



PUBLIC ATTACHMENTS

Ordinary Council Meeting

22 June 2022

SCHEDULE OF ACCOUNTS PAID - MAY 2022

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT10978	03/05/2022	AUSTRALIAN TAXATION OFFICE	Payroll tax deductions		\$ 45,261.00		
DEDUCTION	02/03/2022		Payroll deductions for period ending 02/3/2022	\$ 16,378.00			
DEDUCTION	16/03/2022		Payroll deductions for period ending 16/3/2022	\$ 13,961.00			
DEDUCTION	30/03/2022		Payroll deductions for period ending 30/03/22	\$ 14,922.00			
EFT10979	06/05/2022	Australia Post	Postal Charges - April 2022		\$ 14.25		
1011503803	03/05/2022		Postal Charges - April 2022	\$ 14.25			
EFT10980	06/05/2022	BOC Limited	Depot - Oxygen indust G and Dissolved Acetylene G		\$ 168.14		
4031025811	28/04/2022		Hire fee for April 2022	25.41			
4031129704	02/05/2022		Purchased Cyl Oxygen and Acetylene	142.73			
EFT10981	06/05/2022	Bolgart Rural Merchandise	Monthly Purchases - April 2022		\$ 172.07	L	
374723	28/04/2022		Depot - maintenance Items	\$ 172.07			
EFT10982	06/05/2022	Fitzgerald Strategies	Human resources services for April 2022		\$ 1,385.65		
2220	30/04/2022		Human resources services for April 2022	\$ 1,385.65			
EFT10983	06/05/2022	Fletcher Family Trust T/A Strategic Teams	Governance support week ending 28 April 2022		\$ 3,003.00		
517	03/05/2022		Governance Support week ending 28 April 2022	\$ 3,003.00			
EFT10984	06/05/2022	LFA First Response	CESM Vehicle - medical supplies.		\$ 320.50		
23006	16/03/2022		CESM Vehicle - medical supplies -Epipen Adult injector 0.3mg	\$ 320.50			
EFT10985	06/05/2022	Paul Duffin	Cleaning of Calingiri Hall and toilets from 28/04/22 to 05/05/2022		\$ 402.50	L	
05052022	05/05/2022		Cleaning of Calingiri Hall and toilets from 28/04/22 to 05/05/2022	\$ 402.50			
EFT10986	06/05/2022	Rural Infrastructure Services	Project Management Services for roads - April 2022		\$ 9,003.12		
1060	02/05/2022		Project Management Services for roads - April 2022	\$ 9,003.12			
EFT10987	06/05/2022	SEEK	Seek advertisement - Employment		\$ 693.00		
98429234	11/04/2022		Advertisement for Manager finance & Administration position	\$ 346.50			
98466794	27/04/2022		Advertisement for Works Supervisor position	\$ 346.50			
EFT10988	06/05/2022	The Farmco / Yerecoin Traders	Depot - maintenance Item - LED cool white		\$ 8.95	L	
81280	03/05/2022		Depot - maintenance item - LED cool white	\$ 8.95			
EFT10989	06/05/2022	Western Lockservice	Keys for office administration and postage		\$ 220.00		
10908277	22/03/2022		Keys for office administration and postage	\$ 220.00			
EFT10990	06/05/2022	Yeti's Records Management Consultancy	Records Management services - 19/4/2022 to 1/05/2022		\$ 3,696.00		
390	04/05/2022		Records Management services - 19/4/2022 to 1/05/2022	\$ 3,696.00			
EFT10991	12/05/2022	AC Healthcare Pty Ltd	Pre-employment medical fee - Depot/Administration		\$ 255.00	L	
83548	02/05/2022		Pre- employment medical fee - Depot/Administration	\$ 255.00			
EFT10992	12/05/2022	Asphalt In A Bag (Lenip Pty Ltd t/as)	Bitumen road maintenance - Asphalt patch		\$ 618.75		
1503	29/04/2022		Bitumen road maintenance - Asphalt patch	\$ 618.75			

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT10993	12/05/2022	Fletcher Family Trust T/A Strategic Teams	Governance support for week ending 6 May 2022		\$ 2,772.00		
518	09/05/2022		Governance support for week ending 6 May 2022	\$ 2,772.00			
EFT10994	12/05/2022	Fulton Hogan Industries Pty Ltd	Roadworks - Mogumber Yarrowindah Roads section 2		\$ 327,907.25		F
16222060	28/03/2022		Road works at Mogumber Yarawindah Roads Section 2- supply, spray, cover, and reseal	\$ 229,461.10			
16222061	28/03/2022		Road works at Mogumber Yarawindah Roads Section 2- supply, spray, cover, and reseal	\$ 98,446.15			
EFT10995	12/05/2022	Gavin Eastwood	Various maintenance jobs		\$ 5,226.37	L	
26	06/05/2022		Staff housing - 13 Lambert - repairs leaks to roof	\$ 1,188.00			
27	06/05/2022		Housing - 15 Lambert - retiled bathroom	\$ 1,254.00			
28	11/05/2022		Installed guide post in Bogart and Yerecoin	\$ 2,784.37			
EFT10996	12/05/2022	Interfire Agencies Pty Ltd	Bush Fire brigade - clothing and accessories:		\$ 1,711.55		
9411	28/02/2022		Magum Vulcan Lite Structural Fire Boot	\$ 1,035.76			
9498	11/03/2022		Oliver Windland Fire Boot	\$ 281.77			
9789	08/04/2022		Pacific BR9 clip on Mesh Visor	\$ 394.02			
EFT10997	12/05/2022	Paul And Wendy Cleaning Services	Managing of the refuse sites from 02/05/2022 to 15/05/2022- Bolgart and Calingiri		\$ 2,079.00	L	
26	09/05/2022		Managing of the refuse sites from 02/05/2022 to 15/05/2022- Bolgart and Calingiri	\$ 2,079.00			
EFT10998	12/05/2022	RSM Australia Pty Ltd atf Birdanco Practice Trust Trading as RSM	Accounting services for April 2022		\$ 9,775.02		
1661	29/04/2022		Accounting services for April 2022	\$ 9,775.02			
EFT10999	12/05/2022	Thomas Culverwell	Cleaning services from 18/04/2022 to 13/05/2022 - Gillingarra toilets		\$ 280.00	L	
33	10/05/2022		Cleaning services from 18/04/2022 to 13/05/2022 Gillingarra toilets	\$ 280.00			
EFT11000	12/05/2022	Toll Group (Courier Australia)	Freight charges for April 2022		\$ 306.02		
316	08/05/2022		Freight charges for April 2022	\$ 306.02			
EFT11001	12/05/2022	Australian Services Union	Payroll union fees deductions		\$ 149.40		
DEDUCTION	30/03/2022		Payroll deductions for period ending 30/03/22	\$ 49.80			
DEDUCTION	13/04/2022		Payroll deductions for period ending 13/4/2022	\$ 49.80			
DEDUCTION	27/04/2022		Payroll deductions for period ending 27/4/2022	\$ 49.80			
EFT11002	12/05/2022	Australian Taxation Office	Payroll tax deductions		\$ 29,731.00		
DEDUCTION	13/04/2022		Payroll deductions for period ending 13/4/2022	\$ 14,483.00			
DEDUCTION	27/04/2022		Payroll deductions for period ending 27/4/2022	\$ 15,248.00			
EFT11003	19/05/2022	Abbott Auto Electrics	Plant repairs and various GPS Installations		\$ 2,471.70		
6105	04/05/2022		Loader - repair compressor mounting bracket, remove broken stud and fit bracket and check operation	606.65			
6113	04/05/2022		Bobcat - check ignition fault, isolate and repair	1266.65			
6114	04/05/2022		Grader - fit and wire GPS	598.40			

