GAS	12964 - Check Taps (CRC)	A01101	Municipal Fund Cheque	\$ 173.25
30/11/2022	MOORE AUSTRALIA (WA) PTY LTD	12966 - Staff Training (C Barker)	A01101	Municipal Fund Cheque	\$ 1,045.00
30/11/2022	NARROGIN PACKAGING	12968 - Reticulation Solenoids & Valves (Various)	A01101	Municipal Fund Cheque	\$ 262.40
30/11/2022	OXTER SERVICES.	12809 - Plinths & Plaques (Cemetery)	A01101	Municipal Fund Cheque	\$ 362.01
30/11/2022	PRIME AG SERVICES - WILLIAMS	13003 - Fertiliser, Herbicide, Insecticide (Various)	A01101	Municipal Fund Cheque	\$ 6,210.00
30/11/2022	PUBLIC LIBRARIES WA INC	2022/23 Membership to Public Libraries WA	A01101	Municipal Fund Cheque	\$ 200.00
30/11/2022	RYLAN CONCRETE	12795 - Supply & Lay Kerbing (Richmond St)	A01101	Municipal Fund Cheque	\$ 8,151.00
30/11/2022	SOUTH WEST ISUZU	12881 - Filters & Oil (Various)	A01101	Municipal Fund Cheque	\$ 700.16
30/11/2022	STAR TRACK EXPRESS	Freight ex Greenway Turf - Soil Treatments (Hockey Oval)	A01101	Municipal Fund Cheque	\$ 54.30
30/11/2022	STATE LIBRARY OF WA.	Freight for Library Exchange Books (July to December 2022)	A01101	Municipal Fund Cheque	\$ 173.54
30/11/2022	SWAT PEST CONTROL	12963 - Insect Treatments (Residential)	A01101	Municipal Fund Cheque	\$ 1,116.50
30/11/2022	T-QUIP.	12677 - Parts (Toro Mower)	A01101	Municipal Fund Cheque	\$ 123.30
30/11/2022	THE BUTCHERS HOOK	Turkey Roll (Seniors' Lunch)	A01101	Municipal Fund Cheque	\$ 143.00
30/11/2022	THE GOODS	12913, 12965 - Cleaning Products (Various)	A01101	Municipal Fund Cheque	\$ 618.90
30/11/2022	THE WEST AUSTRALIAN	12920 - Advertising (Manager of Corporate Services)	A01101	Municipal Fund Cheque	\$ 313.60
30/11/2022	THE WILLIAMS COMMUNITY NEWSPAPER.	12814 - Photocopy Charges for Shire Notes	A01101	Municipal Fund Cheque	\$ 87.00
30/11/2022	TOLL TRANSPORT PTY LTD	Freight - Various	A01101	Municipal Fund Cheque	\$ 234.82
30/11/2022	TOWN PLANNING INNOVATIONS	12930 - General Planning Advice for October 2022	A01101	Municipal Fund Cheque	\$ 948.75
30/11/2022	TRUCK CENTRE (WA) PTY LTD	12880, 13002 - Parts (Volvo Prime Mover)	A01101	Municipal Fund Cheque	\$ 1,353.63
30/11/2022	WA CONTRACT RANGER SERVICES	12816 - Ranger Services - 25/10/2022, 9/11/2022	A01101	Municipal Fund Cheque	\$ 757.62
30/11/2022	WESTRAC	12883 - Glass Window & Handle (CAT Roller)	A01101	Municipal Fund Cheque	\$ 557.78
30/11/2022	WILLIAMS COMMUNITY RESOURCE CENTRE	Contribution to Evolve Festival - GST Component	A01101	Municipal Fund Cheque	\$ 100.00
30/11/2022	WILLIAMS NEWSAGENCY	Monthly Account October 2022	A01101	Municipal Fund Cheque	\$ 122.61
30/11/2022	WILLIAMS RURAL SUPPLIES	12774 - Monthly Hardware Account - October 2022	A01101	Municipal Fund Cheque	\$ 1,228.67
30/11/2022	WILLIAMS RUSTIC GROCER	Monthly Refreshments & Consumables, October 2022	A01101	Municipal Fund Cheque	\$ 140.86
30/11/2022	WILLIAMS SJA SUB CENTRE	SJA Subscriptions Collected in October 2022	A01101	Municipal Fund Cheque	\$ 61.00
30/11/2022	WORKWEAR GROUP	12958 - Staff Uniforms (M Lenehan)	A01101	Municipal Fund Cheque	\$ 227.12
30/11/2022	FDC - EDUCATORS	FDC Educators PE 27/11/2022	A01101	Municipal Fund Cheque	\$ 18,366.73
02/11/2022	TELSTRA	Phone Charges - Landlines	A01101	Municipal Fund Cheque	\$ 430.64
16/11/2022	TELSTRA	Telephone Charges - Mobile & Data Services	A01101	Municipal Fund Cheque	\$ 373.49
21/11/2022	AUSTRALIAN TAXATION OFFICE	BAS October 2022	A01101	Municipal Fund Cheque	\$ 3,187.00
23/11/2022	SYNERGY	Electricity to Swimming Pool 19/10/2022 to 15/11/2022	A01101	Municipal Fund Cheque	\$ 873.85
30/11/2022	SYNERGY	Electricity - Communication Tower Bates Rd, 28/9/2022 to 25/11/2022	A01101	Municipal Fund Cheque	\$ 447.33
30/11/2022	TELSTRA	Pool Telephone to 19/11/2022	A01101	Municipal Fund Cheque	\$ 32.48
1/11/2022	DEPARTMENT OF PLANNING & INFRASTRUCTURE	DPI Payments	A01101	Municipal Fund Cheque	\$ 40,389.85
01/11/2022	WESTNET	Monthly CEO Internet Charges, November 2022	A01101	Municipal Fund Cheque	\$ 54.99
03/11/2022	CBA	CBA - Merchant Fees October 2022	A01101	Municipal Fund Cheque	\$ 649.02
17/11/2022	ANZ CARDS	Monthly Credit Card Expenses x 2	A01101	Municipal Fund Cheque	\$ 837.21
01/11/2022	WILLIAMS LICENSED POST OFFICE	Postage & Stationery, September 2022	A01101	Municipal Fund Cheque	\$ 119.57
01/11/2022	SHIRE OF WILLIAMS	Rego (CAT Grader)	A01101	Municipal Fund Cheque	\$ 359.90
02/11/2022	SYNERGY	Electricity Accounts (Various)	A01101	Municipal Fund Cheque	\$ 1,860.44
09/11/2022	SYNERGY	Electricity to Office, Depot a.o. to 26/10/2022	A01101	Municipal Fund Cheque	\$ 5,179.94
16/11/2022	WILLIAMS LICENSED POST OFFICE	Postage & Stationery, October 2022	A01101	Municipal Fund Cheque	\$ 410.21
Total					\$ 411,966.29

8.1.2 Financial Statements

File Reference	4.23.15
Statutory Ref.	<i>Local Government (Financial Management) Regulations 1996</i>
Author & Date	Geoff McKeown 15 December 2022
Attachments	Financial Statements ending 30 November 2022

Background

In accordance with the *Local Government Act 1995*, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. *Regulation 34*, from the *Local Government (Financial Management) Regulations 1996* sets out the detail that is required to be included in the reports.

Statutory Implications

Local Government (Financial Management) Regulations 1996 - Regulation 34.

Comment

The attached monthly financial statements and supporting information have been compiled to meet compliance with the *Local Government Act 1995* and associated Regulations.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer's Recommendation

That the financial statements presented for the period ending 30 November 2022 be received.

Council Resolution

Harding/Price

That the financial statements presented for the period ending 30 November 2022 be received.

**Carried 7/0
Resolution 63/23**

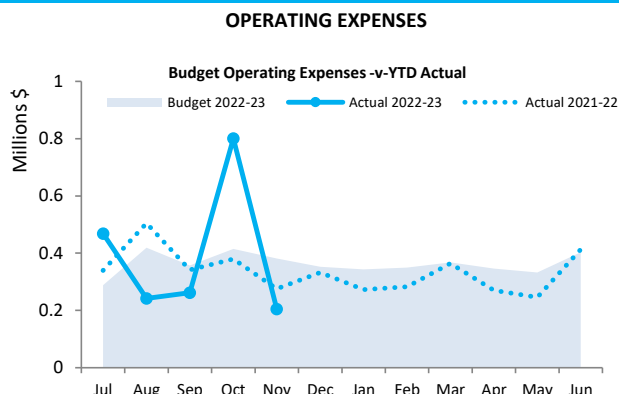
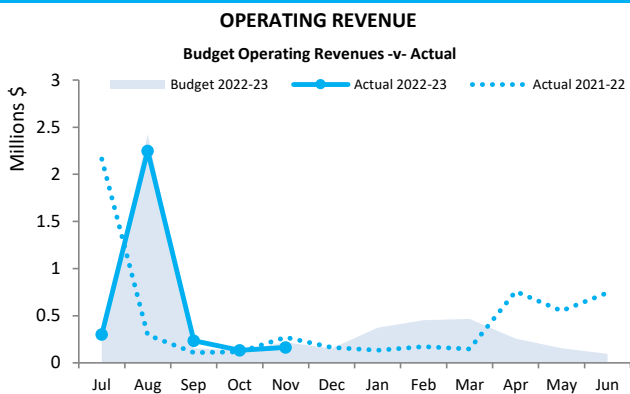
SHIRE OF WILLIAMS
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 30 November 2022

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

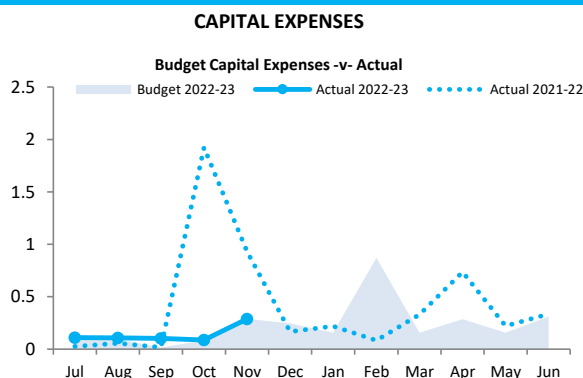
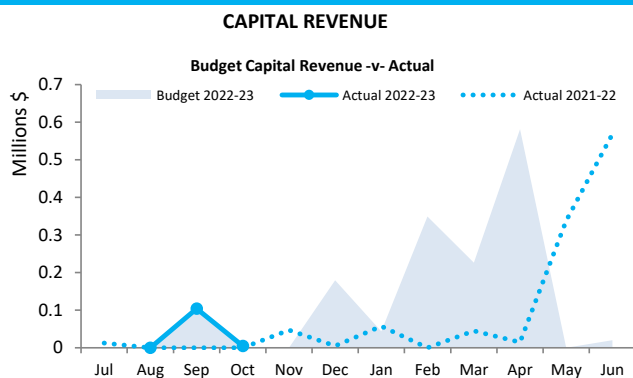
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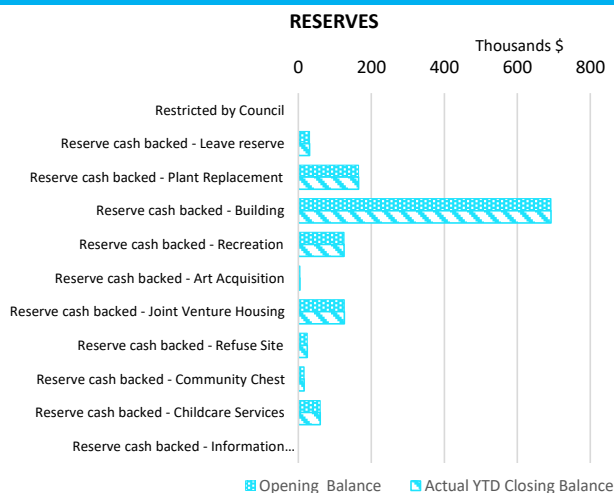
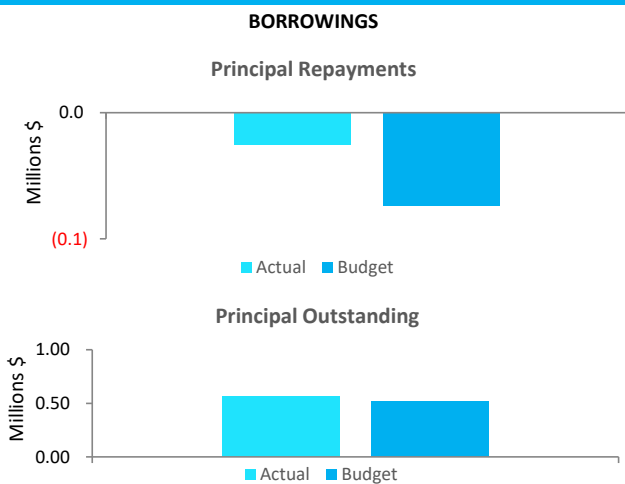
OPERATING ACTIVITIES



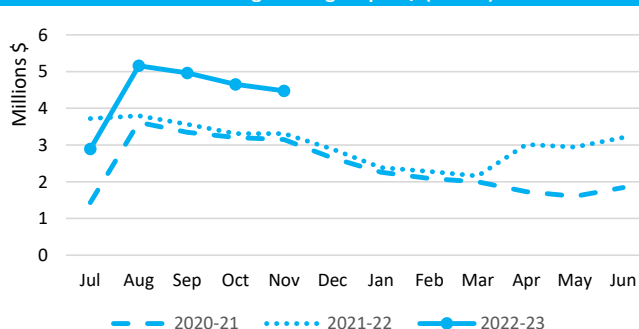
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$0.93 M	\$0.93 M	\$0.90 M	(\$0.03 M)
Closing	\$0.00 M	\$2.89 M	\$2.00 M	(\$0.89 M)

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$2.68 M	68.0%
Restricted Cash	\$1.26 M	32.0%

Refer to Note 2 - Cash and Financial Assets

Payables		% Outstanding
	\$	
Trade Payables	\$0.17 M	
0 to 30 Days		0.0%
Over 30 Days		0.0%
Over 90 Days		0%

Refer to Note 5 - Payables

Receivables		
	\$	%
Rates Receivable	\$0.40 M	81.1%
Trade Receivable	\$0.08 M	% Outstanding
Over 30 Days		17.5%
Over 90 Days		1.7%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.55 M	\$1.74 M	\$1.55 M	(\$0.19 M)

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$2.13 M	
YTD Budget	\$2.13 M	0.1%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
	\$	% Variance
YTD Actual	\$0.00 M	
YTD Budget	\$0.00 M	0.0%

Refer to Note 11 - Operating Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$0.50 M	
YTD Budget	\$0.24 M	104.2%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.14 M)	\$0.49 M	(\$0.42 M)	(\$0.91 M)

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.07 M	
Adopted Budget	\$0.10 M	(34.3%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$0.62 M	
Adopted Budget	\$2.77 M	(77.7%)

Refer to Note 7 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$0.00 M	
Adopted Budget	\$1.50 M	(100.0%)

Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.34 M)	(\$0.26 M)	(\$0.03 M)	\$0.24 M

Refer to Statement of Financial Activity

Borrowings	
	\$
Principal repayments	\$0.03 M
Interest expense	\$0.01 M
Principal due	\$0.56 M

Refer to Note 8 - Borrowings

Reserves	
	\$
Reserves balance	\$1.24 M
Interest earned	\$0.00 M

Refer to Note 9 - Cash Reserves

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

KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 30 NOVEMBER 2022

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Excludes administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, and other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates, reimbursements etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS

All costs associated with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets. Excluding Land.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

BY NATURE OR TYPE

	Ref	Adopted Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	927,694	927,694	896,848	(30,846)	(3.33%)	
Revenue from operating activities							
Rates		2,094,863	2,094,863	2,095,094	0	0.00%	
Rates (excluding general rate)		38,224	38,224	39,444	1,220	3.19%	
Operating grants, subsidies and contributions	11	461,514	115,378	316,588	201,210	174.39%	▲
Fees and charges		969,800	242,450	495,164	252,714	104.23%	▲
Interest earnings		10,500	2,625	12,943	10,318	0.00%	▲
Other revenue		63,428	15,857	20,698	4,841	30.53%	
Profit on disposal of assets	6	1,003	1,003	10,698	9,695	966.60%	▲
		3,639,332	2,510,400	2,990,629	480,229	19.13%	
Expenditure from operating activities							
Employee costs		(1,820,803)	(455,200)	(688,455)	(233,255)	(51.24%)	▼
Materials and contracts		(838,802)	(209,700)	(529,052)	(319,352)	(152.29%)	▼
Utility charges		(190,061)	(47,515)	(51,346)	(3,831)	(8.06%)	
Depreciation on non-current assets		(1,264,609)	(316,152)	(556,451)	(240,299)	(76.01%)	▼
Interest expenses		(21,502)	(5,375)	(8,778)	(3,403)	(63.31%)	
Insurance expenses		(149,166)	(37,292)	(149,873)	(112,581)	(301.89%)	▼
Other expenditure		(65,100)	(16,275)	(59)	16,216	99.64%	▲
Loss on disposal of assets	6	(5,332)	(5,332)	0	5,332	100.00%	▲
		(4,355,375)	(1,092,841)	(1,984,014)	(891,173)	81.55%	
Non-cash amounts excluded from operating activities	1(a)	1,268,938	320,481	545,753	225,272	70.29%	▲
Amount attributable to operating activities		552,895	1,738,040	1,552,368	(185,672)	(10.68%)	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	12	1,503,941	375,985	115,888	(260,097)	(69.18%)	▼
Proceeds from disposal of assets	6	104,500	104,500	68,623	(35,877)	(34.33%)	▼
Proceeds from financial assets at amortised cost - self supporting loans	8	17,107	8,481	8,481	0	0.00%	
Payments for property, plant and equipment and infrastructure	7	(2,770,535)	0	(616,587)	(616,587)	0.00%	▼
Amount attributable to investing activities		(1,144,987)	488,966	(423,595)	(912,561)	(186.63%)	
Financing Activities							
Transfer from reserves	9	75,000	75,000	0	(75,000)	(100.00%)	▼
Repayment of debentures	8	(73,675)	0	(25,108)	(25,108)	0.00%	▼
Transfer to reserves	9	(336,927)	(336,927)	(30)	336,897	99.99%	▲
Amount attributable to financing activities		(335,602)	(261,927)	(25,138)	236,789	(90.40%)	
Closing funding surplus / (deficit)	1(c)	0	2,892,773	2,000,483	(892,290)	30.85%	▼

KEY INFORMATION

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

Refer to Note 15 for an explanation of the reasons for the variance.

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

BASIS OF PREPARATION

The financial report has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying Regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 13 to these financial statements.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimation of fair values of certain financial assets
- estimation of fair values of fixed assets shown at fair value
- impairment of financial assets

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 14 October 2022

(a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities				
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	(1,003)	(1,003)	(10,698)
Add: Loss on asset disposals	6	5,332	5,332	0
Add: Depreciation on assets		1,264,609	316,152	556,451
Total non-cash items excluded from operating activities		1,268,938	320,481	545,753

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

	Adopted Budget Opening 30 June 2022	Last Year Closing 30 June 2022	Year to Date 30 November 2022
Adjustments to net current assets			
Less: Reserves - restricted cash	9	(1,243,716)	(1,243,746)
Less: - Financial assets at amortised cost - self supporting loans	4	(200,000)	(191,519)
Total adjustments to net current assets		0	(1,435,265)

(c) Net current assets used in the Statement of Financial Activity

Current assets

Cash and cash equivalents	2	2,983,406	3,945,854
Rates receivables	3	9,821	404,358
Receivables	3	161,804	80,469
Other current assets	4	226,515	238,309

Less: Current liabilities

Payables	5	(160,820)	(224,020)
Contract liabilities	10	(560,413)	(669,574)
Provisions	10	(319,749)	(319,750)
Less: Total adjustments to net current assets	1(b)	(1,443,716)	(1,435,265)

Closing funding surplus / (deficit)

0 896,848 2,020,382

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
Municipal Fund Cheque Account	Cash and cash equivalents	289,557		289,557		0	0.00%	
Municipal Fund Investment	Cash and cash equivalents	326,054		326,054		ANZ	0.01%	
Municipal Treasury OCDF	Cash and cash equivalents	2,065,898		2,065,898		WATC	2.55%	
Trust Fund Cheque Account	Cash and cash equivalents	0	20,000	20,000		0		
Reserve Funds	Cash and cash equivalents	0	1,243,745	1,243,745		ANZ	3.00%	
Petty Cash Advance	Cash and cash equivalents	600		600			0.00%	
Total		2,682,109	1,263,745	3,945,854	0			
Comprising								
Cash and cash equivalents		2,682,109	1,263,745	3,945,854	0			
		2,682,109	1,263,745	3,945,854	0			

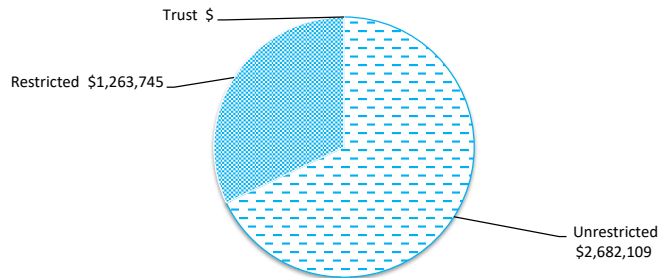
KEY INFORMATION

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

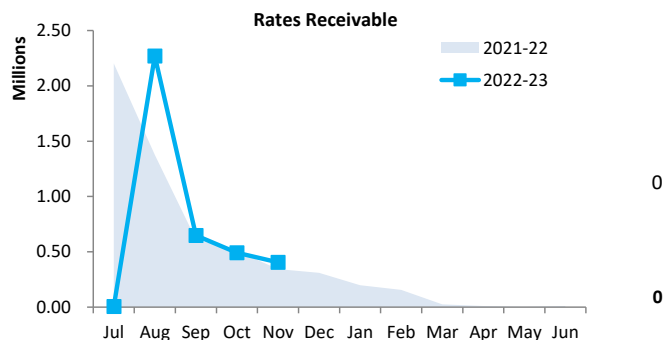
The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



Rates receivable	30 Jun 2022	30 Nov 2022
	\$	\$
Opening arrears previous years	27,020	9,821
Levied this year	2,032,126	2,134,538
Less - collections to date	(2,049,325)	(1,740,001)
Gross rates collectable	9,821	404,358
Net rates collectable	9,821	404,358
% Collected	99.5%	81.1%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	66,478	11,958	699	1,333	80,469
Percentage	0.0%	82.6%	14.9%	0.9%	1.7%	
Balance per trial balance						
Sundry receivable						80,469
Total receivables general outstanding						80,469

Amounts shown above include GST (where applicable)

KEY INFORMATION

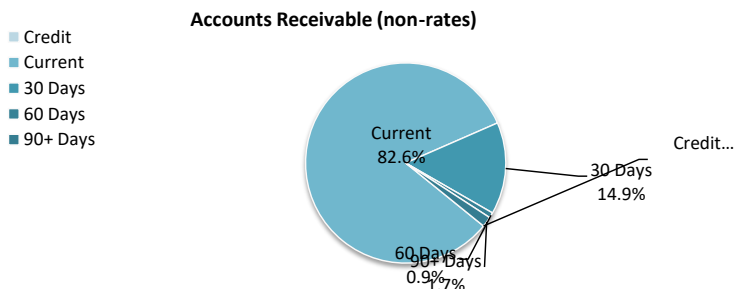
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



	Opening Balance 1 July 2022	Asset Increase	Asset Reduction	Closing Balance 30 November 2022
	\$	\$	\$	\$
Other current assets				
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	200,000	0	(8,481)	191,519
Inventory				
Fuel	18,559	66,489	(68,725)	16,323
History Books	614	0	0	614
Gravel	7,342	22,511	0	29,853
Total other current assets	226,515	89,000	(77,206)	238,309

Amounts shown above include GST (where applicable)

KEY INFORMATION

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

Inventories are measured at the lower of cost and net realisable value.

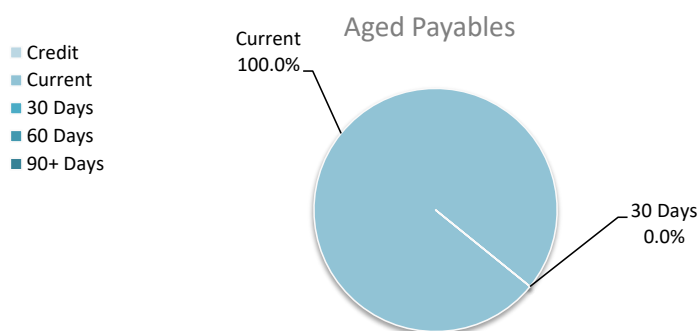
Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	18	108,006	0	0	0	108,024
Percentage	0%	100%	0%	0%	0%	
Balance per trial balance						
Sundry creditors				0	0	173,648
ATO liabilities						(28,959)
Other payables				0		79,007
BSL Fees						(5,299)
DPI Licensing					0	5,248
Provision for Doubtful Debts						375
Total payables general outstanding						224,020

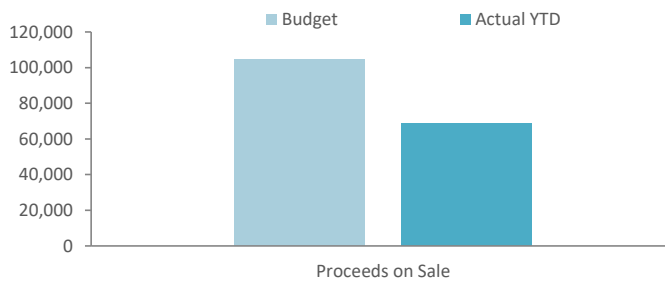
Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment					0			
	Education and welfare								
	Plant and Equipment - Mazda CX-5	23,331	18,000	0	(5,331)	22,352	27,364	5,012	0
	Transport								
	Plant and Equipment - Various	49,497	50,500	1,003	0	35,573	41,259	5,686	0
	Other property and services								
	Plant and Equipment - Isuzu MU-X	36,001	36,000	0	(1)			0	0
		108,829	104,500	1,003	(5,332)	57,925	68,623	10,698	0



Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings	15,000			0
Buildings - specialised	641,594		162,437	0
Plant and equipment	371,000		94,444	94,444
Infrastructure - Roads	1,487,841		292,684	292,684
Infrastructure - Footpaths	123,200		39,445	39,445
Infrastructure - Drainage	90,000			0
Infrastructure - Parks and Ovals	41,900		27,576	27,576
Payments for Capital Acquisitions	2,770,535	0	616,587	454,149
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	1,503,941	375,985	0	(375,985)
Other (disposals & C/Fwd)	104,500	104,500	68,623	(35,877)
Cash backed reserves				
Reserve cash backed - Joint Venture Housing	(45,000)		0	0
Reserve cash backed - Childcare Services	(30,000)		0	0
Contribution - operations	1,237,094	(480,485)	547,964	1,028,449
Capital funding total	2,770,535	0	616,587	616,587

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

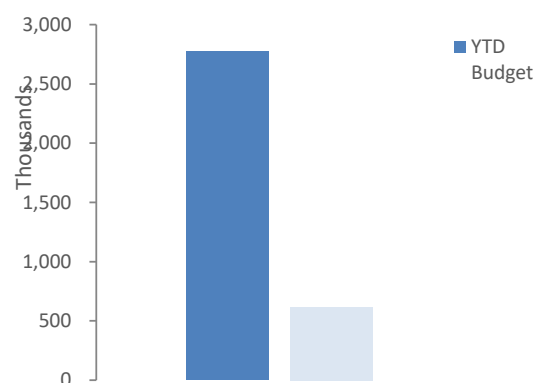
Initial recognition and measurement for assets held at cost

Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

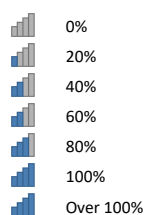
In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



Capital expenditure total

Level of completion indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

0

0

Level of completion indicator, please see table at the end of this note for further detail.