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT11004	19/05/2022	Civic Legal Pty Ltd	Legal advice on:		\$ 3,086.89		
509724	30/04/2022		Legal implications of caveat on Yerecoin Hall and Fire Brigade Shed	221.38			
509722	30/04/2022		Lease of part of Reserve to Gillingarra Sport and Recreation Club	433.13			
509739	30/04/2022		Management of Natural Resources	2432.38			
EFT11005	19/05/2022	Country Copiers Northam	Printer (Kyocera) toners		\$ 823.60		
9822	05/05/2022		Printer (Kyocera) toners	\$ 823.60			
EFT11006	19/05/2022	Dun Direct Pty Ltd	Purchased 9000l diesel fuel - Depot		\$ 16,739.10		
702093	02/05/2022		Purchased 9000l diesel fuel - Depot	\$ 16,739.10			
EFT11007	19/05/2022	Exurban Rural and Regional Planning	Town planning consultancy services - April 2022		\$ 6,535.40		
4178	14/05/2022		General town planning, and various tasks to progress Main Roads WA Road closure proposal in Yarrowindah in April 2022	\$ 6,535.40			
EFT11008	19/05/2022	Fire Mitigation Services	Bolgart Fire Access - Treatment id 7694		\$ 13,200.00		
621	29/03/2022		Bolgart Fire Access - Treatment id 7694 -	\$ 13,200.00			
EFT11009	19/05/2022	Fletcher Family Trust T/A Strategic Teams	Governance support for week end 13 May 2022		\$ 3,465.00		
519	16/05/2022		Governance support for week end 13 May 2022	\$ 3,465.00			
EFT11010	19/05/2022	Fraser Onsite	Various plant parts and repairs - Hino, Skid Steer, Drum roller, Loader		\$ 10,066.68		
699	11/05/2022		Various plant parts and repairs - Hino, Skid Steer, Drum roller, Loader	\$ 10,066.68			
EFT11011	19/05/2022	Fulton Hogan Industries Pty Ltd	Road works at Mogumber Yarawindah Roads Section 1- supply, spray, cover, and reseal		\$ 271,804.50		F
16222057	28/03/2022		Road works at Mogumber Yarawindah Roads Section 1- supply, spray, cover, and reseal	\$ 271,804.50			
EFT11012	19/05/2022	KA Tyres & Battery's	Vehicle/plant service and maintenance:		\$ 2,271.57	L	
413	03/05/2022		Works Manager Vehicle - 2020 Toyota Hi Lux - service	\$ 465.59			
412	03/05/2022		Community Safety Officer vehicle - Service and tyre rotation	\$ 633.77			
417	04/05/2022		2020 Toyota Hi Lux - Depot - service	\$ 456.51			
418	04/05/2022		Community Safety Officer vehicle - tyres	\$ 303.20			
420	22/05/2022		Sundry plant - plate compactor motor vehicle investigation and repaid	\$ 412.50			
EFT11013	19/05/2022	LG Best Practices	Rates consultant - March 2022		\$ 3,630.00		
151	30/04/2022		Rates consultant - March 2022	\$ 3,630.00			
EFT11014	19/05/2022	New Norcia Services	New Norcia fire truck - fuel		\$ 69.04		
422394	25/01/2022		New Norcia fire truck - fuel	69.04			
EFT11015	19/05/2022	Rural Press Pty Limited (Australian Community Media)(ACM)	Three pages in the Wongan Hills Directory 2022		\$ 262.00		
1172193/100	31/03/2022		Three pages in the Wongan Hills Directory 2022	262.00			
EFT11016	19/05/2022	Shire of Gingin	Reimbursement for Bush Fire Risk Management Officer - 01/07/2021 to 30/09/2021		\$ 4,164.65		
36799	16/12/2021		Reimbursement for Bush Fire Risk Management Officer - 01/07/2021 to 30/09/2021	4164.65			

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT11017 3939	19/05/2022 09/05/2022	WA Contract Ranger Services Pyt Ltd	Ranger Services - 19/04/2022, 27/04/2022 & 04/05/2022 Ranger Services - 19/04/2022, 27/04/2022 & 04/05/2022	2805.00	\$ 2,805.00		
EFT11018 154728	26/05/2022 10/03/2022	Advanced Traffic Management WA Pty Ltd	Traffic Management 2/03/2022, 3/03/2022, 8/03/2022 at West Bolgart Rd Bolgart Traffic Management 2/03/2022, 3/03/2022, 8/03/2022 at West Bolgart Rd Bolgart	6188.88	\$ 6,188.88		
EFT11019 477 563	26/05/2022 23/02/2022 04/05/2022	Amalgamated Civil & Plant Hire	Plant hire - Water Truck: Maintenance grading - invoice adjustment GST Toodyay Bindi Bindi Road - 6/4/22 to 3/5/2022	720.00 10560.00	\$ 11,280.00		F
EFT11020 2321410 2325830	26/05/2022 20/04/2022 27/04/2022	Atom Supply	Fire preventions supplies: Lubricant lanolin, security tags, Qwik stiks hydration Hydration Qwik stiks sqwincher	107.58 56.97	\$ 164.55		
EFT11021 49640	26/05/2022 22/04/2022	Avon Waste	Refuse collection Refuse collection	1677.04	\$ 1,677.04		
EFT11022 1891	26/05/2022 20/05/2022	Bindoan Bakehaus & Cafe	Catering for Council meeting - 18 May 2022 Catering for Council meeting - 18 May 2022	214.00	\$ 214.00	L	
EFT11023 48568	26/05/2022 08/04/2022	Eastern Hills Chainsaws & Mowers	Minor plant - Blower- backpack Minor plant - Blower- backpack	849.15	\$ 849.15		
EFT11024 520	26/05/2022 24/05/2022	Fletcher Family Trust T/A Strategic Teams	Governance support week ending 20/05/2022 Governance support week ending 20/05/2022	3927.00	\$ 3,927.00		
EFT11025 700	26/05/2022 11/05/2022	Fraser Onsite	Various plant parts and repairs - Hino, Skid Steer, Drum roller, Loader Various plant parts and repairs - Hino, Skid Steer, Drum roller, Loader	8950.70	\$ 8,950.70		
EFT11026 3898	26/05/2022 05/05/2022	Future Security WA Pty Ltd	Investigate CCTV at Calingiri tip and football club, return to operational. Investigate CCTV at Calingiri tip and football club, return to operational.	484.00	\$ 484.00		
EFT11027 30	26/05/2022 25/05/2022	Gavin Eastwood	Bolgart Hall Toilet - repair works - pressure clean, render walls, painting, unblock shower, standpipe swipe box Bolgart Hall Toilet - repair works - pressure clean, render walls, painting, unblock shower, standpipe swipe box	4021.87	\$ 4,021.87	L	
EFT11028 646	26/05/2022 24/05/2022	Goldfields Record Storage	Monthly archive boxes for Record Management for 2021/2022 - April 2022 Monthly archive boxes for Record Management for 2021/2022 - April 2022	30.36	\$ 30.36		
EFT11029 35018	26/05/2022 20/04/2022	IT Vision Australia Pty Ltd	Computer support - Restore Mapping system in Synergyssoft (accounting software) Computer support - Restore Mapping system in Synergyssoft (accounting software)	275.00	\$ 275.00		
EFT11030 425	26/05/2022 14/05/2022	KA Tyres & Battery's	Honda Generator - Service and replace engine mount Honda Generator - Service and replace engine mount	546.70	\$ 546.70		
EFT11031 15342	26/05/2022 11/05/2022	Keen Brothers Truck Driver Training	Staff training - HR Automatic driving Staff training - HR Automatic driving	1400.00	\$ 1,400.00		

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT11032	26/05/2022	King Farming Pty Ltd	Dry hire of truck & blue side tipper - Behanging Road (council resolution approved)		\$ 3,960.00	L	
552	14/01/2022		Dry hire of truck & blue side tipper - Behanging Road (council resolution approved)	3960.00			
EFT11033	26/05/2022	Local Government Professionals Australia WA	Advertisement - Manager of Finance and Administration		\$ 165.00		
32413	08/04/2022		Advertisement - Manager of Finance and Administration	165.00			
EFT11034	26/05/2022	Mogumber & Districts Progress Association	Cleaning and rubbish removal - 13 weeks to 25/05/2022		\$ 756.64	L	
28	25/05/2022		Cleaning and rubbish removal 13 weeks to 25/05/2022	756.64			
EFT11035	26/05/2022	Paul And Wendy Cleaning Services	Managing of the refuse sites Bolgart and Calingiri 16/05/2022 to 29/05/2022		\$ 2,079.00	L	
27	23/05/2022		Managing of the refuse sites Bolgart and Calingiri 16/05/2022 to 29/05/2022	2079.00			
EFT11036	26/05/2022	Rajaford Pty Ltd (Calingiri Traders)	Maintenance items - Depot		\$ 84.68	L	
	20/04/2022		Maintenance items - Depot	84.68			
EFT11037	26/05/2022	Solum Wheatbelth Business Solutions (145 Square)	Consultancy fees - Integrated Planning & Reporting - initial payment		\$ 6,600.00		
141	03/05/2022		Consultancy fees - Integrated Planning & Reporting - initial payment	6600.00			
EFT11038	26/05/2022	Seaport Holdings P/L	Gravel Royalties (council resolution approved)		\$ 27,834.00	L	
001/2002	04/01/2022		Gravel collected Oct-Dec 2021 for Toodyay Bindi Bindi and Wyening East and West	13917.00			
008/2022	12/01/2022		Gravel collected Oct-Dec 2021 for Toodyay Bindi Bindi and Wyening East and West	13917.00			
EFT11039	26/05/2022	Shane T Smith Contracting Pty Ltd	Earthworks - Excavator, Bobcat, and truck at Calingiri Cemetery		\$ 1,144.00		
773	16/05/2022		Earthworks - Excavator, Bobcat, and truck at Calingiri Cemetery	1144.00			
EFT11040	26/05/2022	Star Track Express	Freight charges 13/05/2022		\$ 85.63		
22046	18/05/2022		Freight charges 13/05/2022	85.63			
EFT11041	26/05/2022	Toll Group (Courier Australia)	Freight Charges		\$ 138.90		
317	15/05/2022		Freight charges 15/5/2022	127.89			
318	22/05/2022		Freight charges - 22/5/2022	11.01			
EFT11042	26/05/2022	Toodyay Tyres & Exhaust	Halitrax (blade runner) tyres for Grader		\$ 3,777.00		
6573	05/05/2022		Halitrax (blade runner) tyres for Grader	3777.00			
EFT11043	26/05/2022	WA Local Government Association	Rapid Antigen Tests Consignment Order(x1 Carton of 1000 units)		\$ 8,030.00		
I3091972	03/03/2022		Rapid Antigen Tests Consignment Order(x1 Carton of 1000 units)	8030.00			
EFT11044	26/05/2022	Wallis Computer Solutions	Computer IT support and services		\$ 922.85		
23344	02/05/2022		NBN Wireless service - May 2022	577.50			
23331	02/05/2022		Fixed Internet connection	345.35			
EFT11045	26/05/2022	Westrac Pty Ltd - Parts	Ripper tip parts		\$ 323.14		
961263	01/03/2022		Ripper tip parts	323.14			
EFT11046	26/05/2022	Wyening Mission Farms	Gravel Royalties (council resolution approved) - road maintenance		\$ 19,030.00	L	
D2141	18/11/2021		Gravel Royalties (council resolution approved) - road maintenance	19030.00			

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
EFT11047	26/05/2022	Yeti's Records Management Consultancy	Records Management 03/05/2022 to 17/05/2022		\$ 4,312.00		
393	04/05/2022		Records Management 03/05/2022 to 17/05/2022	4312.00			
EFT11048	26/05/2022	Yungatha Pty Ltd (previously Perth Safety Products Pty Ltd)	Signage and Guidposts:		\$ 11,674.30		
11275	06/04/2022		Signage - bracket for streetnames, hazard posts	1829.30			
11288	11/04/2022		Guideposts - Duraflex - Mogumber Yarawindah Road (SFN)	9845.00			
EFT11049	26/05/2022	Australian Services Union	Payroll deductions - Union Fees		\$ 99.60		
DEDUCTION	11/05/2022		Payroll deductions - Union Fees	49.80			
DEDUCTION	25/05/2022		Payroll deductions - Union Fees	49.80			
EFT11050	26/05/2022	Australian Taxation Office	Payroll Tax		\$ 27,004.71		
DEDUCTION	11/05/2022		Payroll Tax for period ending 11/05/2022	14437.00			
DEDUCTION	25/05/2022		Payroll Tax for period ending 25/05/2022	12567.71			
				EFT Total	\$ 944,585.37	\$ 944,585.37	