Account Description	Adopted		YTD Actual	Variance (Under)/Over
	Budget	YTD Budget		
	\$	\$	\$	\$
Land and Buildings				0
Community Housing Refurbishment	15,000			0
E168216 Sandalwood Unit Refurbishment	431,494	104,070	160,070	56000
E168218 Water Tank - Ram Shed	24,000	0	2,367	2367.49
Arts & Crafts Building Upgrade	17,000			0
Plant and Equipment				0
E168523 Isuzu MU-X SUV	53,000	53,000	49,364	-3636.45
E168523 Mazda CX-5	38,000	38,000	36,673	-1327.27
Crew Cab Truck	80,000			0
E168520 Minor Plant	10,000	10,000	8,408	-1591.82
Infrastructure - Roads & Drainage				0
E168165 Road Project Grant - Quindanning Darkan Road	298,770		60,072	60072.46
E168172 Road Project Grant - Congelin Narrogin Road	163,281		125,891	125891.46
E168139 Clayton Road C/Fwd RTR 2021/22	41,274		41,274	41274
E168161 York Williams Road C/Fwd RTR 2021/22	66,724		3,767	3766.7
Narrakine Road	34,800			0
Infrastructure - Parks & Gardens				0
E168367 Brooking Street Townscape (LRCl Phase 2)	30,000		20,676	20676.07
E168310 Playground Recreation Centre	6,900	6,900	6,900	0
Synthetic Bowling Green (Final Installment)	5,000			0
Infrastructure - Footpaths				0
E168176 Williams Narrogin Road & Richmond Street	99,200		31,221	31220.7
E168184 Rosselloty Street	24,000		8,224	8224.23
	2,770,535	211,970	616,587	404,617

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Recreation and culture										
Mens Shed	71	80,285			(9,910)	(19,856)	70,375	60,429	(288)	(540)
Economic services										
Industrial Shed	70	149,353				(23,065)	149,353	126,288		(4,338)
Other property and services										
Industrial Land	65	159,916			(6,717)	(13,647)	153,199	146,269	(5,093)	(9,973)
		389,554	0	0	-16,627	-56,568	372,927	332,986	-5,381	-14,851
Self supporting loans										
Recreation and culture										
Williams Bowling Club		200,000	0	0	-8,481	-17,107	191,519	182,893	(3,397)	(6,651)
		200,000	0	0	-8,481	-17,107	191,519	182,893	(3,397)	(6,651)
Total		589,554	0	0	-25,108	-73,675	564,446	515,879	(8,778)	(21,502)
Current borrowings		73,675					0			
Non-current borrowings		515,879					564,446			
		589,554					564,446			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

The Shire has no unspent debenture funds as at 30th June 2021, nor is it expected to have unspent funds as at 30th June 2022.

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2022

OPERATING ACTIVITIES
NOTE 9
RESERVE ACCOUNTS

Reserve accounts

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
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council									
Reserve cash backed - Leave reserve	30,698	31	1	5,000				35,729	30,699
Reserve cash backed - Plant Replaceme	165,078	165	4	50,000				215,243	165,082
Reserve cash backed - Building	692,521	693	17	50,000				743,214	692,538
Reserve cash backed - Recreation	125,132	125	3	10,000				135,257	125,135
Reserve cash backed - Art Acquisition	4,334	4	0	1,000				5,338	4,334
Reserve cash backed - Joint Venture Ho	125,699	126	3	15,000		(45,000)		95,825	125,702
Reserve cash backed - Refuse Site	24,335	24	1					24,359	24,336
Reserve cash backed - Community Ches	15,919	16	0	4,683				20,618	15,919
Reserve cash backed - Childcare Service	60,000	60	1	150,000		(30,000)		180,060	60,001
Reserve cash backed - Information Tech	0		0	50,000				50,000	0
	1,243,716	1,244	30	335,683	0	(75,000)	0	1,505,643	1,243,746

	Note	Opening Balance 1 July 2022	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 30 November 2022
		\$		\$	\$	\$
Other current liabilities						
Other liabilities						
- Contract liabilities		0	0	169,754	(84,765)	84,989
- Capital grant/contribution liabilities		560,413		146,015	(121,842)	584,585
Total other liabilities		560,413		315,769	(206,607)	669,574
Employee Related Provisions						
Annual leave		164,844	0			164,844
Long service leave		154,905	0			154,906
Total Employee Related Provisions		319,749	0	0	0	319,750
Total other current assets		880,162	0	315,769	(206,607)	989,324
Amounts shown above include GST (where applicable)						

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 11 and 12

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget	YTD	YTD
	1 July 2022		(As revenue)	30 Nov 2022	30 Nov 2022	Revenue	Budget	Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies								
Governance								
National Australia Day Council - Australia Day 2022	9,348	22,800	(9,348)	22,800	0			
Community amenities								
PHCC - Narrakine Feral Pig Eradication Project	8,424		(8,424)		0			
Domestic Waste Collections		112,722	(56,249)	56,473				
Commercial Waste Collections		57,032	(28,516)	28,516				
	17,772	192,554	(102,537)	107,789	0	0	0	0

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue		
	Liability 1 July 2022	Increase in Liability	Decrease in Liability (As revenue)	Liability 30 Nov 2022	Current Liability 30 Nov 2022	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
Non-operating grants and subsidies	\$	\$	\$	\$	\$	\$	\$	\$
Housing								
Dept of Communities - SHERP Grant - Sandalwood Crt	193,247		(104,070)	89,177				
Transport								
Dept of Infrastructure - LRCI Phase 3	349,394			349,394				
	542,641	0	(104,070)	438,571	0	0	0	0

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**NOTE 13
TRUST FUND**

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance 1 July 2022	Amount Received	Amount Paid	Closing Balance 30 Nov 2022
	\$	\$	\$	\$
Public Open Space Contribution	20,000			20,000
	20,000	0	0	20,000

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**NOTE 14
BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget adoption					0	927,695
				0	0	0	0

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**NOTE 15
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 Actual materially.

The material variance adopted by Council for the 2022-23 year is \$5,000 or 5.00% whichever is the greater.

Nature or type	Var. \$	Var. %	Explanation of positive variances		Explanation of negative variances	
			Timing	Permanent	Timing	Permanent
	\$	%				
Revenue from operating activities						0
Operating grants, subsidies and contributions	201,210	174.39%	▲ Higher than expected at this time			0
Fees and charges	252,714	104.23%	▲ Higher Childcare Fees			
Interest earnings	10,318	0.00%	▲			
Profit on disposal of assets	9,695	966.60%	▲ Level of profit better than Budget			
Expenditure from operating activities						
Employee costs	(233,255)	(51.24%)	▼			Lower than expected at this time
Materials and contracts	(319,352)	(152.29%)	▼			Lower than expected at this time
Depreciation on non-current assets	(240,299)	(76.01%)	▼			Lower than expected at this time
Insurance expenses	(112,581)	(301.89%)	▼			Timing of insurance payments
Other expenditure	16,216	99.64%	▲ Higher than expected at this time			
Loss on disposal of assets	5,332	100.00%	▲	Lower loss on sale of asset than anticipated		
Non-cash amounts excluded from operating activities	225,272	70.29%	▲			Lower than expected at this time
Investing activities						
Proceeds from non-operating grants, subsidies and contributions	(260,097)	(69.18%)	▼			Lower than expected at this time
Proceeds from disposal of assets	(35,877)	(34.33%)	▼			Timing of asset disposals
Payments for property, plant and equipment and infrastructure	(616,587)	0.00%	▼			Timing of asset purchases
Financing activities						
Transfer from reserves	(75,000)	(100.00%)	▼			Timing of reserve fund transfers
Repayment of debentures	(25,108)	0.00%	▼			Timing of loan repayment
Transfer to reserves	336,897	99.99%	▲ Timing of reserve fund transfers			
Closing funding surplus / (deficit)	(892,290)	30.85%	▼			

8.2 Office of the Chief Executive Officer

8.2.1 Council Meeting Dates in 2023

File Reference	4.1.20
Statutory Ref.	<i>Local Government Act 1995</i> Section 5.25(1)(g)
Author & Date	Geoff McKeown 18 November 2022
Attachments	Nil

Background

To provide suggested dates for Council approval, for meeting dates in 2023 to enable public advertising as required by the *Local Government Act 1995*.

Comment

Below is a draft schedule of proposed dates for Council Meetings in 2023 which are set for the third Wednesday of each month, except for January where no meeting is held:

- Wednesday – 15 February
- Wednesday – 15 March
- Wednesday - 19 April
- Wednesday - 17 May
- Wednesday – 21 June
- Wednesday - 19 July
- Wednesday - 16 August
- Wednesday - 20 September
- Wednesday – 18 October
- Wednesday – 15 November
- Wednesday - 20 December

Section 5.25(1)(g) of the *Local Government Act 1995* mentions that regulations may make provisions in relation to the giving of public notice of the date and agenda for Council or committee meetings. The *Local Government (Administration) Regulations 1996* states:

12. Meetings, public notice of (Acts. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council

1. Adopts the meeting schedule for the period January 2023 to December 2023 as listed; and
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

Council Resolution

Major/Price

That Council

1. Adopts the meeting schedule for the period January 2023 to December 2023 as listed; and
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Carried 7/0
Resolution 64/23**

8.2.2 Delegation Register Review

File Reference	4.50.60
Statutory Ref.	Section 5.42 <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 6 December 2022
Attachments	Attachment 1 – Delegation Register

Background

Pursuant to Section 5.42 *Local Government Act 1995* ('the Act'), the Council has the power to delegate authority to the Chief Executive Officer.

Council can delegate to the Chief Executive Officer, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time to time and in such manner as the Council determines, excepting certain limitations as outlined below. The Chief Executive Officer has the power to on-delegate to other staff members in accordance with Section 5.44 *Local Government Act 1995*.

Delegations are to be in writing and a register of delegations is to be kept.

There are limitations to delegating under Section 5.43 of the Act as outlined below:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; and
- (i) such other powers or duties as may be prescribed.

Council can also delegate to a committee, comprising of elected members only, any of the Council's powers or duties under the Act, or to a committee comprising of elected members and employees any duties that can be delegated to the Chief Executive Officer. Limitations of delegation of powers and duties to committees are prescribed under Section 5.17 of the Act.

There is a requirement under the Act that all delegations must be reviewed annually.

The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the *Bush Fires Act 1954*, *Building Act 2011*, *Dog Act 1974*, etc, allow for delegations to local government officers by Council.

The Shire of Williams' delegations were last reviewed and adopted by Council on the 15 December 2021 (Council Resolution 75/22).

Comment

A major review of the Delegation Register was undertaken by the Chief Executive Officer in 2021. There are no changes proposed to the current document. The Delegation Register 2022 is included in this Agenda as Attachment 1.

Currently there are no Council committees with delegated authority under the Act.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans.
- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council having reviewed the delegations and authorisations currently in place and noting that no changes are proposed:

1. Delegates to the Chief Executive Officer under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegation Register current as at 21 December 2022.

Council Resolution

Cowcher/Harding

That Council having reviewed the delegations and authorisations currently in place and noting that no changes are proposed:

1. Delegates to the Chief Executive Officer under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegation Register current as at 21 December 2022.

**Carried by Absolute Majority 7/0
Resolution 65/23**



DELEGATION REGISTER

Current as at 21 December 2022

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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Introduction

FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees
- Authorisations made by the Council or the CEO
- Appointments made by the Council or the CEO, or as of right by virtue of legislation.

The Register includes the relevant delegation decision followed by a sub delegation decision (where relevant).

The Register includes instruments of sub delegation, authorisation (by Council or the CEO), and appointments, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Williams to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Williams Town Planning Scheme No 2 referenced by ‘cl’, as in cl8.2.1.

Employee – refers to an employee of the Shire of Williams. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 require only employees or certain qualified employees to be ‘authorised’ or ‘appointed’). Thus, care needs to be taken to ensure that contractors are not ‘delegated’ functions or duties, although they may be appointed as Authorised Persons.

Regulation – subordinate legislation, referenced by ‘r’, as in r22.

Schedule – to an Act, referenced as ‘Sch’, as in Sch 3.2.

Section - of an Act, referenced by ‘s’, as in s5.42.

Sub delegation – the terms ‘sub delegate’ and ‘sub delegation’ are used as a style preference, rather than ‘on delegate’ or ‘on delegation’.

DELEGATIONS AND SUB DELEGATIONS

The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making and is consistent with the Shire’s Strategic Community Plan and commitment to a strong customer service focus.

The use of delegated and sub delegated authority does not ‘undermine’ the roles and responsibilities of elected members constituting the Council as the peak local decision-making body of the community. Rather it should free up the Council from some matters to better able to deal with high level strategic matters and in the knowledge that decision making on the former will be made by employees consistent with Council Policy and precedents.

The Council (and the Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire’s decision-making frameworks. At the same time the exercise of all delegated and sub

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

delegated authority, as well as authorisations is subject to complying with relevant Policies of the Shire, which are cross referenced within each Instrument.

An important safeguard is also the principle that nothing prevents the delegating body or person from taking back a delegation or sub delegation or making the relevant decision on an issue.

This Register describes:

- the 'head of power' for the exercise of delegation to an elected member, employee, or person,
- the 'head of power' for sub delegation (where such authority exists under the relevant legislation),
- the precise authority being delegated, including any limits, restrictions, or conditions,
- relevant Shire policies applicable to the execution of the delegation or sub delegation,
- the statutory requirements for the Council to review all delegations, and others to review sub delegations

In general, for all matters, whether made under the Local Government Act 1995, or otherwise, the requirement of the Local Government Act 1995 to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the Local Government Act will be applied to ensure uniformity of approach and outcome.

AUTHORISATIONS

This Register includes authorisations under the Local Government Act 1995 and other legislation. In most cases, authorisations are made by the Chief Executive Officer under delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

Some legislation provides for authorisation of Local Government officers to have powers as are necessary for them to perform their required duties as a specific function of the local government. These duties are carried out as 'acting through' functions under s5.45(2) of the Local Government Act 1995.

APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

Most delegations and sub delegations described in this Register originate under the Local Government Act 1995 which permits a local government (by absolute majority decision under s5.42(1)) to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43, which are:

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,

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Shire of Williams

1. Local Government Act 1995 Delegations

- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,
- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

- under r18G of the Local Government (Administration) Regulations and s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- matters covered by the CEO Standards, adopted by Council and which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day-to-day accounts or financial management operations.

The delegation powers under the Local Government Act 1995 relate to the Act itself, Regulations made under the Act and Local Laws made under the Act.

OTHER LEGISLATION

Legislation other than the Local Government Act 1995, its Regulations and the Shire's Local Laws created under the Act where delegations, authorisations or appointments may occur (and which are relevant to the Shire of Williams) include:

- Animal Welfare Act 2002,
- Australian Citizenship Act 2007,
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act,
- Cat Act 2011 and regulations
- Caravan Parks and Camping Grounds Act 1995,
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations,
- Dog Act 1976 and regulations,
- Equal Employment Opportunity Act 1984,
- Environmental Protection Act 1986,
- Food Act 2008,
- Freedom of Information Act 1992,
- Graffiti Vandalism Act 2016,
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act,
- Health (Asbestos) Regulations 1992,
- Land Administration Act 1997, and regulations,

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Shire of Williams

1. Local Government Act 1995 Delegations

- Litter Act 1979 and regulations,
- Local Government (Miscellaneous Provisions) Act 1960,
- Parks and Reserves Act 1895,
- Planning and Development Act 2005 including regulations, policies, and the Town Planning Scheme,
- Public Interest Disclosure Act 2003,
- Public Health Act 2016,
- Rates and Charges (Rebates and Deferments) Act 1982,
- Road Traffic Act 1974,
- Strata Titles Act 1985

The Planning and Development (Local Planning Schemes) Regulations 2015 Clause 82, permits the local government to delegate to the CEO, and Clause 83 permits the CEO to sub delegate to another employee.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

The Local Government Act 1995 allows the Chief Executive Officer to delegate any of the powers delegated to the office of Chief Executive Officer to another employee (s5.44(1)), in writing (s5.44(2)) and may include conditions (s5.44(4)).

REVIEW OF DELEGATIONS

The Register of Delegations relevant to the CEO and other employees will be reviewed at least once every financial year (in accordance with the provisions of s5.46(1), (2)).

As a matter of principle, the Shire of Williams will review all delegations, authorisations, and appointments at least once in every financial year, whether under the Local Government Act 1995, or another Act. This is despite the varying requirements for review viz:

- Building Act 2011 - no requirement
- Bush Fires Act 1954 - no requirement
- Cat Act 2011 - annual review requirement
- Dog Act 1976 - annual review requirement
- Food Act 2008 - no requirement
- Graffiti Vandalism Act 2016 - no requirement
- Public Health Act 2016 - no requirement
- Planning and Development Act 2005 - annual review requirement

This will include the Chief Executive Officer reviewing all sub delegations, authorisations and appointments made by him or her.

RECORD OF ACTIONS AND DECISIONS

If a person is exercising a power or duty that has been delegated (including sub delegated), the Local Government Act 1995 requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

- how the person exercised the power or discharged the duty,

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1. Local Government Act 1995 Delegations

- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty (r19 Local Government (Administration) Regulations 1996)

Sections responsible for a work process are to ensure that data is captured, and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation.

Similar provisions do not exist under other legislation regarding record keeping (except for the Building Act 2011).

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act 1995 will be applied.

These requirements will be applied as an administrative instruction from the CEO.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

A person to whom a duty or power is delegated under the Local Government Act 1995 is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests s5.70 LGA
- complete a Primary Return s5.75 LGA
- complete Annual Returns s5.76 LGA

Although these requirements relate only to delegations under the Local Government Act 1995 and not any other Acts, the Council and the CEO have taken the decision to require compliance with those provisions, even when made under other Acts, to ensure all employees are treated equally in such disclosures.

A delegation has been prepared in this Register to give effect to this approach, with the CEO delegated authority to nominate employees as "designated employees".

ACTING THROUGH ANOTHER PERSON

The Local Government Act 1995 recognises that employees do not always need delegations (or sub delegations) to carry out their tasks and functions on behalf of the Shire - s5.45 (2):

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

- a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or
- a CEO from performing any of his or her functions by acting through another person.

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right.

Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept.

Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

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Shire of Williams

1. Local Government Act 1995 Delegations

CERTIFICATION

I, JARRAD LOGIE SHIRE PRESIDENT OF THE SHIRE OF WILLIAMS CERTIFY THAT THIS REGISTER WAS REVIEWED AND ADOPTED BY COUNCIL ON 21 DECEMBER 2022.


.....

SIGNED AND DATED 21/12/2022

I, GEOFF MCKEOWN CEO OF THE SHIRE OF WILLIAMS CERTIFY THAT THAT I HAVE REVIEWED THE SUB DELEGATIONS AND DELEGATIONS MADE BY ME ON 21 DECEMBER 2022.


.....

SIGNED AND DATED

21/12/2022

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Performing Functions Outside the District

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.3.20(1) Performing functions outside district
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. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation, and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
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>	Works Supervisor, Manager of Children's Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.2 Compensation - 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 \$500
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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.3 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:	<ol style="list-style-type: none">a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
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>	Works Supervisor Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Where the giving of notice of entry is applicable, and the issue of a warrant is applicable, copies of such notices to be included on the property file. Where entry is determined to be an emergency, a report is to be prepared at the conclusion of the exercise and submitted to the CEO.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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
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1. Local Government Act 1995 Delegations

	s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.4 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 - 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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.5 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:	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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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. Local Government Act 1995 Delegations

1.1.6 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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.7 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 a 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>	Works Supervisor
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Shire of Williams

1. Local Government Act 1995 Delegations

CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Applications to be in writing and copies of advertisements and application to be included in the appropriate road file.
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.8 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 that the Shire could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.9 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 <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.

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1. Local Government Act 1995 Delegations

	<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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 Public Thoroughfare Obstruction – Determine Conditions</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</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. Local Government Act 1995 Delegations

1.1.10 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Shire'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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

	<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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.11 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed 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

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares 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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.12 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Record Keeping:

In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.13 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to 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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.4 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

Version Control:

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Delegation Register

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1. Local Government Act 1995 Delegations

1.1.14 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 landowner / 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 [ULP r.21(1)].
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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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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Delegation Register

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1. Local Government Act 1995 Delegations

1.1.15 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>	Works Supervisor, Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy O1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

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1. Local Government Act 1995 Delegations

1.1.16 Tenders for Goods and Services – Call Tenders

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(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
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 invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where: <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Sub-Delegate/s: <i>Appointed by CEO</i>	Works Supervisor, Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy O 1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

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1. Local Government Act 1995 Delegations

1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

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

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

	9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Council Conditions on this Delegation:	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <p>i. The expense is included in the adopted Annual Budget; and</p> <p>ii. The tenderer has complied with requirements under F&G r.18(2) and (4).</p> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&G r.21A(a)] must comply with the any Council Policy and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering the extended term.</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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy O 1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Shire of Williams – Register of Delegations October 2021

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.18 Tenders for Goods and Services - Exempt Procurement

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(2) When tenders have to be publicly invited (<i>exemptions</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 undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)]. 												
Council Conditions on this Delegation:	<p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <table border="1"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td> <td>\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td> <td>\$250,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the</td> <td>\$250,000*</td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000	Goods or services supplied by a person registered on the	\$250,000*
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000												
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000												
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000												
Goods or services supplied by a person registered on the	\$250,000*												

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

	Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	*as specified in F&G.r.11(2)(h)(ii)
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
	<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to 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: <i>Appointed by CEO</i>	Works Supervisor Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures Council Policy O 1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.19 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 of Corporate Services and the Senior Administration Officer
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"> Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5, Payments by Cheque and EFT transactions must be approved jointly by two Delegates, 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:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995</p> <p>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.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p>
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Record Keeping:

In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.20 Defer, Grant Discounts, Waive or Write Off Debts

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.6.12 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 [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge debt up to \$200 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)]. b. A debt may only be waived where: <ol style="list-style-type: none"> i. it applies to a charitable body, not-for-profit organisation or community group. c. A concession may only be granted where: <ol style="list-style-type: none"> i. a fee or charge would normally be applied and the event or activity is held by a charitable body, not-for-profit organisation or community group. d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. <ol style="list-style-type: none"> i. Limited to individual debts valued below \$200 or cumulative debts of a debtor valued below \$200. Write off of debts greater than these values must be referred for Council decision. e. The Chief Executive Officer is to provide Council with a report of the use of 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>	
CEO Conditions on this Sub-Delegation:	

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer Delegations: <<insert Ref #>> Agreement as to Payment of Rates and Service Charges <<insert Ref #>> Recovery of Rates or Service Charges <<insert Ref #>> Recovery of Rates Debts – Require Lessee to Pay Rent <<insert Ref #>> Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.21 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 O 1.16 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>	Manager of 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. A decision to invest must be jointly confirmed by two Delegates. 2. Investments may only be made with banks (within the meaning of the Bank Act 1959) having a credit rating of Long Term A or Short Term A1 (Standard and Poor Australian Ratings) or the WA Treasury Corporation.

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy O 1.16 – Investment Policy <<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
Record Keeping:	<<Detail how records of decisions are to be kept by delegates>>

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.22 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>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. 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>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.23 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 Council Policy O 1.26 Rates – Request for Alternative Arrangements Policy. b. Agreements must be in writing and, subject to the Council Policy O1.26 Rates – Request for Alternative Arrangements Policy, 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>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Council Policy O 1.26 Rates – Request for Alternative Arrangements Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.24 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 [s.6.50].
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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.25 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 Policy O 1.26 Rates – Request for Alternative Arrangements Policy.
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 of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.26 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 [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 Policy O 1.26 Rates – Request for Alternative Arrangements Policy.
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 of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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. Council Policy O 1.26 Rates – Request for Alternative Arrangements Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.27 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 [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 Policy O 1.26 Rates – Request for Alternative Arrangements Policy. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

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

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Council Policy O 1.26 Rates – Request for Alternative Arrangements Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.28 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 whom 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>	Manager of Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

1.1.29 Renewal or Extension of Contracts during a State of Emergency

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

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

	e. This authority may only be exercised where the total consideration under the resulting contract is \$100,000 or less.
	f. The CEO cannot sub-delegate this authority.

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy O 1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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1. Local Government Act 1995 Delegations

1.1.30 Procurement of Goods or Services required to address a State of Emergency

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

Delegation Register

Shire of Williams

1. Local Government Act 1995 Delegations

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy O 1.23 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2 CEO to Employees

1.2.1 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 of Corporate Services Works Supervisor
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:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.2 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:	Works Supervisor
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 1.2.9: <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 1.2.9 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:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.3 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:	Works Supervisor
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:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. 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 <i>Local Government Act 1995</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.4 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:	Works Supervisor
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:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority Private Works on, over or under Public Places
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll

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.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Manager of 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 require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].

Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

	10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.6 Destruction of Electoral Papers

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 (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Manager of 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>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.7 Appoint Authorised Persons

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.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	
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 or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ol style="list-style-type: none"> (a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. (b) <i>Caravan Parks and Camping Grounds Act 1995.</i> (c) <i>Cat Act 2011.</i> (d) <i>Cemeteries Act 1986.</i> (e) <i>Control of Vehicles (Off-road Areas) Act 1978.</i> (f) <i>Dog Act 1976.</i> (g) Graffiti Vandalism Act 2016 – refer s.15; and (e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995.</i> 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the <i>Criminal Procedure Act 2004.</i>
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express Power to Sub-Delegate:	<i>NIL.</i>

Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.8 Information to be Available to the Public

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 (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Manager of 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 determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.9.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.9 Financial Management Systems and Procedures

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 (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	
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 establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire ii. Safe custody and security of money collected or held by the Shire, iii. Maintenance and security of all financial records, including payroll, stock control and costing records, iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities, v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards, vi. Making of payments in accordance with Delegated Authority 1.1.21, vii. Preparation of budgets, budget reviews, accounts, and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

	<i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (Audit) Regulations 1996</i> Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.10 Audit – CEO Review of Systems and Procedures

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 (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	
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 conduct the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

1.2.11 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:	Contract Ranger Manager of 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 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]. 2. 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, is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) Contract Ranger (ii) Manager of 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 <p>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Delegation Register

[Insert Local Government Name]

1. Local Government Act 1995 Delegations

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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Version Control:

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Delegation Register

[Insert Local Government Name]

1.3 Local Law Delegations to the CEO

1.3.1 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:	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Williams.
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, in respect of all the Local Laws of the Shire of Williams: <ul style="list-style-type: none"> • Firebreaks Local Laws • Health Local Laws • Building Lines Local Laws • Pest Plants Local Laws • Dogs Local Laws • Local Laws • Cemeteries Local Laws • Fencing Local Laws • Standing Orders Local Laws
Council Conditions on this Delegation:	
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 of Corporate Services (all matters) Works Supervisor (all matters) Contract Ranger – Dogs Local Law
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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:	This delegation does not apply to applications for residential buildings with a floor area of 60m ² or less. Such applications are to be referred to Council for determination.
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)

Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i></p>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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[Insert Local Government Name]

2. Building Act 2011 Delegations

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>	
CEO Conditions on this Sub-Delegation:	

Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

Conditions on the original delegation also apply to the sub-delegations.	
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Compliance Links:	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 <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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>	
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.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i>
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

	<i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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

Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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 regarding 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)

Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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: 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 s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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

Compliance Links:	<i>Building Act 2011 - s.146 Confidentiality</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

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[Insert Local Government Name]

2. Building Act 2011 Delegations

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:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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

Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

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Delegation Register

[Insert Local Government Name]

2. Building Act 2011 Delegations

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>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</i></p>
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:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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Delegation Register

[Insert Local Government Name]

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <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:	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 undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

Version Control:

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[Insert Local Government Name]

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.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:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

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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].

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[Insert Local Government Name]

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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:</i> r.27(3) Permit, issue 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 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) and r.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) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].

Delegation Register

[Insert Local Government Name]

Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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

Version Control:

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Delegation Register

[Insert Local Government Name]

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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)]. 2. 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:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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:	
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

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
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:	<i>Bush Fires Act 1954:</i> 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:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

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>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates, and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
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, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged, or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

Compliance Links:	Cat Regulations 2012
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Delegation Register

[Insert Local Government Name]

	<p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>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>.</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.1.2 Cat Control 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>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
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 a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
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 of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.1.3 Approval to Breed Cats

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>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
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 or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager of Corporate Services Senior Administration Officer
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.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who may not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.1.4 Recovery of Costs – Destruction of Cats

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>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
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 the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
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 of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.1.5 Applications to Keep Additional Cats

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>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
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 any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
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 of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.1.6 Reduce or Waiver Registration Fee

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>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
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 reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> . b. The CEO may waive the registration fee for a maximum of 12 months where a cat is removed from impoundment for a new owner.
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 of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> . b. The CEO may waive the registration fee for a maximum of 12 months where a cat is removed from impoundment for a new owner.

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

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>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Manager of Corporate Services Senior Administration 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 period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
CEO Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

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.10A Payments to veterinary surgeons towards costs of sterilisation
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 where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$250 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
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>	Manager of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

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1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.2 Refuse or Cancel Registration

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.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
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 to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i>, or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]

Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

Council Conditions on this Delegation:	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. The CEO may waive the registration fee for a maximum of 12 months where a dog is removed from impoundment for a new owner.</p>
Express Power to Sub-Delegate:	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

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

Compliance Links:	<p><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.3 Kennel Establishments

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.27 Licensing of approved kennel establishments
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 grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Dogs Local Law.
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>	Manager of Corporate Services Senior Administration Officer Contract Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.4 Recovery of Moneys Due Under 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>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
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 moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
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>	Manager of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

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.29(11) Power to seize dogs
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 dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
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>	Manager of Corporate Services Senior Administration Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.6 Declare Dangerous Dog

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.33E(1) Individual dog may be declared to be dangerous dog (declared)
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 declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
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>	Contract Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	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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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

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.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
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 consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. 4. Authority to consider application [s.33H(5)]
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

Record Keeping:

In accordance with r19 Local Government (Administration) Regulations 1996

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Delegation Register

[Insert Local Government Name]

5. Dog Act 1974 Delegations

5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

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.33M(1)(a) Local Government expenses to be recoverable
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 reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995
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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	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

Version Control:

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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

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:	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 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:	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

Version Control:

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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

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.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Contract Environmental Health 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 serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	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	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

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.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Contract Environmental Health 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 consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	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"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

6.1.4 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:	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 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:	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • 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:	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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

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6.1.5 Debt Recovery and Prosecutions

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.54 Cost of destruction or disposal of forfeited item s.125 Institution of 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>	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

Version Control:

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Delegation Register

[Insert Local Government Name]

6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

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> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer Contract Environmental Health 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 decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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Delegation Register

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7. Graffiti Vandalism Act 2016 Delegations

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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	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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[Insert Local Government Name]

7. Graffiti Vandalism Act 2016 Delegations

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. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	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. Graffiti Vandalism Act 2016 Delegations

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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

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7. Graffiti Vandalism Act 2016 Delegations

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>	Works Supervisor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

8. Public Health Act 2016 Delegations

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:	<i>Criminal Procedure Act 2004 – Part 2</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

8. Public Health Act 2016 Delegations

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

8. Public Health Act 2016 Delegations

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>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The 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. <p>Including:</p> <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:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers
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Delegation Register

[Insert Local Government Name]

8. Public Health Act 2016 Delegations

	<p>s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

8. Public Health Act 2016 Delegations

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

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

9. Planning and Development Act 2005 Delegations

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:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
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. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	
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>	
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Delegation Register

[Insert Local Government Name]

9. Planning and Development Act 2005 Delegations

Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

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>	Shire of Williams Town Planning Scheme No 2;
Express Power or Duty Delegated:	The CEO is delegated authority to determine development applications that fully comply with all requirements of the Act and Regulations, and the Town Planning Scheme.
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:	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:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	Adopted by Council on 15 December 2021 (Resolution 75/22)
2	
3	

Delegation Register

[Insert Local Government Name]

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)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

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.

Delegation Register

[Insert Local Government Name]

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

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - [3Mb](#)

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.

Delegation Register

[Insert Local Government Name]

10.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

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.

Delegation Register

[Insert Local Government Name]

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation – Local Government CEOs - 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**

Delegation Register

[Insert Local Government Name]

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
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the <i>Building Regulations 2012</i> (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <p>in respect of development applications being made under or referred to in:</p> <p>(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);</p> <p>(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);</p> <p>(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);</p> <p>(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);</p> <p>(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);</p> <p>(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;</p> <p>(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).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Baywater 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 Cannington Shire of Capel Shire of Carnarvon 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 Cunderdin Shire of Cuse Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Dornbrook-Rainup 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</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Geraldton Shire of Hall Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalbarrie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup 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 Maelkathama 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 Mukinbin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>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.</p>

Delegation Register

[Insert Local Government Name]

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyerjarraku
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 Warneeroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickiepin
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

Delegation Register

[Insert Local Government Name]

10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

Delegation Register

[Insert Local Government Name]

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ol style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

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Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's *DC Policy 5.4 Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

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2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

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- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

CORRECTION
PLANNING AND DEVELOPMENT ACT 2005
INSTRUMENT OF DELEGATION
Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193

GUIDANCE NOTE:

The below gazettal amends the above delegation and the two must be read in conjunction.

PL402

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Delegation Register

[Insert Local Government Name]

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.

2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.

2. Clause 5 is deleted.

3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

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10.2.3 Development Control Powers – Powers of Local Governments - Greater Bunbury Region Scheme (DEL.2014/01)

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on 22 August 2017, No.165 – please see inserted text below.

1420

GOVERNMENT GAZETTE, WA

9 May 2014

PL406*

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1717—1722).

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.
3. Development on reserved land, which requires planning approval under the GBRS and which is—
 - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
 - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

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SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development which—
 - i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
 - ii. is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the GBRs.
4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRs and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse under approval under the GBRs.
7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.

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8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Water Corporation.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRs—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Water;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRs and which is for one or more of the following kinds—
 - (a) Development generally in accordance with a WAPC endorsed activity centres structure plan;
 - (b) Development for which the local government decides to refuse approval under the GBRs.
13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRs and for which the local government decides to refuse approval under the GBRs.
14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m² to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.
 - (b) Development for which the local government decides to refuse approval under the GBRs.
15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRs and which is one or more of the following kinds—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
 - (b) Development for which the local government decides to refuse.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 36 of the GBRs, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.

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5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.
10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.
11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.
12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.
13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.
14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.
15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.
17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.
18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.
19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBR. Unless the context otherwise requires—

- ‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.
- ‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.
- ‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—
 - City Centre
 - District Centres
 - Neighbourhood centres
 - Special Centres
 - Town Centres

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- 'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- 'Animal husbandry-intensive' has the same meaning as in the *Town Planning Regulations 1967*.
- 'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.
- 'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—
- all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
 - lobbies between lifts facing other lifts servicing the same floor
 - areas set aside for the provision of facilities or services to the floor or building;
 - areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
- 'Non-conforming use' has the same meaning as it has in the Planning and Development Act 2005 section 172.
- 'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- 'Planning approval' and 'planning approval under the GBRs' mean the planning approval of the WAPC as required under the GBRs and by resolution of the WAPC under clause 27 of the GBRs, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- 'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.
- 'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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Planning and Development Act 2005			
section 16	Preamble, resolution	-	- -
Greater Bunbury Region Scheme			
clause 24	Preamble	-	- -
clause 27	Preamble	-	- -
clause 36		-	- 1
Parts 7 and 8 (clauses 34-48)	Preamble, resolution	-	- -
Activity Centres for Greater Bunbury			

AMENDMENT TO DELEGATION 2014/01 GOVERNMENT GAZETTE, Tuesday, 22 August 2017, No.165

GUIDANCE NOTE:

The below gazettal amends the above delegation and the two must be read in conjunction.

PL404

PLANNING AND DEVELOPMENT ACT 2005 AMENDMENT TO INSTRUMENT OF DELEGATION 2014/01 Powers of Local Governments (GBRS)

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme as gazetted on 9 May 2014.

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC Resolved—

- A. To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2014/01 Powers of local governments (GBRS) published in the *Government Gazette* on 9 May 2014 (pages 1420-1425) by replacing all references to "Strategic Agricultural Resource Policy" with "Priority Agricultural Land Policy".

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

Delegation Register

[Insert Local Government Name]

10.2.4 Development Control – Powers of Local Governments - Peel Region Scheme (DEL.2008/12)

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on 30 June 2009 and 3 November 2017 – please see amendment text inserted below.

19 December 2008

GOVERNMENT GAZETTE, WA

5449

<i>Legislation: Planning and Development Act 2005 (s16)</i>
<i>Title: DEL 2008/12 Powers of local governments (PRS)</i>
<i>Resolution Date: 16/12/2008 Gazetted Date: 19/12/2008 File: 970-1-1-3</i>
<i>Revoques: Delegation to local governments gazetted 28/03/2003</i>

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/12 POWERS OF LOCAL GOVERNMENTS (PRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 28 March 2003 (pages 993-994).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of Delegation

SCHEDULE 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

SCHEDULE 2—Development on zoned land delegated to local governments

Applications for development on zoned land, except in respect of public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
 - (b) Development for which the local government decides to refuse approval under the PRS.

Shire of Williams – Register of Delegations October 2021

Delegation Register

[Insert Local Government Name]

5450

GOVERNMENT GAZETTE, WA

19 December 2008

3. On land abutting an other regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department for Planning and Infrastructure.
 - (b) Development which—
 - (i) complies with an approved access policy pertaining to other regional roads reservations, or a specified section of the other regional roads reservation, submitted by the local government and endorsed by the WAPC, and
 - (ii) is approved subject to conditions requiring compliance with that policy.
 - (c) Development for which the local government decides to refuse approval under the PRS.
4. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - (a) Development where the local government accepts the advice and/or recommendation of the Department of Water and/or the Water Corporation, as the case may be.
 - (b) Development for which the local government decides to refuse approval under the PRS.
5. Development of the following kinds which is for shopping purposes and which requires planning approval under the PRS—
 - (a) Development which—
 - (i) is consistent with an approved centre plan, local commercial strategy or local planning strategy endorsed by the WAPC not more than five years prior to the application for planning approval being lodged, and
 - (ii) is approved subject to conditions requiring compliance with that plan or strategy.
 - (b) Development for which the local government decides to refuse approval under the PRS.
6. Development in the rural zone, other than for a poultry farm, which requires planning approval under the PRS and for which the local government decides to refuse approval under the PRS.
7. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm, for which the local government decides to refuse approval under the PRS.

SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC within seven days and may (within 42 days, or such longer period as the WAPC allows) make recommendations to the WAPC.
2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department for Planning and Infrastructure for advice and recommendation before being considered by the local government.
4. An application for development within the water catchments special control area (SCA No. 1) is to be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.
5. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.
6. Following referral of any application referred to in Schedule 2 for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all advice agencies consulted together with the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.
7. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
8. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

Delegation Register

[Insert Local Government Name]

19 December 2008

GOVERNMENT GAZETTE, WA

5451

SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

- '**Abutting**' reserved land means the zoned land shares a common boundary with reserved land.
- '**Access**' means entry or exit (or both) from either a road or abutting development by a vehicle.
- '**Advice agency**' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.
- '**Centre plan**', '**local commercial strategy**' and '**local planning strategy**', for the purposes of paragraph 5(a) of schedule 2, mean a strategic planning document, submitted to and endorsed by the WAPC, specifying the planned future character and scale of the commercial centre or shopping centre where development is proposed, with limits for such components as uses, floorspace, lettable area, etc.
- '**Forward to the WAPC**' and similar expressions mean convey by mail, by hand or electronically to the Peel region office of the Department for Planning and Infrastructure.
- '**Not acceptable**' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.
- '**Planning approval**' and '**planning approval under the PRS**' mean the planning approval of the WAPC as required under the PRS and by resolution of the WAPC under clause 21 of the PRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.
- '**Shopping purposes**' means use for any of the purposes defined in Appendix 4 of the proposed *Metropolitan Centres Policy Statement for the Perth Metropolitan Region* (WAPC) but excluding hotels, taverns, night clubs, and function and reception centres.

INDEX

Matter referred to	Where referred to			
	Preamble and resolution	Sch 1	Sch 2	Sch 3
Delegations in relation to reserved land				
On land in a regional road reservation		1	-	2, 3
Private jetties and associated facilities		2	-	-
Delegations in relation to zoned land				
Abutting regional open space reserves		-	1	-
Abutting primary regional roads reserves		-	2	2
Abutting other regional roads reserves		-	3	3
In water catchments (SCA. No. 1)		-	4	4
For shopping purposes		-	5	-
Not consistent with the purposes of the rural zone		-	6	-
Poultry farm		-	7	-
Words defined in schedule 4				
'Abutting'		-	1-3	2,3
'Access'		-	3(b)	-
'Advice agency'		1	-	5,6
'Centre plan', commercial strategy, planning strategy		-	5(a)	-
'Forward to the WAPC'	Resolution (b)(i)	-	-	1,6
'does not accept the advice'		-	-	6
'Planning approval'	Preamble, resolution	-	1-6	1
'Shopping purposes'		-	5	-
Planning and Development Act 2005				
section 16	Preamble, resolution	-	1	-
Peel region scheme				
clause 18	Preamble	-	-	-
clause 19	Preamble	-	-	-
clause 20	Preamble	-	-	-
clause 21	Preamble, resolution	-	-	-
clause 30		-	-	1
Parts 7 and 8 (clauses 28-42)	Preamble	-	-	-

Delegation Register

[Insert Local Government Name]

AMENDMENT TO DELEGATION 2008/12

GUIDANCE NOTE:

The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

30 June 2009

GOVERNMENT GAZETTE, WA

2643

PI410*

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION 2008/12
POWERS OF LOCAL GOVERNMENTS (PRS)

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme as gazetted on 19 December 2008.

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under s 16 of the Act (delegation)

On 23 June 2009, pursuant to section 16 of the Act, the WAPC Resolved—

- A To amend its delegation of powers and functions to local governments in the Instrument of Delegation DEL 2008/12 Powers of local governments (PRS) published in the *Government Gazette* on 19 December 2008 (pages 5449–5451) by replacing all references to “Department for Planning and Infrastructure” with “Department of Planning”.

TONY EVANS, Secretary,
Western Australian Planning Commission.

AMENDMENT TO DELEGATION 2008/12

GUIDANCE NOTE:

The below gazettal amends the above delegation and must be read in conjunction the any additional amendments to the delegation.

3 November 2017

GOVERNMENT GAZETTE, WA

5503

PL409

PLANNING AND DEVELOPMENT ACT 2005
AMENDMENT TO INSTRUMENT OF DELEGATION
DEL2008/12 Power of Local Governments

Amendment to the Instrument of Delegation to local governments of certain powers and functions of the Western Australian Planning Commission, under the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act), the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires

Delegation Register

[Insert Local Government Name]

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedule A, within their respective districts, subject to the terms set out in Schedule B;
- B. To amend the Instrument of Delegation DEL2008/12 Powers of Local Governments (PRS) made by the WAPC on 16 December 2008 and published in the *Government Gazette* on 19 December 2008 at pages 5449-5451 (and as amended) (DEL 2008/12), as set out in Schedule C below, to give effect to this resolution.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

Schedule A

Applications for development on zoned land, excluding public works undertaken by public authorities

8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS.

Schedule B

5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

5504

GOVERNMENT GAZETTE, WA

3 November 2017

Schedule C

1. Instrument of Resolution amended

The amendments within this Schedule are to the Schedules set out in DEL 2008/12.

2. Schedule 2—amended (page 5450)

Schedule 2 is amended by the addition of the following clause—

"8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—

- (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
- (b) Development for which the local government decides to refuse approval under the PRS."

3. Schedule 3—amended (page 5450)

Schedule 3 is amended by inserting a new clause 5 as follows—

"5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government."

Further, existing clauses 5, 6, 7 and 8 of Schedule 3 are renumbered to 6, 7, 8 and 9, respectively.

4. Schedule 4—amended (page 5451)

The heading for Schedule 4 is amended to read "Schedule 4—Definitions and Interpretation"

Schedule 4 is amended by inserting the following definition and interpretation provision—

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area

A reference to a department or agency contemplates and includes a reference to its successor in title.

5. Index—amended (page 5451)

The "Delegations in relation to zoned land" section of the Index is amended to include a new line below "poultry farm" which reads—

"in/near the Priority Agricultural Land" . 8 5"

Delegation Register

[Insert Local Government Name]

10.2.5 Development Control – Powers of Local Government – Ningaloo Coast Regional Interim Development Order 2007 (DEL.208/14)

5456

GOVERNMENT GAZETTE, WA

19 December 2008

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2008/14 Powers of local governments (Ningaloo Coast RIDO 2007)
Resolution Date: 16/12/2008 Gazetted Date: 19/12/2008 File: 970-1-1-3
Revoles: Delegation to local governments gazetted 12/10/2007

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2008/14 POWERS OF LOCAL GOVERNMENTS (NINGALOO COAST RIDO 2007)

Notice of delegation to local governments of development control powers of the Western Australian Planning Commission relating to the Ningaloo Coast Regional Interim Development Order 2007

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 16 December 2008, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE its functions under the Ningaloo Coast Regional Interim Development Order 2007 (the Order) as specified in column 1 of the schedule to local governments and to members and officers of those local governments specified in column 2 of the schedule, in respect of land described in column 3 of the schedule;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 12 October 2007 (pages 5532-5533).

WAYNE WINCHESTER, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

SCHEDULE 1

Column 1 (Powers and Functions)	Column 2 (Local Government)	Column 3 (Land)
<p>Power to determine an application made under Part 3 of the Order in accordance with the procedure set out in Part 4 of the Order except—</p> <p>(i) where the WAPC, by notice in writing in each case, advises the local government that it is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; and</p> <p>(ii) where the local government is of the opinion that an application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest.</p> <p>The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local district under the local planning scheme.</p>	<ul style="list-style-type: none">• Shire of Carnarvon• Shire of Exmouth	<p>Applies to applications for development of land defined in—</p> <ul style="list-style-type: none">• Map 1 Area of Delegation (Carnarvon)• Map 2 Area of Delegation (Exmouth)

Delegation Register

[Insert Local Government Name]

10.2.6 Development Control – Powers of Local Governments – Hope Valley-Wattleup Redevelopment Act 2000 and Master Plan (DEL.2011/01)

Legislation: Planning and Development Act 2005 (s16)
Title: DEL 2011/01 Powers of local governments (Hope Valley-Wattleup Redevelopment Act 2000)
Resolution Date: 25 /1 /2011 Gazettal Date: 4/2/2011 File: 801-2-1-22 P10

Planning and Development Act 2005

INSTRUMENT OF DELEGATION

DEL 2011/01 POWERS OF LOCAL GOVERNMENTS (HOPE VALLEY-WATTLEUP REDEVELOPMENT ACT 2000 AND MASTER PLAN)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the *Hope Valley-Wattleup Redevelopment Act 2000* and the Hope Valley-Wattleup Master Plan

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 25 January 2011, pursuant to section 16 of the Act, the WAPC RESOLVED:

- A TO DELEGATE to certain local governments, to officers of those local governments, to the Statutory Planning Committee and the Chairman of the WAPC, and to officers of the Department of Planning (DoP) from time to time holding or acting in those offices, as set out in column 2 of the attached Schedule, its powers and functions under the *Hope Valley-Wattleup Redevelopment Act 2000* and in respect of the Hope Valley-Wattleup Master Plan as specified in column 1 of the attached Schedule, within their respective districts as specified in column 3 of the attached Schedule.

Tony Evans, Secretary
Western Australian Planning Commission

Delegation Register

[Insert Local Government Name]

Instrument of Delegation

Schedule 1

Column 1 (Powers and functions delegated)	Column 2 (Local Government and officers, WAPC committee and Chairman, and DoP officers)	Column 3 (Conditions)
<p>1.1. Power to determine applications for development approval as set out in Part 4 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and Part 10 and Part 11 of the <i>Hope Valley-Wattleup Master Plan</i> except where:</p> <p>(a) the land is reserved for a public purpose in the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(b) the decision to refuse or approve with or without conditions would be contrary to the recommendation of the Western Australian Land Authority in its submission on the application made pursuant to clause 11.1 of the <i>Hope Valley-Wattleup Master Plan</i>; or</p> <p>(c) the WAPC has advised the local government in writing that the application is to be determined by the WAPC; or</p> <p>(d) the local government decides to forward the application to the WAPC for the WAPC's determination.</p> <p>1.2. Power to amend or revoke a planning approval previously granted by the local government under delegated power, as set out in clause 9.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.3. Power to grant approval to unauthorised existing development or use as set out in clause 9.3 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.4. Power to authorise any of the local government's employees to enter a building or land for the observance of the Master Plan as set out in clause 12.1.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.5. Power to issue a written notice under clause 12.2 of the <i>Hope Valley-Wattleup Master Plan</i>.</p> <p>1.6. Power to defend and otherwise deal with reviews lodged with the State Administrative Tribunal under section 29 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> and to appeal, defend, respond and otherwise deal with any legal proceedings as it relates to this notice of delegation affecting the Hope Valley-Wattleup Redevelopment Area.</p> <p>1.7. Power to issue a written notice under section 31(1) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p> <p>1.8. Power under section 31(6) of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i> to take steps to remove, pull down, take up or alter any unlawful development, and recover the costs incurred in so doing.</p> <p>1.9. Power to commence and undertake a prosecution for an offence committed under section 25 or section 31 of the <i>Hope Valley-Wattleup Redevelopment Act 2000</i>.</p>	<ul style="list-style-type: none"> • Council of the City of Cockburn • Chief Executive Officer, City of Cockburn • Director of Planning and Development, City of Cockburn • Manager of Statutory Planning, City of Cockburn <ul style="list-style-type: none"> • Council of the Town of Kwinana • Chief Executive Officer, Town of Kwinana • Director of Operational and Technical Services, Town of Kwinana • Manager of Planning and Development, Town of Kwinana 	<p>Confined to land within the City of Cockburn</p> <p>Confined to land within the Town of Kwinana</p>
<p>1.10 Power to advise a local government in writing in the circumstance of 1.1(c) of this delegation that an application is to be determined by the WAPC.</p>	<ul style="list-style-type: none"> • Statutory Planning Committee of the WAPC • Chairman of the WAPC • Director General, DoP 15135.1 • Executive Director, Peel, Perth and South West Planning and Strategy, DoP 15196.1 	<p>City of Cockburn and Town of Kwinana</p>

Delegation Register

[Insert Local Government Name]

10.2.7 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Delegation Register

[Insert Local Government Name]

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*.

Delegation Register

[Insert Local Government Name]

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.

Delegation Register

[Insert Local Government Name]

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

Delegation Register

[Insert Local Government Name]

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

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:

Delegation Register

[Insert Local Government Name]



Government of **Western Australia**
Department of **Transport**

Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

A handwritten signature in blue ink, appearing to read 'C Davers', written over a horizontal line.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

*[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)
Extracted online on 15 March 2021*

Delegation Register

[Insert Local Government Name]

11 Authorisations and Appointments by the Council and CEO

11.1.1 Authorisations and Appointments by Council

The following Authorisations or appointments of Authorised Persons are made by the Council of the Shire of Williams.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s5.120	CEO	In the absence of the CEO designating another employee to be the Complaints Officer, the CEO is, by default.	This effectively relates to Division 4 Complaints under the Code of Conduct.
Local Government Act 1995, Reg 11 (3) Local Government (Model Code of Conduct) Regulations 2021 and Shire of Williams Model Code of Conduct for Council Members, Committee Members and Candidates for Election (2021)	CEO	Council has authorised the CEO to receive complaints and withdrawals of complaints.	This effectively relates to Division 3 Complaints under the Code of Conduct.
Building Regulations 2012: r.70 Approved officers and authorised officers	CEO	Appointed an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).	

11.1.2 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.