12560	09/05/2022	CONSTRUCTION TRAINING FUND	BCITF - February 2022		\$ 391.75		
T26	21/04/2022		BCITF - February 2022	\$ 391.75			
12561	09/05/2022	Department Of Mines, Industry Regulation & Safety	BSL levies		\$ 566.27		
T27	21/04/2022		BSL Levies - August 2021	\$ 56.65			
T27	21/04/2022		BSL levies - January 2022	\$ 362.07			
T24	21/04/2022		BSL levies October 2021	\$ 147.55			
12562	09/05/2022	Shire of Victoria Plains	BSL Agency fee - 01/01/22 to 31/01/22		\$ 28.25		
T27	21/04/2022		BSL Agency fee - 01/01/22 to 31/01/22	\$ 28.25			
12563	26/05/2022	Shire of Victoria Plains	Housing Bonds - payroll deductions		\$ 600.00		
DEDUCTION	13/04/2022		Housing Bonds - payroll deductions	\$ 600.00			
				Cheques Total	\$ 1,586.27	\$ 1,586.27	

DD13400.1	14/05/2022	Shire of Victoria Plains - Credit Card	Credit card charges April 2022 - CEO		\$ 320.67		
APRIL 2022	01/05/2022	Shire of Victoria Plains - Credit Card	Credit card charges April 2022 - CEO	\$ 320.67			
DD13400.2	16/05/2022	Wright Express Australia Pty Ltd	Fuel card charges - April 2022 - CEO, CESM, WM		\$ 1,431.92		
APR 2022	01/05/2022	Wright Express Australia Pty Ltd	Fuel card charges - April 2022 - CEO, CESM, WM	\$ 1,431.92			
DD13425.1	02/05/2022	Shire of Victoria Plains - Credit Card	Credit card charges - April 2022 CESM		\$ 63.44		
APRIL 2022 CESM	01/05/2022	Shire of Victoria Plains - Credit Card	Credit card charges - April 2022 CESM	\$ 63.44			
				Charge Cards Total	\$ 1,816.03	\$ 1,816.03	

DD13370.1	01/05/2022	linet Limited	Internet charges Mogumber and Bogart Library May 2022		\$ 79.98		
131624816	17/04/2022		Internet charges Mogumber and Bogart Library May 2022	\$ 79.98			
DD13372.1	02/05/2022	Synergy	Staff Housing - Electricity Charges - 03/03/2022 to 03/04/2022		\$ 82.34		
158089110	07/04/2022		Staff Housing - Electricity Charges - 03/03/2022 to 03/04/2022	\$ 82.34			
DD13380.1	11/05/2022	Telstra Corporation Ltd	Fire Prevention - mobile phone charges		\$ 120.00		
1466814702	22/04/2022		Fire Prevention - mobile phone charges	\$ 120.00			
DD13380.2	06/05/2022		Telephone Accounts Mobiles		\$ 1,188.85		
1583901424	17/04/2022		Telephone Accounts Mobiles	\$ 1,188.85			

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DD13394.1 SUPER DEDUCTION DEDUCTION DEDUCTION	11/05/2022 11/05/2022 11/05/2022 11/05/2022 11/05/2022	Aware Super Pty Ltd	Payroll deductions Superannuation contributions Payroll deductions Payroll deductions Payroll deductions	 \$ 4,142.44 \$ 283.08 \$ 576.00 \$ 50.00	\$ 5,051.52		
DD13394.2 DEDUCTION DEDUCTION SUPER SUPER	11/05/2022 11/05/2022 11/05/2022 11/05/2022 11/05/2022	North Superannuation	Superannuation contributions Payroll deductions Payroll deductions Superannuation contributions Superannuation contributions	 \$ 102.42 \$ 172.00 \$ 1,388.05 \$ 102.42	\$ 1,764.89		
DD13394.3 DEDUCTION SUPER	11/05/2022 11/05/2022 11/05/2022	CYKC Superannuation Fund	Superannuation contributions and payroll deductions Payroll deductions Superannuation contributions	 \$ 230.77 \$ 692.31	\$ 923.08		
DD13394.4 DEDUCTION SUPER	11/05/2022 11/05/2022 11/05/2022	Hesta Super Fund	Superannuation contributions and payroll deductions Payroll deductions Superannuation contributions	 \$ 108.22 \$ 324.66	\$ 432.88		
DD13394.5 SUPER	11/05/2022 11/05/2022	BT Super For Life	Superannuation contributions Superannuation contributions	 \$ 238.30	\$ 238.30		
DD13394.6 SUPER	11/05/2022 11/05/2022	Australian Super Pty Ltd	Superannuation contributions Superannuation contributions	 \$ 326.92	\$ 326.92		
DD13394.7 SUPER	11/05/2022 11/05/2022	TWU Super	Superannuation contributions Superannuation contributions	 \$ 212.00	\$ 212.00		
DD13395.1 LOAN 83 MAY 2022	16/05/2022 16/05/2022	Bendigo Bank	Loan 83 repayment for May 2022 - Calingiri Football Club Loan 83 repayment for May 2022 - Calingiri Football Club	 \$ 13,122.33	\$ 13,122.33		
DD13397.1 LOAN 85 MAY 2022	16/05/2022 16/05/2022	Western Australian Treasury Corporation	Loan 85 repayment for May 2022 - purchase of plant - grader and roller Loan 85 repayment for May 2022 - purchase of plant - grader and roller	 \$ 10,638.93	\$ 10,638.93		
DD13401.1 6308416000	16/05/2022 01/05/2022	Telstra Corporation Ltd	Telephone Accounts - March / April 2022 Telephone Accounts - March / April 2022	 \$ 929.56	\$ 929.56		
DD13403.1	24/05/2022	Water Corporation	Water Usage - Various shires facilities - March / April 2022 Water Usage - Various shires facilities - March / April 2022	 \$ 2,725.44	\$ 2,725.44		
DD13403.2	25/05/2022 04/05/2022	Water Corporation	Water Usage - Various shires facilities - March / April 2022 Water Usage - Various shires facilities - March / April 2022	 \$ 3,362.02	\$ 3,362.02		
DD13403.3 9007250628	26/05/2022 05/05/2022	Water Corporation	Water Usage - Calingiri Hall - March / April 2022 Water Usage - Calingiri Hall - March / April 2022	 \$ 289.27	\$ 289.27		
DD13403.4 9007250724	19/05/2022 03/05/2022	Water Corporation	Water Usage - Various shires facilities - March / April 2022 Water Usage - Various shires facilities - March / April 2022	 \$ 7,242.49	\$ 7,242.49		
DD12562 9022582057	19/05/2022 03/05/2022	Water Corporation Water Corporation	Water Usage - Bolgart Unit - March/April 2022 Water Usage - Bolgart Unit - March/April 2022	 \$ 213.39	\$ 213.39		
DD13410.2 984545750	25/05/2022 05/05/2022	Synergy	Electricity Charges - Waterpump Calingir Sports Ground-09/02/2022 to 08/04/2022 Electricity Charges - Waterpump Calingir Sports Ground-09/02/2022 to 08/04/2022	 \$ 1,124.57	\$ 1,124.57		
DD13410.4 240020510	23/05/2022 02/05/2022	Synergy	Street Lighting - 25/03/2022 to 24 April 2022 Street Lighting - 25/03/2022 to 24 April 2022	 \$ 1,432.18	\$ 1,432.18		