The CEO may appoint, in writing, persons to be Authorised Persons for the purposes of:

- the Local Government Act 1995
- the Caravan Parks and Camping Grounds Act 1995,
- the Cat Act 2011,
- the Cemeteries Act 1986,
- the Control of Vehicles (Off-road Areas) Act 1978,
- the Dog Act 1976.

Delegation Register

[Insert Local Government Name]

For Authorised Persons, appointed by the CEO pursuant to s9.10 Local Government Act 1995:

- the CEO must give to each person appointed under subsection (2) an identity card that — on the front of the card, sets out —
 - the name and official insignia of the local government; and
 - the name of the person; and
 - a recent photograph of the person; and
- on the back of the card, specifies each law to which the person's appointment relates.

An authorised person must:

- always carry their identity card when performing functions under a specified law; and
- produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s3.24, Subdivision 2	CEO Works Supervisor Contract Ranger	Subdivision 2 — Certain provisions about land	See conditions above
Local Government Act 1995 s3.25	CEO Works Supervisor Contract 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.	See conditions above
Local Government Act 1995 s3.39	CEO Works Supervisor Contract 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)	See conditions above
Local Government Act 1995 s3.40A	CEO Works Supervisor Contract 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).	See conditions above
Local Government Act 1995 s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24	CEO Works Supervisor Contract Ranger	CEO, Manager Works and Services, Ranger are	See conditions above

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[Insert Local Government Name]

		appointed an authorised person for the purposes of s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the Local Government Act 1995.	
Local Government Act 1995 s9.10	CEO Works Supervisor Contract Ranger	Appointed and authorised to perform the functions of an Authorised Person for the purposes of all the Shire of Williams Local Laws.	See conditions above
Local Government Act 1995 s9.49(A)(4)	CEO	Authorised to sign and execute documents on behalf of the local government.	See conditions above
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.	See conditions above
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.	See conditions above
Local Government Miscellaneous Provisions Act 1960 Part xx	CEO Works Supervisor Contract Ranger	Appointed and authorised as an authorised person for the purposes of the Local Government Miscellaneous Provisions Act 1960.	See conditions above
Building Act 2011 s96	CEO Contract Building Surveyor	Designated an Authorised Person for the purposes of the Building Act 2011 in relation to	Must be issued with an identity card. Must always carry ID card when exercising powers or

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[Insert Local Government Name]

		buildings and incidental structures.	performing functions as an authorised person.
Building Act 2011 and Planning Act 2005	CEO Contract Building Surveyor	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)	Must be 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 Works Supervisor Contract Ranger	Appointed and authorised as authorised person for the purpose of the Caravan Parks and Camping Grounds Act 1995.	See conditions above
Cat Act 2011 s48(1)	CEO Manager of Corporate Services, Senior Admin Officer Contract Ranger	CEO is a Registration Officer and Authorised Person for all purposes of the Cat Act 2011 Manager of Corporate Services, Senior Admin 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. Ranger as Authorised Person for the purposes of	See conditions above

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[Insert Local Government Name]

		s48, 49, 62, 63 of the Cat Act 2011.	
Control of Vehicles (Off-road Areas) Act 1978 s38(3)	CEO Works Supervisor Contract Ranger	Appointed and authorised as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978	See conditions above
Control of Vehicles (Off Road Areas) Act 1978 – s38(3)	CEO Works Supervisor Contract Ranger	Appointed as Authorised Officers to perform all functions of the local government under the Act.	See conditions above
Criminal Code Act Compilation Act 1913 – S70A(1)(a))	CEO	CEO is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings	
Dog Act 1976 s3(1) s14, s16(2),16(3A), s16(3), s16(3c), s16(6)	CEO, Manager of Corporate Services Contract Ranger, Senior Admin Officer	CEO, Manager of Corporate Services Contract Ranger, Senior Admin Officer appointed and authorised as a registration officer for the purposes of the Dog Act 1976 s3(1) s14, s16(2), 16(3A), s16(3), s16(3c), s16(6)	See conditions above.
Dog Act 1976 s12A, S14, s29(1), s33G, s38, s43A, s47	CEO Works Supervisor Contract Ranger	CEO, Works Supervisor and Contract Ranger are appointed and authorised as an authorised person for the purposes of s12A, S14, s29(1), s33G, s38, s43A, s47	See conditions above
Dog Act 1976 s33E, 33F, 33G, 33H, 39, 43A	CEO Works Supervisor Contract Ranger	CEO, Manager Works and Services, Ranger as a specifically Authorised Persons for the purposes of	See conditions above

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[Insert Local Government Name]

		s33E, 33F, 33G, 33H, 39, 43A	
Dog Act 1976	CEO Works Supervisor Contract 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.	See conditions above
Dog Regulations 2013 cl 35(5)	CEO Works Supervisor Contract Ranger	Appointed and authorised as an authorised person to withdraw infringement notices.	See conditions above. <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	CEO is appointed and authorised as a Prosecuting Officer for the purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1954 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.	Authorised to lodge and withdraw matters which have been registered with Fines Enforcement Registry. FER are notified of appointments by the Shire (see s13)

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[Insert Local Government Name]

Food Act 2008 s38, s54, s62, s 65, s66, s67, s110, s112, s122, s125, s126,	CEO Contract Environmental Health Officer	CEO, 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	CEO	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.	See conditions above.
Graffiti Vandalism Act 2016	Manager of Corporate Services, Works Supervisor, Contract Ranger	CEO appoints the Manager of Corporate Services, Works Supervisor, Contract Ranger as Authorised Persons 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	See conditions above.
Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices Pt 2 Criminal Procedure Act 2004	CEO Contract Environmental Health Officer	CEO be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices. Contract Environmental Health Officer be appointed as an Approved Officer	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)].

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[Insert Local Government Name]

		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.	
Liquor Control Act 1988 s39 (Health), s40 (Planning), s61(1)(d), (2), s69(7), (8)	CEO	CEO is authorised to issue Certificates for grant, change or removal of liquor licences. CEO is authorised to provide comment and make recommendations on Applications for Extended Trading Permits. CEO is authorised to intervene in Applications.	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. The Chief Executive Officer may recommend approval or refusal for subsequent applications.
Litter Act 1979 26(1)(c)	All Council members and all employees – as of right, by virtue of Act.	Appointed and authorised as an authorised officer for the purposes of the Litter Act 1979.	Shall be issued with a certificate of 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.
Litter Act 1979 s30(4a)	CEO Shire President	CEO is authorised to withdraw infringement notices. If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.	
Public Health Act 2016 Health (Miscellaneous Provisions) Act 1911	CEO Contract Environmental Health Officer	CEO and 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

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[Insert Local Government Name]

			authority as an authorised officer in accordance with s30 of the Public Health Act 2016.
Public Health Act 2016	CEO 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.

Delegation Register

[Insert Local Government Name]

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)	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)	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)	Determine the respective seniority of the other Bush Fire Officers so appointed.	
Bush Fires Act 1954 s38(1)	Appointed and authorised as Deputy 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(8), (9), (10)	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	Shall be issued with a certificate of appointment by the local government
		

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[Insert Local Government Name]

		Officer/s as considered necessary and where two or more deputies are appointed, determine seniority.	
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 of Corporate Services	Manager Financial Reporting and Manager Financial Operations are 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 of Corporate Services - Reporting Manager of Corporate Services - Operations		
Public Interest Disclosure Act 2003 – s23(1)(a)	CEO	Principal Executive Officer (Chief Executive Officer) designates the occupant of a	

Delegation Register

[Insert Local Government Name]

		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 of Corporate Services - Reporting Manager of Corporate Services - Operations	CEO is the Pensioner Rates Review Officer, as defined by the Act. CEO is the Pensioner Rates Determination Officer as defined by the Act.	
Tobacco Products Control Act 2006 s77	CEO	Appointed and authorised as a Restricted Investigator for the purposes of the Tobacco Products Control Act 2006.	

8.2.3 Policy Manual Review

File Reference	4.1.10
Statutory Ref.	Local Government Act 1995
Author & Date	Geoff McKeown 14 December 2022
Attachments	Attachment 2 – Policy Manual Revised

Background

A major review of the Shire's Policy Manual occurred in late 2020 and early 2021. The current document was adopted by Council at the Ordinary Council Meeting held on the 21 April 2021.

Comment

A review of the current Policy Manual has been completed. Several policies were added and one revoked following the April 2021 adoption. These changes are listed in the following table:

Amendment No.	Date	Council Resolution	Amendment Detail	Author
15	April 2021	93/21	New Policy O1.32 Reinstatement of Firebreaks Following Fire Event Policy	CEO
16	May 2021	107/21	New Policy C3.7 Temporary Employment or Appointment of CEO Policy	CEO
17	November 2021	60/20	Revocation O1.12 – Significant Accounting Policies	Manager of Corporate Services
18	November 2021	60/20	New Policy O1.12 – Financial Reporting Policy	Manager of Corporate Services
19	November 2021	59/22	New Policies O1.33 – Internal Control Policy O1.34 – Legislative Compliance Policy	Manager of Corporate Services
20	November 2021	64/22	New Policy O1.35 – Management of Bushfire Volunteers Policy	CEO

The revised Policy Manual is present for adoption, see Attachment 2. The wording of several policies has been changed to reflect the title of Manager of Corporate Services in lieu of Manager of Finance.

Policy O1.4 Buildings – Use of Sea Containers and Transportable Structure Policy has been amended to recognise that the Council has and will continue to receive requests for sea containers to be converted to habitable structures. The following additional wording is recommended:

“Conversion to a building for habitation

Sea containers or transportable structures shall not be used for habitable purposes, unless planning approval is obtained and the structure(s) complies with Shire of Williams Town Planning Scheme, the Building Code of Australia, Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911 as a habitable unit. The local government will have regard to other Local Planning Policies as relevant.”

Policy C3.7 Temporary Employment or Appointment of CEO Policy has been amended to account for periods when the position of Manager of Corporate Services is vacant. New wording is included that states:

“In the case of the unavailability of the Manager of Corporate Services to act as the CEO during a period of leave or in an emergency, as described above, the Council determines that the Senior Administration/Finance/Building Officer or Community Development Officer can act in the position of CEO.”

No other changes are proposed.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans.

Financial Implications

Nil

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopt the revised Policy Manual as presented.

Council Resolution

Major/Price

That Council adopt the revised Policy Manual as presented.

**Carried by Absolute Majority 7/0
Resolution 66/23**



SHIRE OF WILLIAMS POLICY MANUAL

COUNCIL POLICY MANUAL
SHIRE OF WILLIAMS

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PRELIMINARY

Introduction

This Policy Manual is intended as a guide to councillors, employees and the general public, on the normal practices and activities of the Shire of Williams. The policies do not require absolute adherence, and may be changed as circumstances dictate, in accordance with Council's directions, and amended by Council from time to time.

Employees are expected to comply closely with the spirit and intention of the policies, and to use care and discretion in implementing the policies, to ensure the best possible outcome for all. Implementation should be fair, consistent and effective, with the emphasis on guidance and assistance rather than compulsion and inspection.

Council, in its absolute discretion, reserves the right to amend, add, delete or apply wholly or in part or not at all, any or all of the policies without notice.

This document does not stand alone, but is underpinned by legislative requirements, which comprises (in order of priority):

- Legislation – Acts of Parliament, Regulations etc.
- Common Law – legal precedent, interpretation and decisions made by the Courts
- Delegated legislation – local laws and by-laws, town planning policy
- General policy – administrative policy

Definitions

The *Local Government Act 1995* has not defined the term 'delegation' or 'delegated power', however:

- s 5.16 refers to *...the exercise of any of its powers and duties...*
- s 5.42 refers to *...the exercise of any of its powers or the discharge of any of its duties...*

The term 'policy' is also not defined in the *Local Government Act 1995*.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with enabling legislation:

'Authority' means the permission or requirement for a Committee or the Chief Executive Officer (CEO) to act in accordance with:

- the *Local Government Act 1995* or other legislation or regulation;
- a delegation made by Council;
- a policy made by Council; or
- a specific decision by Council.

'Delegation' means the authority for a Committee or the CEO to act on behalf of Council, where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational review.

'Policy', as the context requires, means either:

- a procedural direction to employees to implement Council directives in a particular way; or
- the authority for employees to act, where that authority is not considered to be a delegation, but more procedural in nature.

'Instruction' means the requirement for an employee to act in accordance with a direction given by the CEO.

Head of Power

Unless stated otherwise, the *Local Government Act 1995* constitutes the head of power for Council to make the policies.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to assign responsibilities and authority to various officers. In order to maintain consistency with the concepts of the *Local Government Act 1995*, all delegations are made to the CEO, who is then responsible for the implementation of the function, either personally or through delegation to other officers.

It is Council's expectation that the CEO assigns responsibilities relevant to a specialist or specific position, to the appropriate person.

Process

It is a requirement of the *Local Government Act 1995* s5.18 and s5.46 (1) (2) that all delegations be reviewed at least once in each financial year. In order to ensure that there is clear authority and to ensure consistency and relevancy, the applicable policy is to be updated where a delegation applies.

A policy may be reviewed at any time as a result of:

- Legislative changes (Acts/Regulations/Local Laws) which have a bearing on a particular policy;
- Council decisions which affect the continued validity or applicability of a policy;
- Important technological or social changes; or
- Any other such circumstance that would justify an earlier review

In order to ensure that policies remain current the assigned Responsible Officer should review them on a regular basis and no less than once every two years.

New Policies

Council may make new policies at any time.

However, unless specifically stated that the authority is to be included in the Policy Manual at the time of adoption, it should be assumed that the authority to act is for a specific matter and is not a general or on-going policy.

Amended and Revoked Policies

The document is to include a version date to ensure that the most current version is being referred to. A version and amendment table is included at the front of each document to track minor changes. Complete re-writes to be noted for reference.

The history of the policy is amended to show date and resolution number of the motion of the amendment.

Amendment Record

No.	Date	Council Resolution	Amendment Details	Author
1	May 2018	181/18	Review and update All - 'Operational' Policies	CEO
2	June 2018	211/18	Review and update All - 'Staff & Council' Policies	CEO
3	July 2018	5/19	Review and update All - Entire Manual	CEO
4	May 2019	196/19	Revocation O1.12 – Fair Value Accounting O1.13 – Fixed Assets – Capitalisation Threshold O1.20 – Non-Current Assets - Depreciation	Manager of Corporate Services
5	May 2019	196/19	New Policies O1.12 Significant Accounting Policies O1.13 – Portable and Attractive Assets	Manager of Corporate Services
6	September 2019	47/20	New Policy S2.16 – Employee Recruitment and Selection	CEO
7	September 2019	48/20	New Policy S2.17 – Long Service Leave Management	CEO
8	September 2019	49/20	Amendment O1.23 – Purchasing Policy (<i>changes to purchasing thresholds</i>)	CEO
9	February 2020	133/20	New Policy C3.5 Events Policy	CEO
10	March 2020	145/20	New Policy C3.6 Elected Member Training and Continuing Professional Development	CEO
11	May 2020	155/20	New Policy O1.30 COVID-19 Financial Hardship	CEO
12	October 2020	43/21	New Policy O1.31 Asset Management	Manager of Corporate Services
13	December 2020	63/21	Amendment O1.23 Purchasing	Manager of Corporate Services
14	April 2021	97/21	Review and update – “Minor Review” All - Entire Manual	Manager of Corporate Services
15	April 2021	93/21	New Policy O1.32 Reinstatement of Firebreaks Following Fire Event Policy	CEO
16	May 2021	107/21	New Policy C3.7 Temporary Employment or Appointment of CEO Policy	CEO
17	November 2021	60/20	Revocation O1.12 – Significant Accounting Policies	Manager of Corporate Services
18	November 2021	60/20	New Policy O1.12 – Financial Reporting Policy	Manager of Corporate Services
19	November 2021	59/22	New Policies O1.33 – Internal Control Policy O1.34 – Legislative Compliance Policy	Manager of Corporate Services
20	November 2021	64/22	New Policy O1.35 – Management of Bushfire Volunteers Policy	CEO

21	December 2022	66/23	Amendment C3.7 Temporary Employment or Appointment of CEO Policy	CEO
22	December 2022	66/23	Amendment Policy O1.4 Buildings – Use of Sea Containers and Transportable Structure Policy	CEO

OPERATIONAL



○ 1.2 Building – Outbuildings in Residential Zones R2, R2.5, R5, R12.5, R20 and R30 Policy

OBJECTIVE

- To provide flexibility for outbuilding size, construction and materials for outbuildings in residential areas.
- To ensure that outbuildings are constructed and located in such a way as to minimise their impact on the amenity of the locality.
- To prevent the construction of outbuildings on vacant lots.

STATEMENT

This policy provides direction and guidance on the materials, area and height of the buildings that Council may permit within the Residential zoned areas of the Shire of Williams. The policy provides the basis for determining applications that do not meet the requirements of State Planning Policy.

This policy only applies to the Residential zones where the Residential Design Codes are applicable. The policy does not apply to the Rural Residential Zone or Rural Zones.

Definitions

<i>Outbuilding</i>	An enclosed, non-habitable structure that is detached from any building
<i>Garage</i>	Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.
<i>Carport</i>	A roofed structure designed to accommodate one or more motor vehicles; unenclosed except to the extent where it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable.
<i>Patio</i>	An unenclosed structure covered in a water impermeable material which may or may not be attached to a dwelling.
<i>Pergola</i>	An open framed structure covered in water permeable material or unroofed, which may or may not be attached to a dwelling.
<i>Note:</i>	<i>Other common private garden or backyard constructions such as cubby houses, play fixtures and dog kennels are exempted from planning control.</i>

GUIDELINES

Vacant Lots An outbuilding may not be permitted to be constructed on vacant lots. The exception to this may only be the situation where an application for a building permit for a dwelling is submitted at the same time as the building permit for the outbuilding.

Development Standards

Residential Density Code of Property	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
R2 – 5000m ² lots	200m ²	4.5m	5.0m
R2.5 – 4000m ² lots	180m ²	4.0m	4.6m
R5 – 2000m ² lots	120m ²	3.6m	4.5m
R12.5 – Average lots 800m ²	80m ²	3.0m	4.5m
R20 – Average lots 450m ²	60m ² or 10% in aggregate of the site area, whichever is the lesser	2.7m	4.2m
R30 – Average lots 260m ²	60m ² or 10% in aggregate of the site area, whichever is the lesser	2.7m	4.2m

- Materials* Second hand materials may only be used where the materials are in good condition and are sufficient to provide a consistent appearance of the building. Council's Building Surveyor may request a report from a structural engineer for use of second hand materials. Residents are encouraged to use materials with a low reflectivity to avoid adverse impact on neighbours.
- Outbuildings* Are not attached to the dwelling; are non-habitable; not for commercial purposes; are not within the primary street setback area and do not reduce the amount of open space required by the Residential Design Codes.
- General* If the proposed outbuilding meets the criteria outlined in this policy, it is considered that the proposal meets the performance criteria of the Residential Design Codes contained in the State Planning Policy.

Responsible Officer	Chief Executive Officer Environmental Health Officer & Building Inspector
History	Adopted 16 August 2017 (Resolution 33/18) Minor update – revised language and update to regulatory references 21 April 2021 (Resolution 97/21)
Delegation	BLD 1 - Building Matters Permits, Certificates and Orders BLD 4 – Building Licences PLN 1 – Planning Matters
Relevant Legislation	State Planning Policy 7.3 - Residential Design Codes Planning and Development Act 2005 Building Act 2011
Related Documentation	Shire of Williams Town Planning Scheme No 2

O 1.3 Buildings – Relocatable Dwellings: Conditions of Approval Policy

OBJECTIVE

- To protect the visual amenity of the Residential, Rural Residential or Rural zoned areas of the Shire of Williams by ensuring that an acceptable standard of building is maintained.
 - To specify the circumstances under which Council may allow the relocation of a second-hand transportable dwelling into a Residential, Rural Residential or Rural zoned land.
 - To outline the requirements and standards that are necessary to obtain development (planning) and building approvals to relocate a second-hand dwelling into a Residential, Rural Residential and Rural zoned area.
-

STATEMENT

The transportation to the Shire of Williams, especially in the gazetted townsite, of a second hand transportable dwelling house has the potential to have a negative impact upon the visual amenity of areas in which they are located.

In order to guard against potential negative impact of such dwellings, the Shire requires that all proposals of this type be submitted to Council for planning approval.

GUIDELINES

The transportation into a Residential, Rural Residential or Rural zoned area of the Shire of Williams of a second-hand transportable dwelling (relocatable dwelling) may be permitted, subject to the following:

1. Applications are subject to the proponent submitting a Development Application.
2. All applications to relocate a dwelling into a Residential or Rural Residential or Rural zoned area are required to be presented to Council prior to approval being granted.
3. No dwelling containing asbestos is permitted to be relocated into or within the Shire unless all asbestos is removed and replaced with suitable alternative materials prior to its transportation.
4. All relocatable dwellings are to be inspected by the Environmental Health Officer/Building Surveyor prior to transport into the Shire at the proponent's cost.
5. Building plans as per the requirements of the *Building Regulations 2012*, plus certification from a structural engineer as to structural soundness and stumping requirements are required to be submitted.
6. All stumps and sole plates (if applicable) are to be new materials
7. Any damaged or rusted building materials to be replaced to the satisfaction of the EHO/BS.
8. If deemed necessary by the EHO/BS, all external portions of the dwelling to be painted to the Shire's satisfaction.
9. If deemed necessary by Council, to improve the appearance of the dwelling, a veranda to the Shire's satisfaction may be required to be erected.
10. All exposed portions of the dwelling between ground level and the underside of the floors to be screened, by the use of new materials such as Colorbond, fibro cement, termite resistant lattice or bird boards.
11. No occupation of the dwelling is to occur until a final inspection of the dwelling by the EHO/BS has taken place and those conditions necessary for habitation have been cleared.

Responsible Officer	Chief Executive Officer Environmental Health Officer and Building Inspector
History	Adopted 18 June 2008 (Resolution 300/08) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	BLD 1 - Building Matters Permits, Certificates and Orders BLD 4 – Building Licences PLN 1 – Planning Matters
Relevant Legislation	Planning and Development Act 2005 Building Act 2011
Related Documentation	Shire of Williams Town Planning Scheme No 2

○ 1.4 Buildings – Use of Sea Containers and Transportable Structures Policy

OBJECTIVE

- To protect the amenity of the Williams townsite by ensuring that the visual impact of any proposal to use a sea container or transportable structure is minimised.
 - To specify the circumstances under which the Shire may permit the use of sea containers or transportable structures within the Williams townsite.
 - To outline the procedures required to be followed in seeking Council's approval to the use of sea containers or transportable structures within the Williams townsite.
-

STATEMENT

The use of sea containers and transportable structures for purposes other than the transportation of goods (e.g. storage, shed, workshop etc.) has the potential to have a negative impact upon the visual amenity of areas in which they are located due to the general size and appearance of such structures. In order to guard against the potential negative impact of such usage the Shire requires that all proposals of this type be submitted to Council for its formal planning approval prior to commencement.

GUIDELINES

The use of sea containers or transportable structures within the Williams townsite for purposes other than the transportation of goods is generally not permitted. Council may however issue its planning consent for the use of such structures for purposes other than the transportation of goods where all of the following circumstances apply:

- Where the land the subject of such an application is zoned Commercial, Industrial or Rural;
- Where the structure is located on the land so as to be effectively screened from public view;
- Where the height of such structures does not exceed 3 metres.

All applications for planning approval to use a sea container or transportable structure is to be made in the form prescribed in Schedule 2 of the Shire of Williams Town Planning Scheme No.2 and to be accompanied by the following information:

- Details of the proposed use of the structure;
- Details of the dimensions and finish of the proposed structure;
- A photo of the proposed structure;
- Details of the structure's proposed location on the subject land; and
- The proposed method of screening.

In considering any application for planning consent to use a sea container or transportable structure within the Williams townsite, Council is to have regard to the objectives and provisions of its Town Planning Scheme and may take into account any matters relevant to Town and Regional Planning, the public interest in general and the locality surrounding the proposed development in particular.

Where a sea container is being used to transport goods it is not permitted to remain on any land within the Williams townsite for a period exceeding twenty eight (28) days without Council's approval.

Conversion to a building for habitation

Sea containers or transportable structures shall not be used for habitable purposes, unless development approval is obtained and the structure(s) complies with Shire of Williams Town Planning

Scheme, the Building Code of Australia, *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911* as a habitable unit. The local government will have regard to other Local Planning Policies as relevant.

Responsible Officer	Chief Executive Officer Environmental Health Officer and Building Inspector
History	Adopted 19 September 2007 (Resolution 59/08) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	BLD 1 - Building Matters Permits, Certificates and Orders BLD 4 – Building Licences PLN 1 – Planning Matters
Relevant Legislation	Planning and Development Act 2005 Building Act 2011
Related Documentation	Shire of Williams Town Planning Scheme No 2

O 1.5 Bush Fire Brigades Policy

OBJECTIVES

The objectives of Bush Fire Brigades is to maintain an efficient bushfire fighting organisation that is ready and equipped to:

- Organise preventative measures;
 - Monitor and extinguish bush fires;
 - Prevent loss of human life;
 - Minimise losses to livestock and property; and
 - Advise the Shire on matters relating to the detection, suppression and prevention of bush fires in the respective brigade area.
-

STATEMENT

Brigade Area

The area of a brigade is the land with the boundaries as approved by Council.

Membership

Subject to any Shire Local Law, all property owners within the area are entitled to become members. A register of members is to be kept showing each member's name, address and contact details. Membership of residents outside of the Shire boundaries may be accepted as members who work in the Shire of Williams.

Management

The management of the Brigade is delegated to the Brigade Captain, who is appointed to the role by the members at a meeting.

The Annual Bushfire Brigades Meeting is to be held in October each year. The meeting is to be advertised, and all Brigade representatives and members of the Williams Volunteer Fire and Rescue Service and the DFES Area Manager are to be invited to attend.

The Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer positions are nominated at the Annual Bushfire Brigades AGM, with the recommendation forwarded to Council for endorsement.

Voting rights at the AGM are two per brigade.

Disputes

Any disagreement between Brigade members should be referred to the Captain. Where the matter is of sufficient importance that it is considered that the interest of the Brigade as a whole is involved, then the matter should be referred to a meeting of the brigade.

Ultimately, the Council is the final authority on matters affecting the Brigades within the Shire, and may resolve any dispute not finalised.

Responsible Officer	Chief Executive Officer
History	Amended and Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	BFA 2 – Local Government Functions under the Bush Fires Act
Relevant Legislation	Bush Fires Act 1954
Related Documentation	

O 1.6 Business Incentive for Investment Policy

OBJECTIVE

- To increase the size of the local population (market);
- To assist development of sustainable enterprises and industries;
- To increase employment opportunities through investment in the Williams district;
- To assist the growth of value adding businesses in the region.