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Total	Type	Funding
DD13410.5	26/05/2022	Synergy	Electricity Charges - Piawaning Water Supply - 10/02/22 to 11/04/2022		\$ 830.41		
263733750	06/05/2022		Electricity Charges - Piawaning Water Supply - 10/02/22 to 11/04/2022	\$ 830.41			
DD13416.1	25/05/2022	Aware Super Pty Ltd	Superannuation contributions and payroll deductions		\$ 4,601.12		
SUPER	25/05/2022		Superannuation contributions	\$ 3,908.04			
DEDUCTION	25/05/2022		Payroll deductions	\$ 360.00			
DEDUCTION	25/05/2022		Payroll deductions	\$ 50.00			
DEDUCTION	25/05/2022		Payroll deductions	\$ 283.08			
DD13416.2	25/05/2022	North Superannuation	Superannuation contributions and payroll deductions		\$ 1,764.89		
DEDUCTION	25/05/2022		Payroll deductions	\$ 102.42			
DEDUCTION	25/05/2022		Payroll deductions	\$ 172.00			
SUPER	25/05/2022		Superannuation contributions	\$ 1,388.05			
SUPER	25/05/2022		Superannuation contributions	\$ 102.42			
DD13416.3	25/05/2022	Hesta Super Fund	Superannuation contributions and payroll deductions		\$ 432.88		
DEDUCTION	25/05/2022		Payroll deductions	\$ 108.22			
SUPER	25/05/2022		Superannuation contributions	\$ 324.66			
DD13416.4	25/05/2022	BT Super For Life	Superannuation contributions		\$ 214.48		
SUPER	25/05/2022		Superannuation contributions	\$ 214.48			
DD13416.5	25/05/2022	Australian Super Pty Ltd	Superannuation contributions		\$ 326.92		
SUPER	25/05/2022		Superannuation contributions	\$ 326.92			
DD13416.6	25/05/2022	TWU Super	Superannuation contributions		\$ 212.00		
SUPER	25/05/2022		Superannuation contributions	\$ 212.00			
DD13429.1	30/05/2022	Telstra Corporation Ltd	Admin Internet - May 2022		\$ 15.00		
2147790360	11/05/2022		Admin Internet - May 2022	\$ 15.00			
Bank	31/05/2022	Bendigo Bank	Bank fees and charges - May 2022	\$ 283.66	\$ 283.66		
				Direct Debits Total	\$ 60,182.30	\$ 60,182.30	
Payroll	12/05/2022	Employees	Payroll PE 11.05.2022	\$ 46,944.88	\$ 46,944.88		
Payroll	26/05/2022	Employees	Payroll PE 25.05.2022	\$ 43,745.06	\$ 43,745.06		
				Direct Debits Total	\$ 90,689.94	\$ 90,689.94	

Abbreviations			
F	Funded	EFT Total	\$ 944,585.37 85.96%
L	Local Supplier	Cheques Total	\$ 1,586.27 0.14%
		Charge Cards Total	\$ 1,816.03 0.17%
		Direct Debit Total	\$ 60,182.30 5.48%
		Trust Total	\$ - 0.00%
		Payroll Total	\$ 90,689.94 8.25%
		Total	\$ 1,098,859.91 100.00%
		Local Suppliers	\$ 68,870.97 6.27%
		Employees	\$ 90,689.94 8.25%
		Combined Total	\$ 159,560.91 14.52%



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SHIRE OF VICTORIA PLAINS

MONTHLY FINANCIAL REPORT

For the Period Ending 31 May 2022

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

**RSM Australia Pty Ltd**Level 1, 12 Bayly Street Geraldton WA 6530
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Compilation Report

To the Council

Shire of Victoria Plains

Scope

We have compiled the accompanying special purpose financial statements.

The specific purpose for which the special purpose financial report has been prepared is to provide information relating to the financial performance and financial position of the Shire that satisfies the information needs of the Council and the *Local Government Act 1995* and associated regulations.

The responsibility of the Shire

The Shire is solely responsible for the information contained in the special purpose financial report and have determined that the accounting policies used are consistent and are appropriate to satisfy the requirements of the Council and the *Local Government Act 1995* and associated regulations.

Our responsibility

On the basis of information provided by the Shire, we have compiled the accompanying special purpose financial statements in accordance with the significant accounting policies adopted as set out in Note 1 to the financial statements and APES 315: Compilation of Financial Information.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the Management provided, into a financial report. Our procedures do not include any verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

To the extent permitted by law, we do not accept liability for any loss or damage which any person, other than the Shire of Victoria Plains, may suffer arising from negligence on our part.

This report was prepared for the benefit of the Council of the Shire of Victoria Plains and the purpose identified above. We do not accept responsibility to any other person for the content of the report.

Signed at GERALDTON

Date 16th June 2022RSM Australia Pty Ltd
Chartered Accountants**THE POWER OF BEING UNDERSTOOD**
AUDIT | TAX | CONSULTING

RSM Australia Pty Ltd is a member of the RSM network and trades as RSM. RSM is the trading name used by the members of the RSM network. Each member of the RSM network is an independent accounting and consulting firm which practices in its own right. The RSM network is not itself a separate legal entity in any jurisdiction.

RSM Australia Pty Ltd ACN 009 321 377 atf Birdanco Practice Trust ABN 65 319 382 479 trading as RSM

Liability limited by a scheme approved under Professional Standards Legislation

SHIRE OF VICTORIA PLAINS
MONTHLY FINANCIAL REPORT
For the Period Ending 31 May 2022
CONTENTS PAGE

General

Compilation Report
Executive Summary

Note

Financial Statements

Statement of Financial Activity by Nature or Type
Statement of Financial Activity by Program
Statement of Capital Acquisitions and Funding

Notes to the Statement of Financial Activity

Significant Accounting Policies	Note 1
Explanation of Material Variances	Note 2
Net Current Funding Position	Note 3
Cash and Investments	Note 4
Trust Fund	Note 5
Receivables	Note 6
Cash Backed Reserves	Note 7
Capital Disposals	Note 8
Capital Acquisitions	Note 9
Rating Information	Note 10
Information on Borrowings	Note 11
Grants and Contributions	Note 12
Budget Amendments	Note 13

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS
MONTHLY FINANCIAL REPORT
For the Period Ending 31 May 2022
EXECUTIVE SUMMARY

Statement of Financial Activity

Statements are presented on pages 5 and 6 showing a surplus/(deficit) as at 31 May 2022 of \$621,079