Aim

The Shire of Williams Business Incentive for Investment Policy encourages business investment opportunities that may increase economic development which in turn strengthens the local economy, improve employment and enhance the overall quality of life for all residents of the Shire.

Goals

- To encourage the development of suitable business enterprises within the Shire involving the attraction and establishment of new businesses and support the expansion of existing businesses;
- To establish a budget allocation to provide for financial subsidies; and
- To develop mechanisms for close monitoring to ensure the objectives of the policy are being met.

The Policy aims to encourage business investment and economic development for the district through assisting:

- Local business(s) looking to expand into new areas;
- Businesses relocating into the district;
- New enterprises to establish in the district.

STATEMENT

Criteria

All initial discussions are treated as commercial-in-confidence. All Projects are considered on their merits. They should be assessed using the following criteria and the incentive support program is not made retrospectively.

To be eligible, proponents are to provide evidence of business planning, documenting anticipated investment and employment levels over 3 years and demonstrate the long-term sustainability of the proposed business. All business sectors are eligible under this policy and the level of incentive may be directly related to the relationship with following assessment criteria.

Employment Created

The number and type of employment (permanent or casual, full time, part time, apprentices) created and the likely sustainability of this employment long-term. *[Note: Both direct and indirect employment should be considered. For example, the new business may employ 4 people (direct employees), which in turn may bring 4 new families to the district, with partners employed in other businesses (indirect employees)]*

Revenue Generation for the District

The amount of revenue that an investment potentially brings to the district in dollar terms. This includes the cost of the construction and input/output figures. An income/expenditure statement (budget) for the business with a three year forward estimate needs to be provided to address this criteria.

Multiplier Effect to Other Existing Businesses

The positive on-flow a new investment creates for existing businesses in the district and the economic and employment factor levels that may result.

Value Adding to Other Sectors

The ability for the investment to value-add to products currently created in the district, thus strengthening the economic fabric of Williams, leading to long-term sustainability.

Export Potential / Import Replacement

The export or import replacement created by the prospective business. The business needs to provide evidence how the business has the potential to export their product regionally, nationally or even internationally and/or where the prospective business product may replace a product that is currently imported into the Shire regionally, nationally or even internationally. For example – a manufacturer that uses locally grown products and converts them to feed and exports to the eastern states. *[Note: This is considered at two separate levels – international export/import replacement and regional export/import replacement.]*

Environmental Issues

Compatibility with the local environment and any positive or negative impacts of a proposed new business investment. Businesses that do not impact adversely on the environment, or provide adequate mitigation methods, may be assessed favourably.

Social Issues

The impact on the wider community that a new business may have. Examples include; evidence of business policies such as drug and alcohol screening of employees, employee award rates and the prospective employment pool the business proposes to source their employees from.

Likely Revenue Flow to Council (Infrastructure enhancement)

Evidence of additional revenues (via rates, etc.) that an investment potentially brings to Williams. Rates are an important revenue stream for Council that support the maintenance of existing infrastructure and provide for investment in new infrastructure that in turn supports both the community and business alike. It is recognised that any new business to the Shire may provide new rate income which provides immediate benefits to both the Shire and the business.

Assessment

The Chief Executive Officer, with the assistance of Council, makes assessments on a case-by-case basis. The process is likely to involve an interview with the prospective business representative in order to clarify or enhance information provided. In addition to addressing each of the Criteria detailed in the previous section, Council also requires details of financial resources of the prospective business and the background of their current location, establishment or expansion opportunities is also taken into account. The final approval for any level of assistance remains with the Council.

Types of Assistance

The Policy provides for a range of incentives, primarily focused at local authority fees and charges associated with investment (e.g.: building and planning). The primary aim is to minimize any initial cost impediments a prospective business may face when establishing or expanding their operation within the Shire of Williams.



The types of incentives offered are as follows:

1. Investment Facilitation

The Shire of Williams CEO is to provide support and assistance for the prospective business in all dealings with the Shire of Williams with the aim of minimizing any potential delays that may be experienced.

Any contribution that may be required by Council, for items such as road maintenance and/or supporting infrastructure associated with new industrial buildings, may be deferred or reimbursed.

Any contribution that may be required for utility service infrastructure (i.e.: Headworks – electricity, water, sewerage), maintenance and development associated with new industrial buildings may be deferred or reimbursed.

2. Application Fees

Business application fees (e.g.: Planning, Building) that may be incurred by an investor in relation to a new development may be discounted or a payment plan introduced over a 12 month period.

Rates for the premises of the proposed new business site may be deferred or progressive payments introduced to off-set some of the initial costs associated with establishing a new business or the expansion of an existing business. These are considered on a case-by-case basis and reviewed every 12 months for duration of up to 3 years.

3. Site Works

Depending on the type of facility, Council may be able to provide assistance with earthworks on industrial land. There is also a provision to assist with earthworks for new housing developments.

4. Environmental and Health

Depending on the type of facility, the Council may provide assistance in this area to facilitate the establishment of a new project.

5. Financial Assistance with purchase of land and/or premises construction

Council may also offer (where appropriate):

- Access to reasonably priced industrial and commercial land (for the location of the proposed business);
- Access to reasonably priced residential land (for employee housing);
- Financial assistance with costs associated to construct industrial/commercial premises (i.e.: self-supporting low interest loans).

Application Procedure

Applications are only accepted after an appointment with the Chief Executive Officer and the proposal has been discussed on site (where applicable). Applications are invited in writing.

Prospective businesses applying for assistance under this policy should outline their proposal and case for assistance, specifying the areas/incentives of most significance to the business. A covering letter on company letterhead should be attached to the application.

Supporting documentation such as a business plan, cash flow projections, estimates of project costs, finance sources and demonstration of past business success should be provided to support the request. All information provided is treated in the strictest of confidence.



Applications are to be lodged with the Shire of Williams, PO Box 96 WILLIAMS WA 6391. For assistance in preparing an application, please contact the Shire of Williams Chief Executive Officer on (08) 9885 1005 or email: ceo@williams.wa.gov.au

Performance Monitoring

Information provided by businesses applying under this policy is used to determine conditions associated with offering any incentive. This includes commencement dates, employment targets and extent of works.

Incentives offered need to be accepted in writing by the prospective business, acknowledging acceptance of the set conditions and noting that any non-conformance could result in removal/withdrawal of assistance.

Upon acceptance of an offer, the prospective business agrees to allow the CEO as an authorised delegate of Council to undertake ongoing monitoring of the impact any such incentives may provide.

Responsible Officer	Chief Executive Officer
History	Adopted December 2013 (Resolution 112/14) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.7 Customer Complaint Handling Policy

OBJECTIVE

The primary objective of this policy is to turn dissatisfied customers into satisfied customers.

The secondary objectives are:

- To monitor performance.
 - Identify the need for improvement or new services.
 - To avoid potential litigation.
-

STATEMENT

That the Shire of Williams provides a consistently high level of customer service and that a complaints system to be used to monitor that service.

GUIDELINES

The complaints procedure allows the customers /general public to provide written detail of their complaint. All complaints received are to be forwarded to the Chief Executive Officer.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language and detailed procedure removed 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	Procedure: O1.7 Customer Complaint Handling Procedure

O 1.8 Community Engagement Policy

OBJECTIVE

Whatever the Shire does it should be more effective if the people affected by its work:

- Understand what the Shire is doing and how it can potentially impact them;
 - Are involved at whatever level they need to, to ensure the best outcome.
 - The approach the Shire uses to achieve understanding and involvement of those affected by its decision making is called *engagement*.
-

STATEMENT

The Shire of Williams intends to engage with the Community on matters/decisions before Council which may have direct impact on Economic Development, Social and Cultural Development, Land Use and Environment and Organisational Performance of Williams.

For the purposes of community engagement in order to prepare and review the Strategic Community Plan the following engagement activities are to be undertaken:

- Every two years a survey is to be undertaken to ascertain what the community's priorities are and how the community views the performance of Council and the Shire. The community survey is to be conducted in line with the minor and major reviews of the Strategic Community Plan.
 - Every four years community workshop(s) are to be undertaken to inform the community of the progress of the Strategic Community Plan and ascertain what the community's priorities are.
-

GUIDELINES

The Shire is to engage with the community at all levels using the most appropriate form of communication given the program, project or task at hand. The Shire recognises that to empower our communities and our residents, information is provided to all levels and communication occurs at all levels. The Shire believes it is important to have the community and Local Government understand each other and the systems they work within. Statutory requirements as well as funding programs need to be understood by all parties involved.

Responsible Officer	Chief Executive Officer
History	Adopted 19 September 2012 (Resolution 65/13) Amended July 2015 Amended July 2018 (Resolution 5/19) Minor update – revised language and removed background details 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.9 Corporate Credit Card Policy

OBJECTIVE

The objectives of the Policy are:

- To reduce the reliance on Council representatives carrying cash or Council cheques;
 - To reduce the reliance on Councillors and Council staff making payments on behalf of Council;
 - To reduce the need for recouping of expenditure incurred on behalf of Council by Councillors and staff;
 - To provide a modern, professional and documented payment means when incurring expenditure on behalf of Council.
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STATEMENT

The aim of the Shire of Williams' Corporate Credit Card Policy is to establish rules for their use and the responsibilities of cardholders using the Shire's corporate credit cards.

The policy ensures that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

Authority for Use of Corporate Credit Cards

Shire of Williams Corporate Credit Cards may be issued to the Chief Executive Officer or to authorised purchasing officers as delegated under the powers of Delegation Number FMR 2. The limit per credit card per officer is to be no more than \$5,000,

The *Local Government Act 1995* does not allow for the issue of Credit Cards to elected members of Local Governments. Councillors are entitled to allowances or the reimbursement of expenses incurred on Council business.

GUIDELINES

The *Local Government Act 1995* does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the *Local Government (Financial Management) Regulation 11(1)(a)* requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

Responsible Officer	Chief Executive Officer
History	Adopted 20 December 2017 (Resolution 107/18) Amended and Adopted July 2018 (Resolution 5/19) Amended and Adopted July 2019 (Resolution 23/20) Minor update – revised language and minor change to authority with reference to delegation 21 April 2021 (Resolution 97/21)
Delegation	FMR2 – Authorisation of Purchases
Relevant Legislation	Local Government (Financial Management) Regulations 11 (1) (a)
Related Documentation	Policy – O 1.24 Purchasing Policy Forms & Templates – O1.9 Corporate Card User Instructions

O 1.10 Crossovers (property entrances) and Driveways Policy

OBJECTIVE

To provide uniform specifications and assist with drainage and visual amenity.

STATEMENT

The first standard crossover installed to each property may be subsidised 50% by the Shire following an application in writing to the CEO. All subsequent crossovers, or extra width, are to be treated as a private works request.

A standard crossover is defined to be a gravelled surface of not less than 100mm depth from the road edge to the property boundary; 4.8m wide; and if pipes are needed, to include two standard lengths (each 2.44m) of Class X reinforced concrete pipe, and headwalls.

Landowners in the Williams townsite to be refunded 50% of the cost of constructing a driveway over the standard gravel crossover from the road edge to property boundary.

GUIDELINES

The Works Supervisor is to ensure a completed works request form or other written documentation is obtained prior to commencement of works.

Responsible Officer	Chief Executive Officer Works Manager
History	Amended 16 November 2005 (Resolution 102/06) Amended June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.11 Email Policy

OBJECTIVE

The purpose of this Policy is to ensure the proper use of the Shire of Williams' email system and applies to all Council employees, Councillors, contractors, consultants, temporary and casual staff, and other authorised personnel of the Shire of Williams.

Council makes electronic mail available to its staff so they may efficiently share and exchange information in the pursuit of Council's goals and objectives.

Council is a diversified organisation, where staff work varying hours and days, electronic mail allows Council staff to help overcome the barriers of time and space in communication.

Introduction

Email (external/internal) forms part of the official business communication of the Shire of Williams, and as such email is governed by the same legislative requirements (*State Records Act 2000*) as all records.

Email sent or received contains information about business activities and therefore can function as evidence of business transactions in a court of law; they are subject to legal processes such as discovery and subpoena. The records may also be required by Royal Commissions, auditors and other people/bodies to whom they may be subject.

Electronic messaging systems are communication devices like the telephone and facsimile, and as such cannot be isolated from the records management system.

Email as Official Records

Email messages are official records of Council's business, legislation requires Council to be accountable for that business.

Transactions that provide evidence of business activities and are required for ongoing business should be documented in the records management system.

Email messages that document:

- What happened;
- What was decided;
- What advice was given;
- Who was involved;
- When it happened;
- Order of events and decisions;

Should either be printed out, with appropriate contextual details and attachments, and filed on Council's paper based files or filed in the electronic record system on the appropriate file.

STATEMENT

Council's email system and the messages sent through it are part of the Council's formal communication network. This means Council records now include information kept in electronic form.

Email messages are required to be kept if they provide evidence of Council's business and activities, are needed for use by others or affect the work of others. Staff sending and receiving emails are responsible for deciding if an email message is considered to be a Council record and making sure that these messages are documented or printed out and placed on the appropriate file to provide a formal record.

Email messages which become Council records are to be retained in accordance with the approved retention periods listed in the Local Government Disposal Schedule under the Shire's Record Keeping Plan.

Access to email is limited to Council staff, or other authorised persons, who have been given a user identification and password. Staff are not to give their password to another staff member or member of public and should not access other staff members email without appropriate authority. Unauthorised access to programs or information may result in disciplinary action.

The Email system is part of Council's computer network and all the information processes, transmitted or stored in the system are the property of Council.

Email is a business tool. Staff should make sure that all email messages are brief, concise and business related and are kept in the system only as long as required.

Email messages that are retained as Council records are accessible to the public under Freedom of Information and Privacy legislation.

Email systems should not be assumed to be secure. Staff are to be aware of the potential risks involved in sending confidential or sensitive information by email.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language and removed detailed procedure 21 April 2021 (Resolution 97/21)
Delegation	N/A
Relevant Legislation	State Records Act 2000
Related Documentation	Shire of Williams Code of Conduct Procedure : O1.11 Email Use Procedure

O 1.12 Financial Reporting Policy

OBJECTIVE

This Policy provides guidance on the Shire's financial framework, in addition to Accounting Standards and other statutory requirements, to ensure the Shire's accounting data is accurate, reliable and compliant.

STATEMENT

All financial reporting is to be carried out in accordance with the Australian Accounting Standards, Local Government Act 1995 and Local Government (Financial Management) Regulations 1996, along with the organisational needs of the Shire to effectively monitor financial performance. The following principles should be upheld with all aspects of financial reporting:

- Practices are conducive to good financial management;
- There is full compliance with all relevant financial standards and statutory requirements; and
- Financial practices and reports are accurate, reliable, easy to understand and consistent.

The four major reporting functions are undertaken as follows:

Monthly Reporting

Monthly reports are prepared in accordance with section 6.4(2) of the Act and regulation 34 of the Regulations. Reports are prepared on a calendar basis, in a timely manner and presented at the next available Council meeting.

Annual Financial Reporting

The Annual Financial Report are prepared in accordance with section 6.4 of the Act and regulations 36 to 50 of the Regulations. The Annual Financial Report is submitted to the Shire's auditors by 30 September in the subsequent financial year. The audited Annual Financial Report is then presented to Council.

Annual Budget

The Annual Budget for the Shire is prepared in accordance with section 6.2 of the Act and regulations 22 to 33 of the Regulations. The Annual Budget for the financial year is presented to Council after 1 June but no later than 31 August in the year to which the Annual Budget relates.

Budget Review

Budget reviews are conducted throughout the financial year as good financial practice. Any proposed budget amendments are presented to Council, for determination, as part of the Monthly Financial Statements.

The Shire undertakes a formal Budget Review as per regulation 33A of the Regulations. The review is undertaken between 1 January and 31 March each financial year. The review considers the Shire's financial performance, position and outcomes. Council is to be presented with the review within 30 days and determine whether to adopt.

The material variance thresholds are adopted by Council annually at the time of the Annual Budget Adoption.

Fixed Assets

All fixed assets are to be recognised and reported in accordance with Australian Accounting Standards and Regulation 17A, Local Government (Financial Management Regulations) 1996. For those assets that are required to be revalued within a period of no more than 5 years, the Shire opts to carry out fair valuation as follows:

2023/2024	Land, Building and Other Structures
2021/2022	Infrastructure Roads and Footpaths

These assets are to then revalued on a four yearly rotation from the dates listed above.



Capitalisation of Assets

To ensure compliance with *Local Government (Financial Management) Regulation 1996 17A (5)*, expenditure to acquire or enhance an asset should be capitalised if it is \$5,000 or above. Where a group of assets form a set, such as bins, the value is taken to be the value of the set and not the individual pieces.

Expenditure of items of equipment under \$5,000 is to be expensed and if required to be listed on a property register of portable and attractive items. Refer POLICY O1.13 for Council's definition.

Non-infrastructure assets are capitalised progressively throughout the year at the time of acquisition or commissioning ready for use. Infrastructure assets are capitalised only at the conclusion of the financial year after the close off of accounts or at the time during the financial year that it can be determined that all expenditure relating to that item has been completed.

Depreciation

In accordance with AASB116 a non-current asset begins to be depreciated when it becomes available for use. Assets shall be depreciated using the straight line method, and based on the effective useful life less residual value. The effective useful life of an asset is to be reviewed by management annually.

Major depreciation periods used for each class of depreciable asset are:

Buildings	30-50 years
Furniture and equipment	4-10 years
Plant & Equipment	5-15 years
Sealed roads and streets	
- formation	not depreciated
- pavement	50 years
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel Roads	
-formation	not depreciated
-pavement	50 years
Formed roads (unsealed)	
-formation	not depreciated
-pavement	50 years
Footpaths	
-slab	20 years
Sewerage piping	100 years
Water supply piping and drainage systems	75 years

Responsible Officer	Manager of Corporate Services
History	Adopted 22 May 2019 (Resolution 196/19) Minor update – revised language 21 April 2021 (Resolution 97/21) O1.12 Significant Accounting Policies rescinded Nov 21 (Res 60/20) Adopted new Policy 17 November 2021 (Res 60/20)
Delegation	
Relevant Legislation	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Australian Accounting Standards Board (AASB) Standards
Related Documentation	O1.13 Portable and Attractive Assets Policy O1.24 Related Party Disclosures Policy S2.1 Accrual of Employee Entitlements Policy

O 1.13 Portable and Attractive Assets Policy

OBJECTIVE

This policy enables a consistent and practical approach to the administration and control of portable and attractive assets with reference to internal control and audit requirements.

All items of capital nature are capitalised based on the threshold as determined by *the Local Government (Financial Management) Regulations 1996 – 17A(5)*. Items that are not capitalised and are considered by management to be of a portable and attractive nature, is recorded in separate Portable and Attractive Asset Register.

STATEMENT

The following is to be undertaken for this policy:

1. Assets valued at less than the asset acquisition threshold of \$5,000, which are advised by management to be of a portable and attractive nature, is recorded in a separate asset register – “Portable and Attractive Asset Register”.
 2. Portable and Attractive Asset Register is to be regularly maintained and should contain the following information as a minimum:
 - a. a description of the asset
 - b. the location of the asset
 - c. the serial number (where available)
 - d. asset value
 - e. custodian and manager details
 - f. date of stocktake
 3. A stocktake is to be undertaken of portable and attractive assets on an annual basis.
-

GUIDELINES

To be exercised in accordance with the following legislation and standards:

- The Local Government Act 1995;
- The Local Government (Financial Management) Regulations 1996;

Definitions, inclusions and exclusions

For the purpose of this policy, the following definitions, inclusions and exclusions apply:

1. The examples of inclusions and exclusions listed in this policy are considered to be a guideline only and management is to exercise discretion on all occasions.
2. Portable and attractive assets are defined as those assets which by their nature are easily transported out of the Council, or may be subject to the temptation of theft or misappropriation. It is recommended that a minimum original cost threshold of \$500.00 (excl GST) is applied.
3. Items as being “portable and attractive” may include:
 - Portable television sets
 - Computers, printer's
 - Portable screens and projectors
 - Microwaves and other kitchen equipment
 - Power Tools
 - Cameras
 - Mobile Phones
 - Survey Equipment
 - CD or DVD Players

4. Examples of exclusions from the Portable and Attractive Asset Registers include:
- a. Items that individually exceed the asset acquisition threshold of \$5,000 or are capitalised as a group or network asset.
 - b. Other items considered to be fixtures and secured to buildings or other corporate assets.

Responsible Officer	Manager of Corporate Services
History	Adopted 22 May 2019 (Resolution 196/19) Minor update – revised language and update to regulatory references 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government (Financial Management) Regulations 1996 – 17A(5)
Related Documentation	Portable and Attractive Assets Register

O 1.14 Freedom of Information Officer Policy

OBJECTIVE

- To assist the public to obtain access to documents and records held by the Shire of Williams.
 - To allow documents to be obtained promptly (and at the lowest reasonable cost) unless they are "exempt" within the provisions of the Act.
-

STATEMENT

The Shire of Williams is to provide a general right of access to documents and records of the Shire in accordance with the provisions of the *Freedom of Information Act 1992* and the guidelines in this Policy.

GUIDELINES

- The Shire of Williams' Chief Executive Officer assumes the role of "FOI Co-ordinator and Decision Maker" and is hereby authorised to make decisions regarding access to information.
- The Chief Executive Officer is appointed to review an application should the applicant be dissatisfied with the results of their application.
- Procedures for determining access, exemptions, personal information, review, and the preparation of information statements are to be in accordance with the Freedom of Information Implementation Guidelines prepared by the Office of the Information Commissioner, Perth.

Responsible Officer	Chief Executive Officer
History	Amended June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Freedom of Information Act 1992
Related Documentation	Shire of Williams - Freedom of Information Statement

O 1.15 Integrated Workforce Planning and Management Policy

OBJECTIVE

To demonstrate that the Shire is committed to ensuring that strategic, operational and legislative objectives are met by effective workforce planning and resourcing to demonstrate compliance with the Integrated Planning requirements of the *Local Government Act (1995) Regulation S5.56(2)*.

STATEMENT

The Shire considers workforce planning to be an essential management function in its operations. They recognise that the achievement of all goals and objectives are reliant on the appropriate capacity, skills, knowledge of the workforce.

Council is committed to resourcing workforce requirements through its integrated planning processes. Council also recognises that the responsibility for managing people lies with the person who has the executive responsibility for the objectives of the service/activity/function of their sector.

The Shire ensures the Workforce Plan addresses current and future best practice human resource management practices that includes:

- Effective and efficient recruitment and retention;
 - Role and responsibility definition and appropriate performance management;
 - Support and encouragement for staff to perform;
 - Staff training and development;
 - Legislative compliance;
 - Staff health and wellbeing (OSH);
 - Flexibility in employment and work practices to meet organisational and employee's needs.
-

GUIDELINES

Responsibility

- The CEO has the overarching responsibility and accountability for ensuring that all staff are managed appropriately within their respective work areas.
- In each of these areas, current and future demand and supply should be assessed as part of the annual and strategic planning cycles.
- The CEO is to ensure effective setting of performance criteria for their staff that meet relevant organisational objectives.
- Staff appraisals are to incorporate training and development plans to ensure the current and future skills and knowledge needs are met wherever practicable, with gaps and omissions reported to the CEO or other designated officer for inclusion in the Workforce Planning process.
- The Manager of Corporate Services is to collect and monitor relevant workforce data, demographics and trends as part of the integrated planning cycle.
- All Elected Members and officers involved in organisational, operational or project planning should ensure that workforce implications are considered and included in all strategic or operational plans.

Monitor and Review

The Shire is to implement a robust reporting and recording system that is to be regularly monitored to ensure human resource supply and demand management is appropriately implemented and sustained across the organisation and there is ongoing identification of issues and trends.

Workforce planning key performance indicators, relating to both organisational and personal performance are to be developed, implemented and monitored by the CEO and Council as

appropriate and reported as required, being mindful of human resource management confidentiality requirements.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language and definition on what is workforce planning 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act (1995) Regulation S5.56(2)
Related Documentation	Shire of Williams – Workforce Plan

O 1.16 Investment Policy

OBJECTIVE

To delegate authority to the Chief Executive Officer, and to provide guidelines on the investment of funds, surplus to the planned requirements of the Council.

Rationale

Local governments are required to ensure that they have effective and accountable systems in place to safeguard the Shire's financial resources. This includes the development of proper systems to authorise, verify and record the investment of monies in appropriate financial institutions.

STATEMENT

To invest the Shire of Williams's surplus funds, with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirements are being met. While exercising the power to invest, consideration is to be given in preservation of capital, liquidity, and the return on investment.

Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. The investment portfolio should ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional return target set by Council should also consider the risk limitation and prudent investment principles.

GUIDELINES

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the CEO in accordance with the *Local Government Act 1995*. The CEO may in turn delegate the day-to-day management of Council's Investment to the Manager of Corporate Services, subject to regular reviews.

Prudent Person Standard

The investment is to be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolios to safeguard the portfolios in accordance with the spirit of this Investment Policy, and not for speculative purposes.

Ethics and Conflicts of Interest

Officers authorised under the relevant delegations are to refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires Officers to disclose any conflict of interest.

Approved Investments

Without prior approval from Council, investments are limited to:

- Investments with banks (within the meaning of the *Bank Act 1959*) having a credit rating of Long Term A or Short Term A1 (Standard and Poor Australian Ratings), or other financial institutions (restricted to short term) with the authority of the Chief Executive Officer;

- Should the credit rating of any institution or fund be downgraded then any investment is to be divested on maturity or within 30 days, whichever is sooner.

Prohibited Investments

This investment policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind; and
- The use of leveraging (borrowing for investment purposes).

Reporting and Review

- A report is to be provided to Council each month detailing the performance of all investments;
- Documentary evidence is held for each investment and details thereof maintained in an Investment Register; and

Responsible Officer	Manager of Corporate Services
History	June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	LGA4 – Investment of the Shire's Money
Relevant Legislation	Trustees Act 1962 – Part III Investments Bank Act 1959 Local Government Act (1995) Regulation S6.14 Local Government (Financial Management) Regulations 1996 - <i>Regulation 19, 28, and 49</i>
Related Documentation	Shire of Williams – Investment Register

O 1.17 Legal Proceedings and Prosecutions Policy

OBJECTIVE

To establish guidelines for the CEO concerning the provision of legal advice and cost constraints without Council approval.

STATEMENT

Where a breach or an offence against an Act, Regulation or Town Planning Scheme or Local Law is investigated, a report on the matter is to be made to Council. No action should be taken to institute legal action unless by specific resolution, or a resolution giving instructions to the CEO within defined guidelines (e.g.: policy).

GUIDELINES

- The breach is to be significant, that is, legal action is considered appropriate.
- Infringement notices, and also advice, are not considered to be significant.
- Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$2,500 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*.

Responsible Officer	Chief Executive Officer
History	Amended June 2015 Updated July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	MISC2 – SAT Appeals
Relevant Legislation	Local Government Act 1995 – Section 5.42
Related Documentation	

O 1.18 Professional Advice Policy

OBJECTIVE

To establish guidelines for the CEO concerning the provision of professional advice and cost constraints without Council approval.

STATEMENT

The CEO is authorised to obtain from the Shire's solicitor, auditors, workplace relations advisers etc, such advice and opinion as is considered to be necessary to enable the proper administration of the Shire's business. The advice sought may be in support of a report or submission to the Council or a Committee or to clarify any other matter which requires specialist advice.

GUIDELINES

Any advice which is estimated to be over \$2,500 is approved by Council prior to the appointment being made.

Responsible Officer	Chief Executive Officer
History	Former Policy 4.2.10 Amended June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.19 Local Art Acquisition Policy

OBJECTIVE

The purpose of the Williams Local Art Acquisition Committee is to:

- Collect works by Williams based artists or artists with an identifiable association with Williams.
 - Collect works that depict the history, scenery and people of Williams.
 - Collect other works considered suitable by the Williams Local Art Acquisition Committee.
-

STATEMENT

The Shire of Williams aims to collect, purchase, store and exhibit art works for a Williams Community Collection.

GUIDELINES

Funding

The Shire may allocate an appropriate amount in the Annual Budget for the acquisition of artworks.

Assessment and Purchase of Art Works

- An assessment of both the long term cultural value and/or investment potential is to be made by the Williams Local Art Acquisition Committee when works are being considered for addition to the Collection.
- All recommendations by the Williams Local Art Acquisition Committee for purchase of art works for the collection are to be referred to the CEO for presentation to Council for final determination.

Williams Local Art Acquisition Committee

The Committee should comprise of two Councillors and two community representatives endorsed by Council, and convene when required.

Role

The Williams Local Art Acquisition Committee is to assess and purchase artworks considered suitable for acquisition in accordance with the budget allocation. This includes any donation of artworks to the Williams Artworks Collection.

Housing / Display of Artworks

The Williams Local Art Acquisition Committee may recommend to Council where the artworks should be displayed.

Responsible Officer	Chief Executive Officer
History	Adopted 15 th February 2006 (Resolution 150/06) Reviewed June 2015 Updated July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.21 Payment of Accounts Policy

OBJECTIVE

The purpose of this policy is to ensure that all payments made by the Council are in accordance with the *Local Government (Financial Management) Regulations 1996*.

STATEMENT

- Council has delegated power to the CEO to make payments from the Municipal Fund and Trust Fund.
 - The CEO may delegate to others as approved by Council in the Delegations Register.
 - The CEO is only authorised to approve payment of accounts on the condition that such expenditure has been incurred in compliance with Section 6.8 of the *Local Government Act 1995*.
-

GUIDELINES

Cheques

- All cheques are to be signed by two authorised payment signatories
- All cheques to be paid in cash, such as reimbursement of petty cash floats, are signed by two authorised payment signatories.

Electronic Fund Transfer (including BPay)

- Payments by EFT or BPay are only to be made after all expenditures have been authorised by two of the authorised payment signatories.
- The listing of EFT and BPay payments is to be incorporated into the List of Payments provided to Council each month subject to such payment clearly being identified as being made by EFT or BPay.

Credit Cards and/or Debit (Purchasing) Cards

All payments made by credit/debit cards are to be in accordance with Councils *Corporate Credit Card Policy O 1.9*.

Responsible Officer	Manager of Corporate Services
History	Policy Adopted 16 th May 2001 (Resolution 217/01) Amended June 2015 Reviewed and updated July 2018 (Resolution 5/19) Minor update – revised language and minor change to authority with reference to delegation 21 April 2021 (Resolution 97/21)
Delegation	FMR1 – Payment of Creditors
Relevant Legislation	Local Government Act 1995 – Section 6.8 Local Government (Financial Management) Regulations 1996
Related Documentation	Policy : O1.9 Corporate Credit Card Policy

O 1.22 Private Works Policy

OBJECTIVE

To ensure the Shire of Williams maximises its revenue potential through utilising excess capacity within the works crew and plant, without compromising the quality of the local road network.

STATEMENT

- The Shire may carry out private works on request subject to work commitments at the discretion of the CEO and Works Supervisor, upon such terms and conditions as is considered appropriate.
 - Any private works projects involving a significant value and/or time commitment to be considered by Council.
 - The works and maintenance program is not to be adversely affected unless the Shire believes the advantages of carrying out the private works justifies some reassessment of the works program.
 - Full costs including supervision and administration costs are recovered through private works charge rates to be set annually in the budget.
 - Agreements for private works are to be made in writing and signed by the person requesting the works. Where deemed necessary, pre-payment may be required before the commencement of the work.
-

GUIDELINES

The CEO and Works Supervisor should actively seek private works.

Responsible Officer	Chief Executive Officer
History	Amended 16 th November 2005 (Resolution 102/06) Updated July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.23 Purchasing Policy

OBJECTIVE

- To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.
 - To deliver a best practice approach and procedures to internal purchasing for the Shire.
 - To ensure consistency for all purchasing activities that integrates across all of the Shire operational areas.
 - To provide guidance on ethical behaviour and ensure probity, transparency, effective competition and the avoidance of conflicts of interest and bias in all Shire procurement and contracting activities.
-

STATEMENT

The Shire of Williams (the "Shire") is committed to having efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- provides the Shire with an effective way of purchasing goods and services
- ensures that purchasing transactions are carried out in a fair and equitable manner
- strengthens integrity and confidence in the purchasing system
- ensures that the Shire receives value for money in its procurement
- ensures that the Shire considers the environmental impact of the procurement process throughout the life cycle of goods and services
- ensures the Shire is compliant with all statutory and regulatory obligations
- promotes effective governance and definition of roles and responsibilities
- uphold respect from the public and industry for the Shire's purchasing practices that withstands probity

Ethics & Integrity

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

Value for Money

Value for money is achieved through the critical assessment of price, risk, timeliness, environmental, social, economic and qualitative factors to determine the most advantageous supply outcome that contributes to the Shire achieving its strategic and operational objectives.

The Shire should apply value for money principles when assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

An assessment of the best value for money outcome for any purchasing should consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, training, 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 the risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history)
- A strong element of competition by obtaining a sufficient number of competitive quotations wherever practicable and consistent with this Policy
- The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance
- Providing opportunities for businesses within the Shire's boundaries to quote wherever possible.

Purchasing Thresholds

The following thresholds apply where the total value (excluding GST) of the full contract period for the procurement of goods and/or services (including options to extend) is, or is expected to be:

Purchase Value Threshold (exc GST)	Purchasing Practice Required
Up to \$500 (exc GST)	Purchase directly from a supplier where the market is known, low risk and the officer making the purchase has authority to do so.
From \$501 to \$5,000 (exc GST)	Seek at least (1) oral or written quotation. Purchase directly from a supplier using a Purchase Order or Corporate Credit Card issued by the Shire.
From \$5,001 and up to \$20,000 (exc GST)	Seek at least two (2) oral or written quotations from suitable suppliers. For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.
\$20,001 and up to \$50,000 (exc GST)	Seek at least three (3) written quotations from suitable suppliers. For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.
\$50,001 and up to \$250,000 (exc GST)	Seek at least three (3) written quotations from suppliers by invitation under a formal Request for Quotation. For the purchasing of WALGA Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement. The purchasing decision is to be based upon assessment of the supplier's response to a written specification for the goods, services or works required.
Over \$250,000 (exc GST)	Seek at least three (3) written quotations from suppliers by invitation under a formal request either by : <ul style="list-style-type: none"> • Seeking at least three (3) quotations from a supplier included in the relevant WALGA Preferred Supplier Arrangement and/or another tender exempt arrangement; or • Conduct a Public Request for Tender process in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy requirements. The purchasing decision is to be based upon the suppliers response to: <ul style="list-style-type: none"> • a specification of the goods, services or works (for a tender exempt process including the WALGA Preferred Supplier Arrangement); or a detailed specification for the open tender process; and • pre-determined evaluation criteria that assesses all best and sustainable value considerations. The procurement decision is to be represented using the Evaluation Report template. Confirmed via Purchase Order or Contract/Agreement.
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 situation as provided for in the Act. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

Purchase Value Threshold (exc GST)	Purchasing Practice Required
LGIS Services	For the purchasing of LGIS Services, a minimum of one (1) written quotation is to be sought and appropriately recorded. Confirmed via Purchase Order or Contract/Agreement.

Procurement Exemptions

The Shire is exempt from publicly inviting tenders when procurement meets any of the requirements outlined under Regulation 11(2) of the *Functions and General Regulations 1996*.

Furthermore, the Shire may not be required to undertake a competitive quotation process for the following purchases on the occasion the value does not exceed \$250,000 (exc GST):

- Memberships and subscriptions;
- Legal Services (conditional to WALGA Preferred Supplier Panels and Common Use Arrangements);
- Conferences, seminars and training programs;
- Statutory and regular expenses of a periodic nature (e.g. rates & taxes, insurance, licences, superannuation, etc.);
- Reimbursement of expenses incurred by a councillor or employee on approved Shire business, where receipts are provided or a statutory declaration is made;
- Accommodation and travel expenses, and;
- Non-contestable utility services (e.g. electricity, water, telephone).

Contracts

The Shire is to ensure that any goods, services or works required that are within the scope of an existing contract are to be purchased under that contract.

The Shire is required to maintain a register for all current contracts above \$20,000, with details of key information, including at least, contract name, contract awarded to, start and end date, contract value, contract term and details of any variations or extensions. The Manager of Corporate Services is responsible for the regular review and update of the register.

The Chief Executive Officer is responsible and is required to carry out assessment of current contractor performance before any contract extension option is considered.

Any variation or extensions of contracts awarded are to be dealt with in accordance with Delegation LGA 11 - Contracts Variations.

Sole Source of Supply

The procurement of goods, and/or services available from only one private sector source of supply (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there is genuinely only one source of supply. Every endeavour to find alternative sources is to be made. Written confirmation of this should be kept on file for later audit.

Anti-Avoidance

The Shire is not to enter into two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the particular purchasing threshold or to avoid the need to call Public Tender.

Sustainable Procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire should embrace Sustainable Procurement by applying the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes. Sustainable Procurement can be

demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders may include a request for information from Suppliers regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

Local Economic Benefit

The Shire encourages the development of competitive local businesses within its boundary first, and second within its broader region. As much as practicable, the Shire should:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests are to be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.

To this extent, a qualitative weighting should be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criterion should relate to local economic benefits that result from Tender processes.

Purchasing from Disability Enterprises

An Australian Disability Enterprise may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, where a value for money assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting may be used in the evaluation of quotes and Tenders to provide advantages to Australian Disability Enterprises, in instances where not directly contracted.

Purchasing from Aboriginal Businesses

A business registered in the current Aboriginal Business Directory WA (produced by the Small Business Development Corporation) may be contracted directly without the need to comply with the Threshold and Purchasing Practices requirements of this Policy, only where:

- the contract value is or is worth \$250,000 or less, and
- a best and sustainable value assessment demonstrates benefits for the Shire's achievement of its strategic and operational objectives.

A qualitative weighting may be used in the evaluation of quotes and tenders to provide advantages to businesses registered in the current Aboriginal Business Directory WA, in instances where not directly contracted.

Purchasing Policy Non-Compliance

Purchasing activities are subject to financial and performance audits, which review compliance with legislative requirements and also compliance with the Shire's policies and procedures.

A failure to comply with the requirements of this policy may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- an opportunity for additional training to be provided;
- a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*;
- misconduct in accordance with the *Corruption, Crime and Misconduct Act 2003*.



Record Keeping

All purchasing activity, communications and transactions should be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan. This includes those with organisations involved in a tender or quotation process, including suppliers.

Responsible Officer	Manager of Corporate Services
History	Former Policy 4.2.5 adopted January 1980 Previously 3.5 'Purchase of Goods and Services Authorised by Budget' Adopted 21 February 2007 (Resolution 143/07) Revised with new limits 17 Feb 2016 (Resolution 175/16) New policy adopted 21 February 2018 (Resolution 128/18) Amended and Adopted 18 September 2019 (Resolution 49/20) New policy adopted 16 December 2020 (Resolution 63/21) Minor update –21 April 2021 (Resolution 97/21)
Delegation	FMR 2 – Authorisation of Purchases
Relevant Legislation	Local Government Act 1995 Local Government (Functions and General) Regulations 1996 – 11A
Related Documentation	Policy: O1.9 Corporate Credit Card Policy

O 1.24 Related Party Disclosure Policy

OBJECTIVE

The objective of the standard is to ensure that an entity's financial statements contain disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and transactions.

STATEMENT

The scope of AASB 124 *Related Party Disclosures* was extended in July 2015 to include application by not-for-profit entities, including Local Governments. The operative date for Local Government is 1 July 2016, with the first disclosures to be made in the Financial Statements for year ended 30 June 2017. This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.

The disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire is to make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.

GUIDELINES

Identification of Related Parties

AASB 124 provides that the Shire is required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances. Related parties includes a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person. KMP are defined as persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

For the purposes of determining the application of the standard, the Shire has identified the following persons as meeting the definition of *Related Party*:

- An elected Council member;
- Key management personnel being a person employed under section 5.36 of the *Local Government Act 1995* in the capacity of Chief Executive Officer or Senior Employee;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner;
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

The Shire is therefore required to assess all transactions made with these persons or entities.

Identification of Related Party Transactions

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged. For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criterion:

- Paying rates;
- Fines;

- Use of Shire owned facilities such as [Williams Recreation Pavilion and Grounds, Williams Hall, Library, parks, ovals and other public open spaces (whether charged a fee or not)];
- Attending Council functions that are open to the public;
- Employee compensation whether it is for KMP or close family members of KMP;
- Application fees paid to the Shire for licences, approvals or permits;
- Lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent);
- Lease agreements for commercial properties;
- Monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);
- Sale or purchase of any property owned by the Shire, to a person identified above;
- Sale or purchase of any property owned by a person identified above, to the Shire;
- Loan Arrangements;
- Contracts and agreements for construction, consultancy or services.

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report is required.

Disclosure Requirements

For the purposes of determining relevant transaction in point 2 above, elected Council members and key management personnel as identified above, are required to complete a *Related Party Disclosures - Declaration* form for submission to financial services.

Ordinary Citizen Transactions (OCTs)

The following OCT that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make. As such no disclosure in the annually *Related Party Disclosures - Declaration* form is required.

- Paying rates;
- Fines;
- Use of Shire owned facilities such as Williams Recreation Pavilion and Grounds, Williams Hall, Library, parks, ovals and other public open spaces (whether charged a fee or not);
- Attending council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP are required to make a declaration in the *Related Party Disclosures - Declaration* form about the nature of any discount or special terms received.

All other transactions

For all other transactions listed in point 2 above, elected Council members and KMP is required to make a declaration in the *Related Party Disclosures - Declaration* form.

Frequency of disclosures

- Elected Council members and KMP are required to complete a *Related Party Disclosures - Declaration* form annually.
- Disclosures are to be made by all elected Council members immediately prior to any ordinary or extraordinary election.
- Disclosures are to be made immediately prior to the termination of employment of/by a KMP.



Confidentiality

All information contained in a disclosure return, is to be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality. Individuals may be specifically identified, if the disclosure requirements of AASB 124 so demands.

Materiality

Management should apply professional judgement to assess the materiality of transactions disclosed by related parties and their subsequent inclusion in the financial statements. In assessing materiality, management is to consider both the size and nature of the transaction, individually and collectively.

Responsible Officer	Manager of Corporate Services
History	Adopted 21 st June 2017 (Resolution 245/17) Minor update – revised language and removal of detailed procedure 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	AASB 124 Related Party Disclosures Local Government Act 1995 Local Government (Financial Management) Regulations 1996
Related Documentation	Procedure : O1.24 Related Party Disclosure

O 1.25 Rates – Contiguous Valuations Policy

OBJECTIVE

This policy provides guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) of properties made to the Valuer Generals Office.

STATEMENT

Group Valuations for Contiguous Unimproved Valuations (UV) Properties

Application is to be made to the Valuer Generals Office for contiguous valuation on land/location/lots that meet all of the following requirements:

1. That the land/location/lots are contiguous (touching);
2. That the land/location/lots are used for one purpose;
3. That the land/locations/lots are under the same ownership/management and the following documentation is provided:
 - a. A Statutory Declaration detailing the land involved is used for one purpose, along with ownership details and a statement of who the ratepayer is to be in the Shire's Rates database;
 - b. Copies of Certificate of Titles, Lease Documents or a statement from all 'Title Holders' confirming that the land is under one management.

Group Valuations for Contiguous Gross Rental Valuation (GRV) Properties

Application is to be made to the Valuer Generals Office for contiguous use valuation on land/locations/lots that meet all of the following requirements:

1. That the land/location/lots are contiguous (touching);
 2. That the land/location/lots are used for one purpose;
 3. That the land/location/lots are under the same ownership, and the following documentation is provided:
 - a. A Statutory Declaration detailing that the land involved is used for one purpose;
 - b. Copies of Certificates of Titles.
-

GUIDELINES

To be exercised in accordance with the *Valuation of Land Act 1978*, Sections 4 (1), 18 and 23 and that final approval be granted by the CEO.

Responsible Officer	Manager of Corporate Services
History	Adopted 20 th August 2014 (Resolution 50/15) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Valuation of Land Act 1978, Sections 4 (1), 18 and 23
Related Documentation	

O 1.26 Rates – Request for Alternative Arrangements Policy

OBJECTIVE

To permit those persons in genuine need to make alternative arrangements for the payment of rates, in addition to those available under the *Local Government Act 1995*.

STATEMENT

The CEO is authorised to make alternative arrangements for time to pay rates, in addition to the options provided in the *Local Government Act 1995*, where application is made by the person paying the rates in writing and the payment arrangements are to the satisfaction of the CEO.

GUIDELINES

The CEO is to exercise discretion in considering applications. Evidence of hardship or difficulty in paying does not have to be recorded, to exercise the applicant's privacy; however, the CEO should be satisfied that the payment requirements of the moment cannot be met.

- A letter confirming payment arrangement details is to be issued by the CEO.
- Staff to ensure that ratepayers meet their commitments to payment arrangements.
- Defaulting on payment arrangements may result in commencement of legal proceedings.

Responsible Officer	Chief Executive Officer
History	Amended June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 - Division 6
Related Documentation	Forms & Templates – Request for Payment Arrangements

O 1.27 Roads – Upgrading of Existing Roads Policy

OBJECTIVE

- To provide a criteria for the upgrading of roads to a higher standard
 - To ensure consistency in the decision making process for the upgrading of roads
 - To provide clear and consistent advice to the community on the Shire's expectations before road upgrading is considered.
-

STATEMENT

Where adjoining landowner (s) request sections of a road to be upgraded to a standard higher than Council considers is warranted, Council may enter into a written agreement to upgrade the road to the desired standard.

As a general principle, the applicant landowner(s) are required to fund the cost of all materials required for the upgrading above the standard considered adequate by Council, and Council may fund all labour and plant costs required to meet the requested standard.

Written agreement is to be made prior to any work commencing.

GUIDELINES

- The landowner is required to fund the cost of all materials required; and
- The Shire may fund all labour costs
- Written agreement is to be made prior to any work commencing.

Responsible Officer	Chief Executive Officer
History	Former Policy 12.6 Amended June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.28 Self-Supporting Loans Policy

OBJECTIVE

To assist clubs and organisations in improving community based facilities.

STATEMENT

Each request for a self-supporting loan is to be considered on its merits.

In the event the Shire agrees to make funds available on a self-supporting basis to any district organisation, the Shire reserves the right to control and/or carry out any of the following:

- The preparation of a project business plan;
- The preparation of plans and specifications for the proposed work;
- The calling of tenders or quotes for the proposed work;
- The preparation of the contract documents (if required) for the work;
- The letting of the contract;
- Sole supervision of the project;
- Sole authorisation of expenditure of funds for the project.

Each request for a self-supporting loan requires the Shire and representatives of the organisation to enter into a Deed of Guarantee and Indemnity.

GUIDELINES

Funds are only provided for capital works on the subject land when ownership of all infrastructure ultimately vest in the community (notwithstanding established leasehold arrangements).

Loans are provided at the State Treasury interest rate when drawing the loan and is fixed for the duration of the loan. The term of the loan is not to exceed ten (10) years. Loan repayments are amortised and are generally six monthly unless the applicant organisation requests otherwise. The organisation is also responsible for reimbursing the Shire the value of the Loan Guarantee Fee, applicable to Local Government loans, as imposed by State Treasury.

Responsible Officer	Chief Executive Officer
History	Adopted June 2015 Reviewed and updated July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 – Section 6.20
Related Documentation	

O 1.29 Volunteer Support Policy

OBJECTIVE

To promote, support and develop volunteerism in the Shire of Williams.

STATEMENT

To promote, support and develop volunteerism in the Shire of Williams. The Shire of Williams' Volunteer Support Policy is to:

- Recognise and value the substantial and ongoing contribution made by volunteers and voluntary groups to the quality of life of the community.
- Work in partnership with community groups and relevant stakeholders to develop volunteering opportunities, promote volunteering, improve volunteer skills, raise the profile of volunteerism, and facilitate access to information about volunteering opportunities.
- Identify and implement initiatives to financially support volunteerism in the Shire of Williams.

The Shire acknowledges that volunteers contribute to the political, social, economic, environmental, safety and cultural well-being of the community by:

- Strengthening community cohesion, social wellbeing, and trust;
 - Providing a wide range of community and emergency services;
 - Expanding the ability of the community to respond to the needs of its citizens and provide a range of services and activities;
 - Engaging the community in protecting local resources, improving the physical environment and support for environmental issues;
 - Encouraging understanding and acceptance of culture, diversity and difference.
-

GUIDELINES

In accordance with the "National Standards for Involving Volunteers in Not-For-Profit Organisations", the Shire adopts as its definition of volunteering:

Formal volunteering is an activity which takes place in not-for-profit organisations or projects and is undertaken:

- to be of benefit to the community and the volunteer;
- of the volunteer's own free will and without coercion,
- for no financial payment; and
- in designated volunteer positions only.

Funding

The Shire of Williams may allocate an appropriate amount in the Annual Budget for activities supporting volunteers.

Responsible Officer	Chief Executive Officer
History	Adopted 17 February 2016 (Resolution 176/16) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.30 COVID-19 Financial Hardship Policy

OBJECTIVE

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

STATEMENT

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID-19 pandemic, the Shire of Williams recognises that these challenges may result in financial hardship for our ratepayers. This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates may continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* is to apply.

GUIDELINES

1. Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Williams recognises the likelihood that COVID-19 may increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

2. Anticipated Financial Hardship due to COVID-19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties may arise when their rates are received.

We should write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we may also provide contact information for a recognised financial counsellor and/or other relevant support services.

3. Financial Hardship Criteria

While evidence of hardship is required, we recognise that not all circumstances are alike. We are required to take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We may consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4. *Payment Arrangements*

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements should consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement is to establish a known end date that is realistic and achievable; and
- The ratepayer is responsible for informing the Shire of Williams of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5. *Interest Charges*

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications are to be assessed on a case by case basis.

6. *Deferment of Rates*

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession may not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7. *Debt recovery*

We may suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we may continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we may offer the ratepayer one further opportunity of adhering to a payment plan that should clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, may then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

8. *Review*

We should establish a mechanism for review of decisions made under this policy, and advise the applicant of their right to seek review and the procedure to be followed.

9. Communication and Confidentiality

We should maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

We may advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

We recognise that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. We may provide additional time to respond to communication and may communicate in alternative formats where appropriate. We should ensure all communication with applicants is clear and respectful.

Responsible Officer	Chief Executive Officer
History	Adopted 20 May 2020 (Resolution 155/20) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 - Section 6.49 Local Government (Financial Management Regulations 1996)
Related Documentation	

O 1.31 Asset Management Policy

OBJECTIVE

The key objective of this policy is to ensure that there is organisation-wide commitment to asset management and that the objectives of the Shire's Asset Management Strategy and Plan are achieved. This ensures financial data on asset renewals, maintenance of existing assets and new assets are identified and form part of the Shire's long-term financial planning.

The principal objective of asset management is to enable the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:

- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- Asset Management is an integral part the IPRF Framework;
- An asset "whole-of-life" approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;
- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;
- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision making is based on reliable data; and
- Asset management is sustainable.

STATEMENT

The Shire is committed to implementing systematic asset management methodology in order to apply appropriate asset management best practices across all areas of the organisation. This includes, ensuring that assets are planned, created, operated, maintained, renewed and disposed of in line with aspirations of the Strategic Community Plan and Council's priorities for service delivery.

Asset management decisions are to consider other key Shire policies and priority should be given to existing assets and services over new assets and services. Long term resource needs contained in the Asset Management Plans are to be balanced against financial availability within the Long Term Financial Plans.

GUIDELINES

Asset Management Strategy and plans are to be reviewed and updated at a period no more than two (2) years, ensuring integration with the Shire's Strategic Community Plan and the Long Term Financial Plan. The Asset Management system needs to comply with relevant *Australian Accounting Standards, relevant Legislations & Regulations and Australian Standards*.

Responsible Officer	Manager of Corporate Services
History	Adopted 21 October 2020 (Resolution 43/21) Minor update –21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government (Financial Management Regulations 1996)
Related Documentation	Shire of Williams – Strategic Resource Plan

O 1.32 Reinstatement of Firebreaks Following Fire Event Policy

OBJECTIVE

To outline the process for dealing with a request from a property owner for the Shire to reinstate their property to its pre-fire state following the installation of firebreaks for fire suppression purposes.

STATEMENT

The Shire supports bush fire brigades with the provision of plant and employees to attend fire situations. At these times the Shire's Grader or Loader may be deployed to install firebreaks for fire suppression purposes at the request of a Fire Control Officer or property owner. There is no obligation on the Shire to reinstate land to its pre-fire state.

GUIDELINES

To ensure clarity around use of Shire resources at a fire situation and requests for follow-up work after the emergency, the following process occurs:

1. The attendance of Shire employees and plant at a fire situation is authorised by the CEO and/or Works Supervisor.
2. The decision on the deployment of these resources on the fire ground is made by the CEO and/or Works Supervisor taking into account the safety of the employee operating the plant.
3. Fire Control Officers, brigade volunteers or property owners have no authority to direct or instruct the use of Shire resources.
4. Consideration can be given to reinstate land to its pre-fire state, at the request of the property owner, subject to the following conditions:
 - I. The Shire has the resources and time available to undertake the work;
 - II. The work does not adversely impact on other Shire work commitments; and
 - III. The property owner agrees to reimburse the Shire for the cost incurred. This cost is calculated using private works charging rates.