Significant Revenue and Expenditure

Significant Projects	Collected / Completed %	Annual Budget \$	YTD Budget \$	YTD Actual \$
Ag Lime Calingiri - New Norcia Road	5%	1,179,822	1,081,487	54,173
Mogumber - Yarawindah Road WSFN #5	0%	1,578,438	1,446,874	329
Toodyay - Bindi Bindi Rd Nth 21/22	108%	634,611	581,702	684,963
Bolgart West Road	103%	446,104	408,903	460,041
Mogumber - Yarawindah Road 19/20	105%	248,381	227,678	259,616
Mogumber - Yarawindah Road WSFN #2	103%	239,019	219,098	246,404
	39%	4,326,376	3,965,742	1,705,527
Grants, Subsidies and Contributions				
Operating grants, subsidies and contributions	213%	946,618	903,987	2,011,616
Non-operating grants, subsidies and contributions	33%	4,529,126	4,190,525	1,509,831
	64%	5,475,744	5,094,512	3,521,447
Rates Levied	100%	2,972,848	2,725,107	2,973,759

% - Compares current YTD actuals to the Annual Budget

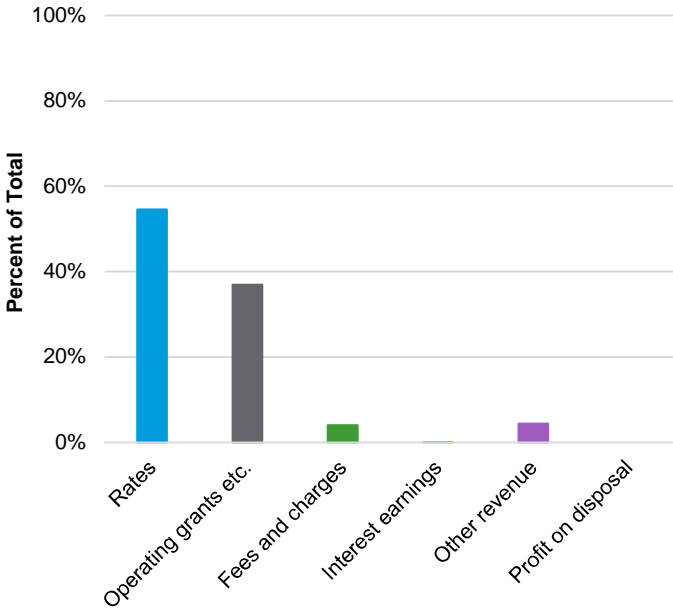
Financial Position

Account	Difference to Prior Year %	Current Year 31 May 22 \$	Prior Year 31 May 21 \$
Adjusted net current assets	(297%)	621,080	(209,324)
Cash and equivalent - unrestricted	173%	954,452	551,474
Cash and equivalent - restricted	95%	539,292	566,452
Receivables - rates	210%	65,545	31,190
Receivables - other	101%	52,271	51,964
Payables	89%	716,008	803,211

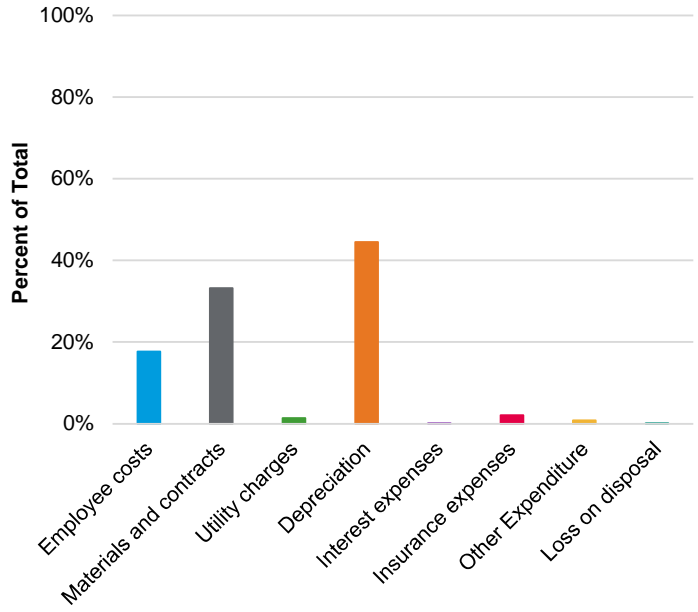
% - Compares current YTD actuals to prior year actuals

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS
MONTHLY FINANCIAL REPORT
For the Period Ending 31 May 2022
SUMMARY GRAPHS

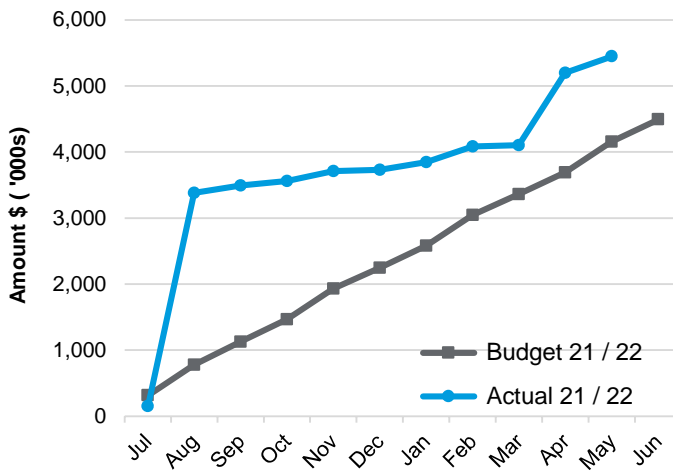
Operating Income



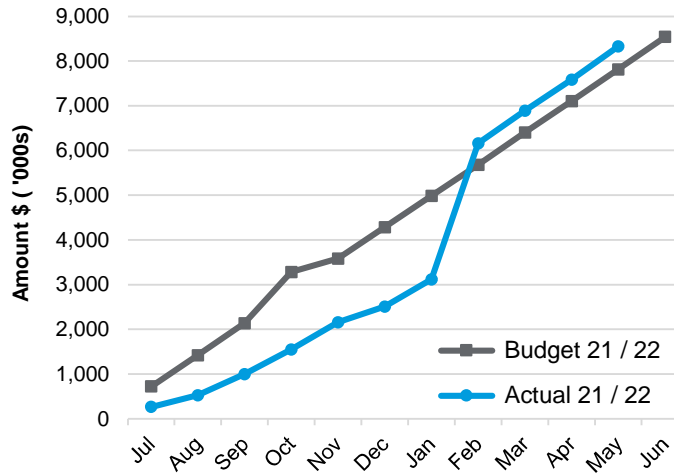
Operating Expenditure



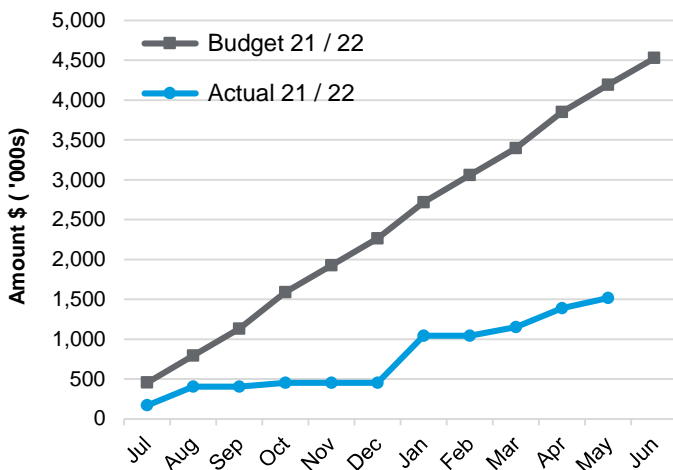
Operating Revenues



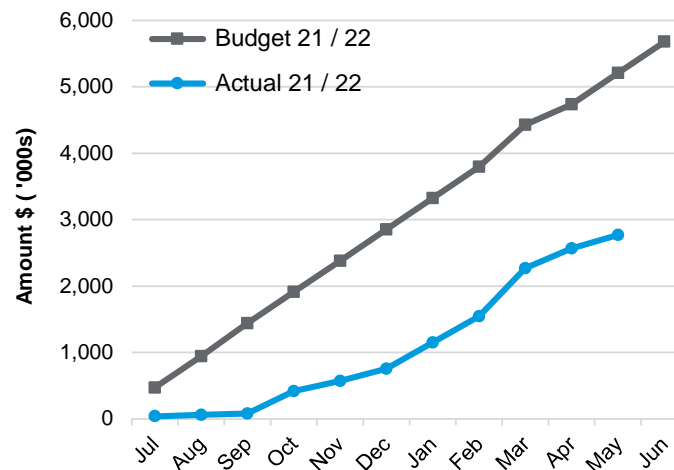
Operating Expenses



Capital Revenues - Investing



Capital Expenses



SHIRE OF VICTORIA PLAINS

STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

REPORTING PROGRAM

	Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var* \$	Var* %
Opening Funding Surplus / (Deficit)	3	893,669	893,669	893,668		
Revenue from Operating Activities						
Governance		6,348	5,808	4,526	(1,282)	(22%)
General purpose funding - rates	10	2,995,696	2,746,029	2,997,366	251,337	9%
General purpose funding - other		605,207	603,677	1,569,263	965,586	160%
Law, order and public safety		327,352	287,396	363,217	75,821	26%
Health		4,017	3,674	1,918	(1,756)	(48%)
Education and welfare		630	572	-	(572)	(100%)
Housing		92,622	84,951	60,982	(23,969)	(28%)
Community amenities		119,354	111,740	124,284	12,544	11%
Recreation and culture		94,030	86,618	64,437	(22,181)	(26%)
Transport		186,993	171,391	187,894	16,503	10%
Economic services		26,803	24,530	30,416	5,886	24%
Other property and services		34,314	31,427	43,962	12,535	40%
		4,493,365	4,157,813	5,448,266		
Expenditure from Operating Activities						
Governance		(579,273)	(521,088)	(499,395)	21,693	4%
General purpose funding		(457,346)	(419,232)	(379,188)	40,044	10%
Law, order and public safety		(551,807)	(505,726)	(613,566)	(107,840)	(21%)
Health		(144,231)	(132,198)	(121,040)	11,158	8%
Education and welfare		(4,779)	(4,332)	(2,622)	1,710	39%
Housing		(237,156)	(218,464)	(239,339)	(20,875)	(10%)
Community amenities		(640,842)	(571,900)	(424,129)	147,771	26%
Recreation and culture		(667,297)	(612,617)	(756,164)	(143,547)	(23%)
Transport		(5,027,513)	(4,609,317)	(4,947,530)	(338,213)	(7%)
Economic services		(269,768)	(247,369)	(236,629)	10,740	4%
Other property and services		38,858	33,085	(121,142)	(154,227)	466%
		(8,541,154)	(7,809,158)	(8,340,744)		
Excluded Non-cash Operating Activities						
Depreciation and amortisation		3,920,654	3,593,843	3,714,480		
(Profit) / loss on asset disposal	8	-	-	9,629		
Net Amount from Operating Activities		(127,135)	(57,502)	831,631		
Investing Activities						
Grants, subsidies and contributions	12(b)	4,529,126	4,190,525	1,509,831	(2,680,694)	(64%)
Proceeds from disposal of assets	8	-	-	6,909	6,909	
Land and buildings	9(a)	(179,159)	(163,306)	(51,944)	111,362	68%
Plant and equipment	9(b)	(295,861)	(277,614)	(288,834)	(11,220)	(4%)
Infrastructure - roads	9(c)	(5,078,325)	(4,654,969)	(2,351,590)	2,303,379	49%
Infrastructure - other	9(d)	(127,360)	(118,288)	(79,662)	38,626	33%
Net Amount from Investing Activities		(1,151,579)	(1,023,652)	(1,255,289)		
Financing Activities						
Proceeds from self supporting loans	11(b)	20,579	10,612	21,091	10,479	(99%)
Proceeds from long term borrowings		200,000	200,000	200,000	-	0%
Repayment of debentures	11(a)	(92,619)	(69,084)	(69,596)	(512)	(1%)
Transfer from reserves	7	50,000	-	-	-	
Transfer to reserves	7	(2,408)	-	(425)	(425)	
Net Amount from Financing Activities		175,552	141,528	151,070		
Closing Funding Surplus / (Deficit)	3	(209,493)	(45,957)	621,079		

* - Note 2 provides an explanation for the relevant variances shown above.

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

SHIRE OF VICTORIA PLAINS
STATEMENT OF FINANCIAL ACTIVITY
For the Period Ending 31 May 2022