Responsible Officer	Chief Executive Officer
History	Adopted April 2021 (Resolution 93/21)
Delegation	
Relevant Legislation	
Related Documentation	

O 1.33 Internal Control Policy

OBJECTIVE

To document Council's commitment to appropriate and effective internal controls, ensuring they are applied through the implementation of policies, procedures and processes designed to promote compliance, encourage effective and efficient operations and to protect the Shire's assets.

The active management of internal controls assist's the organisation in addressing the risk of material misstatement of financial information, fraud and corruption, misappropriation of funds and loss of physical assets.

STATEMENT

The Shire is committed to maintaining an emphasis on integrity, ethical values and competence.

The Council is responsible for mandating a strong internal control framework to be implemented to ensure objectives are achieved efficiently and effectively and the principles of good governance are applied throughout the organisation.

The Chief Executive Officer is responsible for developing and maintaining an appropriate and effective internal control framework.

All employees are to play a part in the internal control framework and are responsible and accountable for documenting and implementing systems, controls, processes and procedures in their area of responsibility.

GUIDELINES

The system of internal controls extends beyond the matters which relate directly to the functions of the accounting systems and relates to every aspect of the Council's operations.

The essential elements of an effective internal control framework are:

- Structure and culture of the Council
- Delegations of Authority
- Policies and Procedures
- Trained and properly qualified staff
- Review process
- IT Controls
- Liaison with auditor and legal advisors
- Senior management compliance assurance
- Liaison with auditor and legal advisors
- Risk identification and assessment

Internal controls should be reviewed and assessed through risk management activities aligned with the Risk Management Framework.

The Chief Executive Officer is to every three years review the appropriateness and effectiveness of the Shire's systems and procedures in relation to internal control as contained within Regulation 17 of the Local Government (Audit) Regulations 1996.

Responsible Officer	Chief Executive Officer
History	Adopted new Policy 17 November 2021 (Resolution 59/22)
Delegation	
Relevant Legislation	Local Government Act 1995 sections 5.36(2), 5.37(1) and 5.39C
Related Documentation	O1.34 Legislative Compliance Policy S2.8 Risk Management Policy Risk Management Framework

O 1.34 Legislative Compliance Policy

OBJECTIVE

To ensure the Shire upholds its commitment to meet a high level of compliance with legislative requirements and takes any necessary action to rectify any breach as soon as reasonable.

STATEMENT

The Shire is to have appropriate processes and structures in place to ensure that legislative requirements are achievable and are integrated into the everyday operations of the organisation.

These structures and process's aim to:

- Develop and maintain a system for identifying legislation applicable to the Shire's activities.
 - Assign responsibilities for ensuring that legislation and regulatory obligations are fully implemented.
 - Provide training for staff, elected members, volunteers and other applicable people in the legislative and regulatory requirements that affect them.
 - Provide people with the resources to identify and remain up-to-date with new legislation.
 - Establish a mechanism for reporting non-compliance.
 - Review accidents, incidents and other situations where there may have been non-compliance.
 - Review audit reports, incident reports, complaints and other information to assess how the systems of compliance can be improved.
-

GUIDELINES

This policy applies to the whole of the organisation, all Councillors and all employees.

The Chief Executive Officer is responsible for the implementation of this policy and for the allocation of roles, responsibilities and accountabilities.

Employees have a duty to seek information and guidance on legislative requirements applicable to their area of work and to comply with the legislation. They are also responsible for reporting any areas of non-compliance they become aware of.

Councillors and committee members have a responsibility to be aware and abide by legislation applicable to their role.

Responsible Officer	Chief Executive Officer
History	Adopted new Policy 17 November 2021 (Resolution 59/22)
Delegation	
Relevant Legislation	<i>Local Government Act 1995</i> sections 5.36(2), 5.37(1) and 5.39C
Related Documentation	O1.33 Internal Controls Policy S2.8 Risk Management Policy

○ 1.35 Management of Bushfire Volunteers Policy

OBJECTIVE

This policy is designed to give guidance in managing the Shire's valuable bushfire volunteers in relation to their competency in fighting fires and expectations and requirements when attending a bushfire.

STATEMENT

The *Work Health and Safety Act 2020* does impact on the Shire's management of volunteers.

The Shire can adopt a structured approach to managing its registered bushfire volunteers.

The legislation indicates that volunteers are deemed to be 'workers' and the Shire has a duty of care with respect to their safety, training, performance and compliance.

Shire of Williams is adopting a protocol that recognises and addresses the issue of training. Recognition of Prior Learning, that is experience in fire situations, will be recognised and registered as a competency level.

Inexperienced volunteers will need to undertake a basic introduction to fire safety and procedure training to be eligible to receive a Shire Competency Certificate.

The Shire of Williams deems that a Bushfire Brigade Fire Control Officer and Deputy Chief Bushfire Control Officer are competent to assess a volunteer's recognition of prior learning status and to approve and sign a Competency Certificate.

Volunteers who attend bushfires are expected to have knowledge of, and agree to, the following:

- Follow orders of a Fire Control Officer (FCO)
 - Wear appropriate firefighting PPE
 - Understand and use the correct communication methods
 - Notify when arriving and leaving a fire ground
 - Ensure firefighting plant and equipment they use is operational.
-

Responsible Officer	Chief Executive Officer
History	Adopted new Policy 17 November 2021 (Res 64/22)
Delegation	
Relevant Legislation	Work Health and Safety Act 2020 Local Government Act 1995
Related Documentation	

STAFF

S 2.1 Accrual of Employee Entitlements Policy

OBJECTIVE

To adequately reflect long service leave liability on the Shire's balance sheet.

STATEMENT

- Wages, salaries and annual leave liability, including pro-rata annual leave, is accrued on the basis of 100% of the employee's entitlement, as at balance date.
- Long service leave liability is accrued on the basis of the number of consecutive years employed in local government, of current employees and former employees remaining in local government where known, as follows:

After year of service	% of accrual as per formula
0-1	10
1-2	15
2-3	25
3-4	40
4-5	60
5-6	80
6-7	90
7 +	100

- Method of calculating long service liability using "Present Value Basis"
 - Inflation rate – Reserve Bank of Australia year ended Consumer Price Index (CPI)
 - Discount rate – Reserve Bank of Australia (RBA) 10 year government bond yield

GUIDELINES

The long service leave liability is to be calculated in accordance with this Policy.

Responsible Officer	Manager of Corporate Services
History	Reviewed and Updated July 2018 (Resolution 5/19) Minor update – now includes method for calculating present value basis 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government (Financial Management) Regulations 1996 AASB119 – Employee Benefits
Related Documentation	

S 2.3 Drugs and Alcohol Policy

OBJECTIVE

The objectives of this policy are to:

- Communicate the restrictions on the use of drugs and/or alcohol by personnel engaged in Shire controlled activities.
- Ensure that employees or contractors who are adversely affected by drugs or alcohol are not allowed to work.
- Assist in the creation of a safe and healthy workplace for our employees and contractors which is free of the hazards that may be associated with the use of drugs and/or alcohol in the workplace.
- Foster and promote an attitude amongst all personnel that it is not acceptable to come to, or be at, work under the influence of drugs and/or alcohol.
- Ensure that managers, supervisors and employee representatives are provided with guidelines to assist them to make informed decisions, and to take a consultative approach, when confronted with issues contained in the policy guidelines.
- Provide awareness to employees about how the Employee Assistance Program (EAP) can be used to provide support and rehabilitation opportunities for employees with drug and/or alcohol problems.
- Ensure that the Shire meets all legislative obligations with regards to providing a safe working environment for all personnel engaged in Shire controlled activities.
- Ensure that an organisation wide approach to disciplinary action is adopted in relation to any breaches of this policy.
- Ensure that alcohol is used responsibly at approved Shire functions.

STATEMENT

The Shire is committed to providing a safe, healthy and productive workplace for all its employees and contractors, and to ensuring the safety of all visitors. The Shire recognises that drugs and alcohol can affect an individual's fitness for work and can be a contributing factor in workplace injuries and incidents. Our drug and alcohol policy is designed to assist in the provision of a safe working environment. We require the support and cooperation of all Shire employees and contractors to ensure that the Shire remains a workplace free of the hazards that drugs and alcohol may introduce.

GUIDELINES

This policy applies to all organizational employees and contracted service providers engaged in any Shire controlled or authorised activities. Contractors are required to implement the intent of this policy and comply with this policy when attending Shire controlled worksites or functions.

Responsibilities

- Chief Executive Officer to authorise the Policy Guidelines and any future amendments.
- Managers/Supervisors to ensure all staff within their area of responsibility are aware of, understand and implement the Policy Guidelines.
- Employees to cooperate with management by complying with this policy.

Responsible Officer	Chief Executive Officer
History	Adopted April 2011 (Resolution 215/11) Review and Updated July 2018 (Resolution 5/19) Minor update – revised language and removal of procedure 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Occupational Safety and Health Act 1984
Related Documentation	Procedure: S2.3 Drugs & Alcohol Shire of Williams Code of Conduct Policy: S2.6 Occupational Health and Safety

S 2.4 Equal Employment Opportunity Policy

OBJECTIVE

To ensure equity in all employment related practices in accordance with the *Equal Opportunity Act 1984*.

STATEMENT

The Shire of Williams recognises its legal obligations under the *Equal Opportunity Act 1984* and promotes equal employment opportunity based solely on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.

All offers of employment, employment training and promotional practices with this Council is to be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability to meet the minimum requirements.

This Council does not tolerate harassment within its workplace. Harassment is defined as any unwelcome, offensive action or remark concerning a person's race, colour, language, ethnicity, political or religious convictions, gender, marital status or disability.

GUIDELINES

The Equal Employment Opportunity goals of the Shire of Williams are designed to provide an enjoyable, challenging, involving, harmonious work environment for all employees where each has the opportunity to progress to the extent of their ability.

The *Equal Opportunity Act 1984* states that it is an offence to actively discriminate against another person because of their:

- Race
- Sex
- Marital status
- Pregnancy
- Political conviction
- Religious conviction
- Impairments (whether physical, intellectual or physiological)
- Colour
- Sexual orientation
- Age
- Family responsibilities
- National extraction or social origin

In the areas of:

- Employment
- Education
- Provision of goods, services and facilities
- Accommodation
- Access to places and vehicles
- Clubs and sporting activities
- Applications forms
- Insurance and superannuation schemes

It should also be noted that the *Equal Opportunity Act 1984* makes it unlawful to:

- Sexually harass an employee, co-workers, student or tenant
- Discriminate in advertisements
- Victimise a person who makes a complaint under the Act.

Discrimination in employment is allowed where:

- The person does not have the ability to do the job
- Special services or facilities would be required causing the employer unjustifiable hardship
- Reasonable changes are made to terms and conditions of employment
- Having a disability is a genuine occupational qualification of the job
- Measures are taken to meet the special needs of people with disabilities
- Domestic work is carried out in a private household.



Breaches are to be drawn to the CEO as the Equal Employment Opportunity Co-ordinator immediately.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Equal Opportunity Act 1984
Related Documentation	Shire of Williams Code of Conduct

S 2.5 Gratuities – Payments to terminating employees in addition to contract or award Policy

OBJECTIVE

To recognise long and loyal service by employees to the Shire of Williams.

STATEMENT

The exercise of this policy is at the sole discretion of Council.

- The Shire of Williams may pay a gratuity to those employees whose employment with the Shire is finishing.
- The gratuity does not exceed \$1,000 in total.
- The gratuity may be in cash or as a gift.
- In special circumstances, Council may consider it appropriate to make a payment greater than that specified by this policy; in which case local public notice is required to be given in relation to the proposed gratuity in accordance with the *Local Government Act 1995 s5.50 (2)*.

Responsible Officer	Chief Executive Officer
History	Amended 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 – Section 5.5 (2)
Related Documentation	

S 2.6 Occupational Health and Safety Policy

STATEMENT

The Shire of Williams provides a wide range of vital services to residents and visitors to the region. We are an equal opportunity employer committed to providing and maintaining a safe and healthy workplace for all employees. This commitment is required to be supported through the behaviours of our management representatives, employees, contracted service providers and volunteers in the workplace.

Responsibilities for addressing safety and health concerns are shared by everyone working at the Shire of Williams. Our management representatives acknowledge specific responsibility for providing and maintaining a legislatively compliant working environment where persons at the workplace are not exposed to hazards and are provided with adequate resources, education and training to meet our safety and health obligations. Employees assist our management team to fulfil obligations through compliance with legislative and Shire safety and health requirements, as well as actively ensuring their own safety and that of others in the workplace.

All workers engaged with the Shire of Williams are required to proactively identify and report forthwith any incident or hazard that are assessed as posing any risk to safety or health. These are to be promptly managed in accordance with the hierarchy of risk controls and accepted risk management principles.

The Shire of Williams is committed to continuously improving our workplace safety and health performance, aimed at the elimination of workplace injury and illness, through the establishment of measurable targets and objectives which are documented in our Occupational Safety and Health Management Plan.

Our Occupational Safety and Health Management Plan is supported by an occupational safety and health management system framework intended to guide our employees and subcontractors to work in a safe and healthy manner including, but not limited to, compliance with all applicable Occupational Safety and Health, other legislative regulatory requirements, relevant Australian Standards and with all other requirements placed upon the Shire or to which the Shire subscribes.

This Occupational Safety and Health Policy and our supporting management systems framework are regularly reviewed in line with continual improvement and occupational health and safety management system recommendations.

A safe, healthy and efficient place of work is our goal and we should all be committed to working together to achieve this outcome.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Reviewed and Adopted October 2019 (Resolution 75/20) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Occupational Safety and Health Act 1984
Related Documentation	Shire of Williams Occupational Safety and Health Guidance Notes Shire of Williams Code of Conduct

S 2.7 Bullying in the Workplace Policy

STATEMENT

The Shire of Williams considers workplace bullying unacceptable and it is not tolerated under any circumstances. Workplace bullying is behaviour that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale and create legal risks.

The Shire of Williams believes all employees should be able to work in an environment free of bullying. Managers and supervisors should ensure employees are not bullied.

The Shire of Williams has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying is to be treated seriously and investigated promptly, confidentially and impartially. The Shire of Williams encourages all employees to report workplace bullying. Managers and supervisors are to ensure employees who make complaints, or witnesses, are not victimised. Disciplinary action is to be taken against anyone who bullies a co-employee. Discipline may involve a warning, transfer, counselling, demotion or dismissal, depending on the circumstances.

GUIDELINES

Bullying is defined as repeated and unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety. Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA)*.

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle or family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

The contact person for bullying at this workplace is the Chief Executive Officer.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Occupational Safety and Health Act 1984 (WA)
Related Documentation	Procedure : S2.7 Grievance and Investigation Procedures Shire of Williams Code of Conduct

S 2.8 Risk Management Policy

OBJECTIVE

The objectives of the Risk Management Policy are to:

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

STATEMENT

The Shire of Williams' Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

It is the Shire's Policy to achieve best practice (aligned with AS/NZS ISO 31000:2018 Risk Management), in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management forms part of the Strategic, Operational, Project and Line Management responsibilities, and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire CEO determines and communicates the Risk Management Policy, objectives and procedures, as well as direct and monitor implementation, practice and performance.

Every employee within the Shire of Williams is recognised as having a role in Risk Management, from the identification of risks, to implementing risk treatments and be invited and encouraged to participate in the process.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

GUIDELINES

The Shire of Williams is to implement and integrate a monitor and review process to report on the achievement of the Risk Management objectives, the management of individual risks and the ongoing identification of issues and trends.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Occupational Safety and Health Act 1984 (WA)
Related Documentation	Procedure : S2.8 Risk Management Procedures Forms & Templates : Risk Profile and Reporting Tool

S 2.9 Sexual Harassment Policy

OBJECTIVE

To ensure equity in all employment related practices in accordance with the *Equal Opportunity Act 1984*.

STATEMENT

Council strongly supports the concept that every employee, elected member and member of the public employed by or engaged in business with the Council, has a right to do so in an environment which is free from sexual harassment, and the Council is committed to providing such an environment.

Council considers sexual harassment to be an unacceptable form of behaviour that is not tolerated and recognises that sexual harassment is unlawful.

Sexual harassment is any conduct of a sexual and/or sexist nature (whether physical, verbal or non-verbal) which is unwelcome and unsolicited and rejection of which may disadvantage a person in their employment or their life in general. The following examples may constitute sexual harassment when they are considered offensive to an employee, elected member or member of the general public –

- Deliberate and unnecessary physical contact such as patting, pinching, fondling, kissing, brushing against, touching.
- Subtle or explicit demands for sexual activities, or molestation.
- Uninvited and unwelcome jokes that have a sexual and/or sexist undertone.
- Unsolicited leers and gestures of a sexual nature, and the display within the workplace of sexually offensive material.

Council recognises that sexual harassment can undermine health, performance and self-esteem of individuals and has the potential to create a hostile and intimidating environment. Council is therefore committed to any action that ensures the absence of sexual harassment in the workplace including general training of the workforce and specific training for officers identified to deal with complaints. Appropriate disciplinary action may be taken against any individual, found to be engaging in such conduct.

Any complaints of sexual harassment made against another person associated with the Council is viewed seriously, treated confidentially and thoroughly investigated by appropriately trained persons.

Any person making a claim of sexual harassment is to be protected at all times. No transferring of staff or face to face meetings between the complainant and the person whose behaviour has been found to be unwelcome should occur without the prior consent of both parties.

An employee whose health or work performance has been affected by sexual harassment is not to have their employment status or conditions disadvantaged in any way.

GUIDELINES

Breaches are to be drawn to the attention of the Chief Executive Officer immediately.

Responsible Officer	Chief Executive Officer
History	Former Policy Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Equal Opportunity Act 1984
Related Documentation	Policy: S2.4 Equal Employment Opportunity Policy Shire of Williams Code of Conduct

S 2.10 Smoke-Free Workplace Policy

STATEMENT

The Shire of Williams promotes good health and healthy lifestyle choices for all employees and also has an obligation to ensure compliance with legislatively imposed requirements associated with smoking restrictions. The Shire recognises that individuals have the right to make personal choice to smoke, however, is committed to ensuring that persons within the workplace are not exposed to the hazards of tobacco smoke.

Scope

This procedure applies to all Shire staff, volunteers, work experience students, labour hire workers and contracted service providers and extend to all enclosed workplaces, including plant and vehicles, as well as enclosed public places that are owned, rented or leased by the Shire.

Definitions

Tobacco smoke includes that generated by cigarettes, cigars, pipes or 'e-cigarettes'. An enclosed workplace means that as defined in the *Occupational Safety and Health Regulations 1996 (WA)*, Regulation 3.44AA. An enclosed public place means that as defined in the *Tobacco Products Control Regulations 2006 (WA)*, Regulation 8.

GUIDELINES

In order to assist the Shire to comply with the regulatory requirements, smoking is prohibited within the following designated areas:

- Enclosed workplaces;
- Enclosed public places;
- Within five (5) metres of any air intake, window or entrance to Shire of Williams buildings, owned, rented or otherwise controlled by the Shire;
- Shire vehicles or mobile plant, including when there is a sole occupant;
- In the presence of non-consenting persons at the workplace;
- Where smoking is prohibited by display of signage.

The use of e-cigarettes or other vaporising devices intended for the delivery of nicotine or other substances is considered as smoking and also subject to the prohibition requirements in areas so designated.

Areas where smoking is prohibited are identified through the display of 'No Smoking' signage. Smoking is only permitted in designated smoking areas within Shire of Williams workplaces. Designated smoking areas are identified by "Smoking Permitted" signage and have dedicated smoking product disposal units installed. All waste products from smoking in areas where this activity is permitted are to be disposed of in the disposal unit and are ensured to be fully extinguished prior to disposal.

All forms of tobacco advertising, promotion, sponsorship and sale of tobacco products are prohibited at Shire workplaces. Products that are prepared and labelled for human therapeutic use, such as nicotine replacement gum, lozenges, patches and inhalers are exempt from these guidelines.

The Shire encourages employees who are considering quitting smoking to utilise available support services including:

- Make Smoking History (www.makesmokinghistory.org.au)
- Quitline – 13 78 48
- The Shire Employee Assistance Program provided by:
 - LGIS Health and Wellness Services – (08) 9483 8826

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Occupational Safety and Health Regulations 1996 (WA) Tobacco Products Control Regulations 2006 (WA), Regulation 8
Related Documentation	Shire of Williams Code of Conduct

S 2.11 Social Media Policy

OBJECTIVE

To guide elected members and employees in the responsible use of social media in all forms.

STATEMENT

The Shire of Williams use social media as a communication tool and facilitates professional development and online collaboration as a way to engage with the community.

Social Media can support an organisation in the following:

- Providing information and getting feedback;
- Demonstrating business personality/brand;
- Ensuring organisational transparency;
- Improving internal communications; and
- Market research which is low cost.

Advantages of Social Media are that it:

- Can enhance Council's reputation;
- Develop stronger, engaging relationships with community members;
- Provide essential updates to the community during a crisis or emergency;
- Promotes services, events, projects, policies and activities within the Shire;
- Is fast, effective and immediate;
- Allows for easy content creation/development/dissemination;
- Can establish large powerful networks, not just locally but a worldwide audience; and
- Is always on.

In developing, posting and responding to content, elected members and employees are to act with honesty, integrity, courtesy and professionalism. They should not be discriminatory, defamatory, harassing or encourage law breaking. Information disseminated through social media should be accurate, authorised and aligned with Council strategies, policies and decisions.

Elected members and employees intending to use social media to communicate about Council activity or policy are to ensure appropriate authorisation. Any use of social media sites should take into account the Shire's Code of Conduct, Shire's Policy Manual, confidentiality agreements and other legislative requirements.

GUIDELINES

Content Control

The Shire of Williams nominated staff provides the administration of any site under their control, it reserves the right to modify and/or delete any inappropriate postings that are seen as discriminatory, defamatory, harassing, offensive, and untrue or encourage law breaking.

The Shire of Williams endeavours to use social media comments and feedback to strengthen its customer service but it should be noted that comments, feedback and suggestions are not be treated as official complaints or submissions.

Roles and Responsibilities

Identification has been made to who may write, post content, and approve incoming content and who is responsible for responding to content both negative and positive and responsibility lies with executive staff. Staff are only to engage in social media in their area of expertise.

Content Management

Unless given authorisation by the Chief Executive Officer, employees are not authorised to speak on behalf of the Shire, nor to represent that they do so.

Where a comment or profile can identify an elected member or employee as that of the Shire, you are required to expressly state on all postings (that identify you as a shire employee) the stated views are your own and are not those of the Shires.

Elected members and employees:

- Do not post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist or infringes copyright;
- Establish fictitious names or identities deliberately intended to deceive, mislead or lie;
- Bring Council's integrity into disrepute or harm the operations or reputations of Council;
- separate personal opinions from professional ones; and
- Avoid the use of business email addresses for personal social media logins.

Those who fail to comply with this policy may face disciplinary action and, in serious cases, termination of their employment or election.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	Shire of Williams Code of Conduct

S 2.13 Training, Conference and Meeting Expenses – Employees and Councillors Policy

OBJECTIVE

To ensure that Councillors and staff have equitable access to a range of relevant training and professional development opportunities to enhance their ability to fulfil their roles and responsibilities and to provide good governance to the Shire.

STATEMENT

Where a Councillor, staff member or other person is authorised to attend a conference, meeting, training course or other business on behalf of the Shire, the Council may pay fees, travelling, accommodation and other incidentals.

Out-of-pocket expenses should be reimbursed upon production of receipts.

Employees undertaking study for an initial qualification relevant to Local Government as approved by the CEO, or further qualification as approved by Council, may be granted paid time off to attend study courses.

GUIDELINES

Approval to attend training, conferences, meetings, training courses or other business on behalf of the Shire is to be obtained prior to the event. Retrospective claims are only to be considered if shown that prior approval was not possible due to circumstances.

Responsible Officer	Chief Executive Officer
History	Policy 4.13 Adopted June 1985 Former Policy 4.1.9 Updated June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	Policy: C3.5 Attendance at Events Policy Policy: C3.6 Elected Member Training and Continuing Professional Development Policy

S 2.14 Superannuation Policy

OBJECTIVE

This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for the CEO in the recruitment and retention of staff.

STATEMENT

The Shire of Williams is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known as the 'Superannuation Guarantee (SG)'. The percentage payment may be adjusted by legislation from time to time.

The Shire of Williams and its employees may also make additional voluntary contributions to a complying fund.

Superannuation Choice

Employees have the freedom of choice over the complying fund that their superannuation contributions are paid to, providing this choice is not changed more regularly than annually.

The default fund is Aware Super.

Policy Superannuation Capping

The Shire of Williams matches voluntary employee contributions dollar for dollar up to a maximum of 3%.

E.g.: An employee contribution of 3% is matched by Shire to 3%.

Employee Contracts

From the date of this policy's formal adoption, all new employment contracts and Offers of Employment should not contain any provisions which exceed or contravene this policy.

Salary Sacrifice and Additional Contributions

All employees have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation.

Variation to Policy

Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.

Responsible Officer	Chief Executive Officer
History	Former Policy 4.2.2 Adopted June 1982 Current Policy adopted by Council in May 2014 (Resolution 219/14) Minor update – revised language and update default superannuation fund details 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

S 2.15 Water Usage – Community Housing Policy

OBJECTIVE

To protect the visual amenity of Shire property assets by providing incentive for tenants to water their gardens. Also to limit the expense to the Council of excessive water consumption.

STATEMENT

To encourage maintenance of gardens and lawns at Shire managed community housing, Council subsidises the consumption cost of water. The subsidy covers the cost of water consumption up to a total of 150kl in each billing year and apply to all new or renewed leases from the 1 July 2018, subject to the requirements of the *Residential Tenancies Act 1987*.

GUIDELINES

The CEO is to monitor all water accounts and to identify excess water consumption and encourage tenants to practice water saving methods where possible.

The Shire's Housing Manager is to inspect all Shire properties annually to ensure that the property is adequately maintained and any maintenance issues are brought to the Council's attention.

Responsible Officer	Chief Executive Officer
History	Amended June 2015 Updated July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Residential Tenancies Act 1987
Related Documentation	

S 2.16 Employee Recruitment and Selection Policy

OBJECTIVE

This policy is designed to ensure appropriate and consistent recruitment and selection standards are applied at the Shire of Williams. This policy outlines the Shire's commitment to undertake the recruitment and selection of employees in accordance with the principles outlined in section 5.40 of the *Local Government Act 1995 (WA)* (Act) and to ensure successful recruitment and selection decisions are made.

STATEMENT

Application

This policy applies to the recruitment and selection of all vacant positions excluding the Chief Executive Officer (CEO).

CEO recruitment and employment procedures are prescribed in the relevant sections of the Act and the *Local Government (Administration) Regulations 1996 (WA)*.

If the CEO is recruiting a 'senior employee' as defined in section 5.37 of the Act, this policy applies in addition to the requirement for the CEO to inform Council of any decision to employ or dismiss a 'senior employee'.

Merit and Equity

The Shire is committed to ensuring recruitment, selection, promotion and other personnel decisions are fair, consistent, transparent, professional and compliant with the principles set out in section 5.40 of the Act. These principles are outlined below:

- employees are to be selected and promoted in accordance with the principles of merit and equity
- no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage
- employees are to be treated fairly and consistently
- there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the *Equal Opportunity Act 1984 (WA)* or on any other ground of discrimination, and
- employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984 (WA)*.

Recruitment and selection practices are to be conducted to ensure high calibre candidates apply for vacancies.

Equal Opportunity Employment

The Shire recognises its legal, moral, social and ethical obligations to actively promote and practice the principles of equal opportunity in all aspects of employment.

The Shire ensures it meets its obligations to coordinate a process free from discrimination by ensuring:

- all advertisements, job descriptions and titles are non-discriminatory
- the most suitable person is appointed to a position based on qualifications, skills, expertise, experience and aptitude
- all personnel forms are non-discriminatory and relevant in phrasing and requirements, and
- benefits and entitlements are accessible and administered in a consistent manner throughout the workforce.

Authorities and Responsibilities

The CEO is responsible for the recruitment and selection of employees:

- by assessing the need to recruit for a position
- within the scope of their direct or indirect supervision
- within approved budget allocations
- in accordance with this policy and relevant operational procedures, and
- in consultation with the Officer responsible for Human Resources.

The Officer responsible for Human Resources is responsible for working with the CEO or their appointed nominee to ensure procedural integrity of the recruitment and selection process.

Confidentiality of Information and Conflict of Interest

All employees involved in the recruitment and selection process are bound by:

- strict standards of confidentiality, and
- disclosure of interest requirements as outlined in the Local Government's Code of Conduct.

Review of Positions

The Shire reserves the right to review the need for any position within its existing organisational structure. All positions need to comply with the allocation of resources to meet the objectives of the Workforce Plan, Community Strategic Plan and Corporate Business Plan.

Internal Appointments

The Shire recognises that it may have internal applicants for vacancies. All internal applicants are subject to the same recruitment and selection processes and pre-employment checks as external applicants.

Selection and Appointment

Selection of the preferred candidate should demonstrate substantial alignment with the requirements of the role as determined in the Recruitment Strategy.

As a general rule, all required pre-employment checks as documented in the Recruitment and Selection Procedure should be undertaken before a preferred candidate is offered a contract of employment for the position.

Probation

All new permanent or maximum/fixed term appointments of more than six months are subject to a probation period of at least three months but no more than six months.

Record Keeping

Records are to be created and maintained to evidence compliance with this policy, in accordance with the Local Government's Recordkeeping Plan and the *State Records Act 2000 (WA)*.

Responsible Officer	Chief Executive Officer
History	Adopted September 2019 (Resolution 47/20) Minor update – revised language and removal of detailed procedure 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 (WA) Local Government (Administration) Regulations 1996 (WA) Equal Opportunity Act 1984 (WA) Occupational Safety and Health Act 1984 (WA)
Related Documentation	Procedure: S2.16 Recruitment and Selection Procedure Policy: S2.4 Equal Employment Opportunity Policy Policy: O1.23 Purchasing Policy

S 2.17 Long Service Leave Management Policy

OBJECTIVE

To ensure that employees take their leave entitlements within a reasonable time period from when it falls due and managing the liability associated with the value of the entitlement.

STATEMENT

This policy is designed to guide the use of long service leave entitlements.

GUIDELINES

1. Employees are required to commence the use of their long service leave entitlements within two years of the entitlement falling due.
2. Employees are required to use all of their long service leave entitlements before accruing a subsequent entitlement. This provision may be varied where an employee obtained written agreement from the Chief Executive Officer, prior to the adoption of this Policy by Council.
3. Notwithstanding the above, the Chief Executive Officer may, following receipt of a written request from an employee, grant a variation to the provisions of this policy for the following reasons:
 - the employee is intending to retire within five years. Under this provision the employee needs to provide the Chief Executive Officer with a declaration in writing stating they intend to retire within five years; and/or
 - the employee demonstrating that personal or financial hardship may be created by taking the leave;
 - for operational matters.
4. Where an employee:
 - (a) has a current long service leave entitlement of more than 13 weeks; or
 - (b) has a current long service leave entitlement and receives a subsequent entitlement within five years;

that employee is to reach an agreement with the Chief Executive Officer in regards to taking their leave.

Responsible Officer	Chief Executive Officer
History	Adopted September 2019 (Resolution 47/20) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government (Long Service Leave) Regulations
Related Documentation	

COUNCIL



C 3.1 Elected Member Induction Policy

STATEMENT

That upon the election of a new Councillor, the Chief Executive Officer make themselves available to conduct a New Councillor Induction.

GUIDELINES

The induction can be modified by the CEO, but a guideline would be as follows:

Initial Session (before first Council meeting):

- Declaration of office – where, when and making the declaration
- Council meeting protocol and standing orders
- Disclosure of Interest and Conflicts of Interest
- Voting requirements
- Importance of honesty and integrity
- Primary and Annual returns
- Elected members fees and expenses
- Role of Local Government
- Roles and responsibilities
- Council meetings
- Committee meetings
- Role of committees
- Other meetings
- Agenda and minutes
- Absence from meetings
- Council policies
- Induction / training courses available
- How to get something done
- Significant community events
- Briefing notes
- How to use iPad
- Other Councillor contact details

Follow up session (six months after election):

- Insurance coverage of elected members
- Defamation and limited privilege protection
- Regional meetings and groups
- Integrated Plans
- Annual Budget
- Department of Local Government
- Obtaining advice and information

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 – Division 10
Related Documentation	

C 3.2 Honorary Freeman of the Shire of Williams Policy

OBJECTIVE

This policy sets out the circumstances under which the Shire of Williams Council may bestow the title of 'Honorary Freeman of the Shire of Williams' upon individuals who have made an outstanding and exceptional contribution to the Shire or community.

STATEMENT

Council may confer the Honorary Title of 'Freeman of the Shire of Williams' on a person who has served the community in an outstanding and meritorious manner that stands above the service and contribution of most other persons in advancing the Shire's strategic interest and in the provisions of benefits for the greater community.

GUIDELINES

A maximum of two (2) living persons may hold the title of 'Freeman of the Shire of Williams' at any time.

For avoidance of doubt, the honour should not be awarded posthumously.

Nomination for the 'Freeman of the Shire of Williams':

- a) Council encourages the community to nominate candidates for consideration as Freeman at any time.
- b) The nomination is supported by such information as is necessary for Council to make an informed decision on the matter.
- c) Nominees are not to be consulted or advised of the nomination.
- d) Council considers a nomination as a confidential item.

Entitlements

Any person declared an Honorary Freeman of the Shire of Williams:

- a) May designate themselves as 'Honorary Freeman of the Shire of Williams';
- b) Be invited to all civic events and functions, at the discretion of the President, and be acknowledged as a dignitary;
- c) Have their photograph hung in the Shire Council Chambers;
- d) The name of the Freeman of the Shire is to be included on the Shire of Williams Council Honour Board;
- e) Be provided with a special badge and certificate/plaque to commemorate receipt of their Award; and
- f) Be conferred at an appropriate civic ceremony for the purpose hosted by the Shire of Williams.

Personal Conduct

Any person who has been conferred with the honour of 'Honorary Freeman of the Shire of Williams' should display high standards of personal conduct and behaviour at all times and not bring the Shire of Williams into disrepute.

The Council reserves the right to cancel the honour, in the event that the holder is convicted of a serious criminal offence or brings the Shire into disrepute (any such decision be by an absolute majority decision of Council).

Responsible Officer	Chief Executive Officer
History	Adopted June 2015 Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

C 3.3 iPads / Tablets – Provision for Councillors / Senior Staff Policy

OBJECTIVE

This policy has the following aims:

- a) To provide clear guidance on the issuing of Shire owned iPad/Tablets;
 - b) To identify the acceptable use of Shire owned iPad/Tablets; and
 - c) To ensure that the rules relating to Shire owned iPad/Tablets are applied consistently.
-

STATEMENT

The Shire of Williams may provide Councillors and Senior Staff with an iPad/tablet for the term of their election or employment. This is to support the electronic distribution of Shire of Williams Council meeting agendas, business papers and minutes, and for use during Council meetings to enable operation in a paperless format.

GUIDELINES

Council may revoke the availability and use of an iPad/Tablet as a result of misuse or serious abuse of usage as following:

- a) Violation of copyright;
- b) Intentionally sending viruses or other destructive content;
- c) Sending and/or disclosing of inappropriate content (e.g.: illegal, immoral, offensive or obscene materials, pornographic or erotic images or race or religious based material);
- d) Sending material that uses offensive language;
- e) Sending, disclosing and/or distributing personal or confidential information held by the Shire;
- f) Sending, disclosing and/or distributing slanderous and/or defamatory material;
- g) Sending emails as a form of harassment, bullying or threatening behaviour;
- h) Making disparaging or any adverse comments about the Shire, any policy or decision of Council or any of the Shire's employees, contractors or other Councillors;
- i) Any act that contravenes a law or is a criminal offence;
- j) Any act that may have a negative impact to the Shire.

Users are to comply with the requirements of this Policy. Any breach may result in a suspension of access either permanently or on a temporary basis.

Ownership

The iPad/Tablet device and associated accessories that have been provided by the Shire, at all times, remain in the ownership of the Shire. A Councillor or employee may contribute to the cost of the device, if they wish to have access to higher capabilities than the standard device supplied by the Shire.

If a Councillor resigns, retires or their election tenure finishes that Councillor is required to return the iPad/Tablet and accessories to the Shire of Williams. If a Shire employee resigns, retires or their employment is terminated for any reason, then that employee is required to return the iPad/Tablet and accessories to the Shire. Shire issued iPad/Tablets are not the personal property of Councillors or Council staff and may be reassigned or recalled if directed by the CEO. If a Councillor or employee has contributed to a higher standard device, their contribution is to be refunded on return of the device.

Council may, at its discretion, approve the gifting of an iPad/Tablet used by a Councillor or employee on their cessation of tenure or employment, as the case may be. Such a decision by Council should be in accordance with sections 3.58, 5.50 and 5.100A *Local Government Act 1995*; r19A and r34AC

Local Government (Administration) Regulations 1996 and r30 Local Government (Functions and General) Regulations 1996. In relation to employees, consideration should be given to the Shire's Policy on payments to terminating employees in addition to contract or award. In order to place a value on the iPad/Tablet a determination should be made based on its depreciated value.

Responsible Officer	Chief Executive Officer
History	Adopted 20 th December 2017 (Resolution 110/18) Amended July 2018 (Resolution 5/19) Minor update – revised language and removal of detailed procedure 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	Policy: O1.23 Purchasing Policy

C 3.4 Recognition of Councillor Service Policy

OBJECTIVE

To recognise extraordinary service to the Shire of Williams as an elected member or employee.

STATEMENT

On the completion of two (2) terms of council service or more, and retirement from office, Council may nominate a Councillor for an award under the WALGA Local Government Honours Program. Employees can be nominated where their service is considered worthy in terms of length of service or significant contribution.

GUIDELINES

WALGA recognises service to Local Government by the award of the following Honours:

- Local Government Medal
- Life Membership
- Eminent Service Award (previously Certificate of Appreciation)
- Long and Loyal Service Award
- Merit Award (previously Distinguished Service Award)
- Local Government Distinguished Officers Award

The Local Government Medal and Life Membership Award recognises outstanding achievements and significant contributions by Elected Members and Employees of Local Government.

The Eminent Service Award recognises personal commitment, eminent service and contribution to the Local Government Sector by an Elected Member or Employee of Local Government.

Those who have provided a high degree of service, either as a State Councillor for over 8 years or an Elected Member for more than 12 years, may be eligible for the Long and Loyal Award.

Merit Awards recognise Councillors who have demonstrated distinguished service to the community through their Local Government.

Local Government Distinguished Officer Award recognises Local Government Employees for their achievements.

Further details on eligibility and nomination procedures are found on the WALGA website.

Awards are presented by WALGA to recipients at a ceremony held at the Local Government Convention held in August annually.

Responsible Officer	Chief Executive Officer
History	Adopted July 2018 (Resolution 5/19) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	
Related Documentation	

C 3.5 Attendance at Events Policy

OBJECTIVE

This policy addresses attendance at any events, including concerts, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the Local Government. The purpose of the policy is to provide transparency about the attendance at events of Elected Members, the Chief Executive Officer (CEO) and other employees.

STATEMENT

The Shire of Williams is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The purpose of this policy is to outline the process associated with attendance at an event.

Attendance at an event in accordance with this policy excludes the gift holder from the requirement to disclose a potential conflict of interest if the ticket is above \$300 (inclusive of GST) and the donor has a matter before Council. Any gift received that is \$300 or less (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest.

Note:

- If an Elected Member receives a ticket in their name, in their role as an Elected Member, of \$300 or greater value, they are still required to comply with normal gift disclosure requirements.
- Whilst the law permits gifts greater than \$300 to be accepted by the Chief Executive Officer (but not other employees), in their role with the Shire, the Chief Executive Officer and all other employees, by operation of this Policy, are prohibited from accepting any gift greater than \$300, unless from the Shire as the organiser of the event, or as a gift pursuant to Section 5.50 of the *Local Government Act 1995* (gratuity on termination).
- If the Chief Executive Officer or an employee receives a ticket in their name, in their role as an employee, of between \$50 and \$300, they are required to comply with normal gift disclosure requirements and the Code of Conduct re notifiable and prohibited gifts.
- An event does not include training, which is dealt with separately via Policy S2.13 - Training, Conference and Meeting Expenses – Employees and Councillors.
- Nothing in this Policy should be construed as diminishing the role of the Chief Executive Officer in approving attendance at activities or events by other employees that in the opinion of the CEO, are appropriate, relevant and beneficial to the Shire of Williams and its employees.

Definitions

District: is defined as the Wheatbelt Region of Western Australia.

Elected Members: includes the Shire President and all Councillors.

In accordance with Section 5.90A of the *Local Government Act 1995* an event is defined as a:

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

Acronyms

- CEO - Chief Executive Officer
- GST - Goods & Services Tax
- LGIS - Local Government Insurance Services
- WALGA - Western Australian Local Government Association.

GUIDELINES

This policy applies to Elected Members, the Chief Executive Officer and all employees of the Shire of Williams ("the Shire") in their capacity as an Elected Member or employee of the Shire.

Elected Members, the Chief Executive Officer and employees may occasionally receive tickets or invitations to attend events to represent the Shire to fulfil their leadership roles in the community. The event may be a paid event or a ticket/invitation may be gifted in-kind, or it may be to a free / open invitation event for the community in general.

1. Pre-Approved Events

In order to meet the policy requirements, tickets and invitations to events should be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

Note: Individual tickets and associated hospitality with a dollar value above \$500 (inclusive of GST and if relevant, travel) provided to the Shire are to be referred to Council for determination.

The Shire approves attendance at the following events by Elected Members, the Chief Executive Officer and employees of the Shire:

- (a) Advocacy, lobbying or Members of Parliament or Ministerial briefings (Elected Members, the Chief Executive Officer only);
- (b) Meetings of clubs or organisations within the Shire of Williams;
- (c) Any free event held within the Shire of Williams;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by Clubs or Not-for-Profit Organisations within the Shire of Williams to which the Shire President, Elected Member, Chief Executive Officer or employee has been officially invited;
- (f) Shire hosted ceremonies and functions;
- (g) Shire hosted events with employees;
- (h) Shire run tournaments or events;
- (i) Shire sponsored functions or events;
- (j) Community art exhibitions within the Shire of Williams or District;
- (k) Cultural events/festivals within the Shire of Williams or District;
- (l) Events run by a Local, State or Federal Government;
- (m) Events run by schools and universities within the Shire of Williams;
- (n) Major professional bodies associated with Local Government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Shire of Williams or District;
- (p) Recognition of Service event's within the Shire of Williams or District;
- (q) Events run by WALGA, LGIS or a recognised and incorporated WA based local government professional association; and
- (r) Where Shire President, Elected Member or Chief Executive Officer's representation has been formally requested.

All Elected Members, the Chief Executive Officer and employees, with the approval of the CEO, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire out of the Shire's budget by way of reimbursement, unless the event is a conference which is dealt with under clause 4 of this policy.

If there are more Elected Members than tickets provided then the Shire President may allocate the tickets.

2. Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event for approval as follows:

- Events for the Shire President may be approved by the Deputy Shire President;
- Events for Councillors may be approved by the Shire President;
- Events for the Chief Executive Officer may be approved by the Shire President; and

- Events for employees may be approved by the Chief Executive Officer.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of the person attending.
- Alignment to the Shire's Strategic Objectives.
- The number of Shire representatives already approved to attend.

Where an Elected Member has an event approved through this process and there is a fee associated with the event, then the cost of the event, including for attendance of a partner, is to be paid out of the Members Receptions expense budget.

Where the Chief Executive Officer or employee has an event approved through this process and there is a fee associated with the event, then the cost of the event is to be paid for out of the Shire's relevant budget line.

3. Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event.

- If the event is a free event to the public then no action is required.
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.
- If the event is ticketed and the Elected Member, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), or with a discount value, then the recipient is to disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Elected Members and the CEO.

4. Conference Registration, Bookings, Payment and Expenses

Are to be dealt with in accordance with Council Policy, -S2.13 Training, Conference and Meeting Expenses – Employees and Councillors.

5. Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to Elected Members or the Chief Executive Officer; and the CEO in relation to other employees.

Procedures

Organisations that desire attendance at an event by a particular person(s), such as the Shire President, Deputy Shire President, Elected Member, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together with what is expected of that individual, should they be available, and whether the invite/offer or ticket is transferable to another Shire representative.

Free or discounted invitations/offers or tickets that are provided to the Shire without denotation as to who they are for, are to be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on relative benefit to the organisation in attending the event, the overall cost in attending the event, inclusive of travel or accommodation, availability of representatives, and the expected role of the relevant Elected Member or employee.

Responsible Officer	Chief Executive Officer
History	Adopted February 2020 (Resolution 133/20) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 – Section 5.90A Local Government (Administration) Regulations 1996 – r.34B
Related Documentation	Shire of Williams Code of Conduct

C 3.6 Elected Member Training and Continuing Professional Development Policy

OBJECTIVE

To ensure that Elected Members of the Shire of Williams receive appropriate information and training to enable them to understand and undertake their responsibilities and obligations.

STATEMENT

The Shire of Williams recognise the importance of providing Elected Members with the knowledge and resources that enables them to fulfil their role in accordance with statutory compliance and community expectations and make educated and informed decisions.

Pursuant to the *Local Government Act 1995*, Elected Members are to complete Council Member Essentials which incorporates the following training units:

- a) Understanding Local Government;
- b) Conflicts of Interest;
- c) Serving on Council;
- d) Meeting Procedures and Debating; and
- e) Understanding Financial Report and Budgets.

All units and associated costs are to be paid for by the Shire and need to be completed in the twelve months immediately following election of the Elected Member. The training is valid for a period of five years.

Additionally, the Shire is required to publish, on the Shire's website, training undertaken by all Elected Members pursuant to *Local Government Act 1995*.

It is Council's preference that the training is undertaken via the eLearning method which is the more cost efficient form of delivery. It is acknowledged however that there may be Elected Members who prefer to receive training face-to-face and/or opportunities to attend training which is being delivered in the region or in the Perth metropolitan area.

GUIDELINES

Considerations for approval of the training or professional development activity include:

- The costs of attendance including registration, travel and accommodation, if required;
- The Budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of elected members both individually and as a collective;
- Alignment to the Shire's Strategic Objectives; and
- The number of Shire representatives already approved to attend.

Consideration of attendance at training or professional development courses, other than the online Council Member Essentials, which are deemed to be approved, are to be assessed as follows:

- Events for the Shire President are to be approved by the Deputy Shire President, in conjunction with the CEO; and
- Events for Councillors are to be approved by either the Council or the Shire President, in conjunction with the CEO.

Responsible Officer	Chief Executive Officer
History	Adopted March 2020 (Resolution 145/20) Minor update – revised language 21 April 2021 (Resolution 97/21)
Delegation	
Relevant Legislation	Local Government Act 1995 – Section 5.127 and Section 5.128
Related Documentation	

C 3.7 Temporary Employment or Appointment of CEO Policy

OBJECTIVE

To outline the process by which Council appoints an Acting Chief Executive Officer, as required by Section 5.39C(1)(a) and (b) of the *Local Government Act 1995*.

STATEMENT

Council is responsible for the appointment of its CEO and the appointment of an Acting CEO.

GUIDELINES

To ensure clarity around functions and delegated authority, the following process occurs for appointment of an Acting CEO.

Employment of a person in the position of CEO for a term not exceeding one year

Council must approve, by Council resolution, a person to be appointed in the position of CEO for a term not exceeding one year.

In accordance with section 5.36(2)(b) and 5.41 of the *Local Government Act 1995*, Council must believe the person is suitably qualified for the position and can carry out the functions of a CEO and is satisfied with the provision of the proposed employment contract*.

*Absolute Majority required.

Appointment of an employee to act in the position of CEO for a term not exceeding one year

For the purposes of Section 5.36 (2) of the *Local Government Act 1995*, the Council has determined that the Manager of Corporate Services is suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions:

1. The term of appointment is no longer than 20 working days consecutive;
2. That the employee's employment conditions are not varied other than the employee is entitled to, at the CEO's discretion, a salary no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Manager of Corporate Services is automatically appointed as the Acting CEO for up to 2 weeks from commencement, and continuation is then subject to determination by the Council.

In the case of the unavailability of the Manager of Corporate Services to act as the CEO during a period of leave or in an emergency, as described above, the Council determines that the Senior Administration/Finance/Building Officer or Community Development Officer can act in the position of CEO.

Pursuant to Section 5.37(1) of the *Local Government Act 1995*, the following employees are designated as senior employees –

- a) Manager of Corporate Services; and
- b) Work Supervisor.

Responsible Officer	Chief Executive Officer
History	Adopted May 2021 (Resolution: 107/21)
Delegation	
Relevant Legislation	<i>Local Government Act 1995</i> sections 5.36(2), 5.37(1) and 5.39C
Related Documentation	

8.2.4 Use of Common Seal and Actions Performed Under Delegated Authority

File Reference	4.50.60
Statutory Ref.	Sections 5.42 and 9.49A <i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 16 December 2022
Attachments	Nil

Background

The purpose of this Agenda Item is to report to Council for endorsement, the use of the Common Seal and actions performed under delegated authority requiring referral to Council.

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under delegated authority. A report will be completed for Council at meetings that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Delegations Register.

Comment

Actions performed under delegation during the preceding month is provided below:

- **Granting of Building Permits – Delegation 2.1.1**

Delegation - Powers to grant or refuse to grant a building permit under the *Building Act 2011*. The Council may delegate its powers or duties as a permit authority under provisions of this Act.

Action – Building Permit(s) issued for the Month of November 2022:

Permit Number	Owner	Address	Description
491	Matthew Payne	Lot 21 (89) Richmond Street	Ancillary Dwelling
490	Matthew Gillett and Hayley Fredericksen	Lot 27 (13363) Albany Highway	Dwelling
488	Barry and Elizabeth Lehman	Lot 170 (63) Lavender Street	Shed
419	Phil and Robyn Moog	Lot 320 (281) Narrogin Road	Shed (permit extension)

- **Payment from the Municipal or Trust Funds – Delegation 1.1.19**

Delegation - Authority to make payments from the municipal or trust funds with the authority limited to making payments subject to annual budget limitations.

Action - Payments from the Municipal Fund and Trust Fund are as per the payments listing attached to this Agenda.

- **Power to Invest and Manage Investments – Delegation 1.1.21**

Delegation - Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose.

Action – The Chief Executive Officer approved a transfer of:

1. \$400,000.00 from the Municipal Fund to the WA Treasury Corporation Overnight Cash Deposit Facility to earn interest on the 4 November 2022.

• **Local Planning Scheme – Council to CEO – Delegation 9.2**

Delegation - The CEO is delegated authority to determine development applications that fully comply with all requirements of the Act and Regulations, and the Town Planning Scheme.

Action – The Chief Executive Officer determined the following development applications under delegated authority approved by Council:

1. Planning and Development (Local Planning Schemes) Regulations 2015 – The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015 and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Williams Town Planning Scheme No 2.

Clause 60 of the 'deemed provisions' requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government, or it is exempt from the requirement for planning approval.

Clause 61 includes a specific list of development and works that are exempt from the need for planning approval. The Regulations only exempts ancillary outbuildings from requiring planning approval on a residential zoned lot, and where the outbuilding complies with the Residential Design Codes.

There is no exemption for any agricultural sheds within a Rural zone under the Regulations, therefore the development requires planning approval.

The Chief Executive Officer has determined that the development application for the construction of a 40m (L) x 21m (W) x 6.75m (H) Machinery Storage Shed, to be constructed on 11983 Albany Highway, Williams, fully complies with all requirements of the Act and Regulations, and the Town Planning Scheme.

Action – The Chief Executive Officer determined the following development applications under delegated authority approved by Council:

1. Application for an additional dwelling and workers accommodation on Lot 27 (13363) Albany Highway, Williams following the public submission period and no adverse submissions being received.
2. Application for a transport depot on Lot 119 (197) Richmond Street, Williams following the public submission period and no adverse submissions being received.
3. Application for a telecommunications facility on Lot 4708 (14908) Albany Highway, Williams following the public submission period and no adverse submissions being received.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Fees are received for the issue of Building Permits and consideration development applications.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of November 2022.

Council Resolution

Major/Harding

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of November 2022.

**Carried 7/0
Resolution 67/23**

9.0 Elected Members' Motions of which Notice has been given

Nil

10.0 New Business of an Urgent Nature introduced by Decision of Meeting

10.1 Elected Members

Nil

10.2 Officers

Nil

11.0 Application for Leave of Absence

Nil

12.0 Closure of Meeting

There being no further business for discussion the President, Cr Logie, declared the Meeting closed at 4.44pm.