NATURE OR TYPE

	Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var* \$	Var* %
Opening Funding Surplus / (Deficit)	3	893,668	893,668	893,668		
Revenue from Operating Activities						
Rates	10	2,972,848	2,725,107	2,973,759	248,652	9%
Grants, subsidies and contributions	12(a)	946,618	903,987	2,011,616	1,107,629	123%
Fees and charges		233,532	216,392	219,572	3,180	1%
Interest earnings		31,818	29,583	1,665	(27,918)	(94%)
Other revenue		308,550	282,744	241,654	(41,090)	(15%)
Profit on disposal of assets	8	-	-	-	-	
		4,493,365	4,157,813	5,448,266		
Expenditure from Operating Activities						
Employee costs		(1,715,876)	(1,577,518)	(1,476,719)	100,799	6%
Materials and contracts		(2,555,862)	(2,327,001)	(2,772,230)	(445,229)	(19%)
Utility charges		(107,468)	(101,056)	(116,379)	(15,323)	(15%)
Depreciation on non-current assets		(3,920,654)	(3,593,843)	(3,714,480)	(120,637)	(3%)
Interest expenses		(15,887)	(15,386)	(8,632)	6,754	44%
Insurance expenses		(143,752)	(131,626)	(175,110)	(43,484)	(33%)
Other expenditure		(81,656)	(62,728)	(67,563)	(4,835)	(8%)
Loss on disposal of assets	8	-	-	(9,629)	(9,629)	
		(8,541,155)	(7,809,158)	(8,340,743)		
Excluded Non-cash Operating Activities						
Depreciation and amortisation		3,920,654	3,593,843	3,714,480		
(Profit) / loss on asset disposal		-	-	9,629		
Net Amount from Operating Activities		(127,136)	(57,502)	831,631		
Investing Activities						
Grants, subsidies and contributions	12(b)	4,529,126	4,190,525	1,509,831	(2,680,694)	(64%)
Proceeds from disposal of assets	8	-	-	6,909	6,909	
Land and buildings	9(a)	(179,159)	(163,306)	(51,944)	111,362	68%
Plant and equipment	9(b)	(295,861)	(277,614)	(288,834)	(11,220)	(4%)
Infrastructure - roads	9(c)	(5,078,325)	(4,654,969)	(2,351,590)	2,303,379	49%
Infrastructure - other	9(d)	(127,360)	(118,288)	(79,662)	38,626	33%
Net Amount from Investing Activities		(1,151,579)	(1,023,652)	(1,255,289)		
Financing Activities						
Proceeds from self supporting loans	11(b)	20,579	10,612	21,091	10,479	(99%)
Proceeds from Long Term Borrowings		200,000	200,000	200,000		
Repayment of debentures	11(a)	(92,619)	(69,084)	(69,596)	(512)	(1%)
Transfer from reserves	7	50,000	-	-	-	
Transfer to reserves	7	(2,408)	-	(425)	(425)	
Net Amount from Financing Activities		175,552	141,528	151,070		
Closing Funding Surplus / (Deficit)	3	(209,495)	(45,958)	621,080		

* - Note 2 provides an explanation for the relevant variances shown above.

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

SHIRE OF VICTORIA PLAINS

STATEMENT OF CAPITAL ACQUISITIONS AND FUNDING

For the Period Ending 31 May 2022

CAPITAL ACQUISITIONS AND FUNDING

Asset Group	Note	Annual Budget	YTD Actual Total
		\$	\$
Land and buildings	9(a)	179,159	51,944
Plant and equipment	9(b)	295,861	288,834
Infrastructure - roads	9(c)	5,078,325	2,351,590
Infrastructure - other	9(d)	127,360	79,662
Total Capital Expenditure		5,680,705	2,772,030
Capital Acquisitions Funded by:			
Capital grants and contributions		4,529,126	1,509,831
Borrowings		-	-
Other (disposals and c/fwd)		-	6,909
Council contribution - from reserves		50,000	-
Council contribution - operations		1,101,579	1,255,289
Total Capital Acquisitions Funding		5,680,705	2,772,030

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996 Regulation 34*.

The material variance adopted by the Shire of Victoria Plains for the 2021/22 year is \$10,000 or 10%, whichever is greater. Items considered to be of material variance are disclosed in Note 2.

The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation. The preparation also requires management to make judgements, estimates and assumptions which effect the application of policies and the reported amounts in the statements and notes. These estimated figures are based on historical experience or other factors believed to be reasonable under the circumstances. Therefore, the actual results may differ from these reported amounts.

Actual and Budget comparatives are presented in year to date format unless otherwise stated. The Adopted Budget is used in the report until superseded by the Budget Review.

Preparation

Prepared by: Kate Peacock
Reviewed by: Travis Bate
Date prepared: 16 Jun 22

(a) Basis of Preparation

The following financial statements are special purpose financial statements that have been prepared in accordance with the Australian Accounting Standards, Authoritative Interpretations, the *Local Government Act 1995*, and regulations, within the context in which they relate to local governments and not-for-profit entities.

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996 Regulation 34*.

With the exception of the cash flow statement and rate setting information, the following report has been prepared on an accrual basis with balances measured at historical cost unless subject to fair value adjustments. Items subject to fair value adjustments include certain non-current assets, financial assets, and financial liabilities. Items such as assets, liabilities, equity, income and expenses have been recognised in accordance with the definitions and recognition criteria set out in the Framework for the Preparation and Presentation of Financial Statements.

These financial statements comply with, and supersede, the Australian Accounting Standards with the *Local Government (Financial Management) Regulations 1996* where applicable. Further information is provided in Note 1(i).

The functional and presentation currency of the report is Australian dollars.

(b) The Local Government Reporting Entity

The Australian Accounting Standards define local government as a reporting entity which can be a single entity or a group comprising a parent and all its subsidiaries. All funds controlled by the Shire in order to provide its services have formed part of the following report. Transactions and balances related to these controlled funds, such as transfers to and from reserves, were eliminated during the preparation of the report.

Funds held in Trust, which are controlled but not owned by the Shire, do not form part of the financial statements. Further information on the Shire funds in Trust are provided in Note 5.

(c) Rounding of Amounts

The Shire is an entity to which the *Local Government (Financial Management) Regulations 1996* applies and, accordingly amounts in the financial report have been rounded to the dollar except for amounts shown as a rate in the dollar. Where total assets exceed \$10,000,000 in the prior audited annual financial report, the amounts may be rounded to the nearest \$1,000.

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(d) Goods and Services Tax (GST)

Revenue, expenses and assets are recognised net of the amount of goods and services tax (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 where applicable.

(e) Cash and Cash Equivalents

Cash and cash equivalents normally include cash on hand, bonds and deposits, overdrafts, excess rates, unspent grant funds, on call deposits and term deposits with maturities equal to or less than three months. Cash and cash equivalents are typically characterised as highly liquid investments with little risk of experiencing material changes in value. Further information is provided in Note 1(f).

(f) Financial Instruments

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.

Financial assets at fair value through profit and loss

The Shire classifies the following financial assets at fair value through profit and loss:

- debt investments which do not qualify for measurement at either amortised cost or fair value through other comprehensive income.
- equity investments which the Shire has not elected to recognise fair value gains and losses through other comprehensive income.

Financial liabilities

Financial liabilities are recognised at fair value when the Shire becomes a party to the contractual provisions to the instrument.

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost. Gains or losses are recognised in profit or loss.

Financial liabilities are derecognised where the related obligations are discharged, cancelled or expired. The difference between the carrying amount of the financial liability extinguished or transferred to another party and the fair value of the consideration paid, including the transfer of non-cash assets or liabilities assumed, is recognised in profit or loss.

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.

Loans and Receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They arise principally through the provision of goods and services to customers but also incorporate other types of contractual monetary assets.

After initial recognition these are measured at amortised cost using the effective interest method, less provision for impairment. Any change in their value is recognised in the statement of comprehensive income.

In some circumstances, the Shire renegotiates repayment terms with customers which may lead to changes in the timing of the payments, the Shire does not necessarily consider the balance to be impaired, however assessment is made on a case-by-case basis.

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(f) Financial Instruments (Continued)

Impairment of Financial Assets

At the end of the annual reporting period the Shire assesses whether there is any objective evidence that a financial asset or group of financial assets is impaired.

If there is objective evidence that an impairment loss on financial assets carried at amortised cost has been incurred, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of the estimated future cash flows discounted at the financial assets original effective interest rate.

Impairment of loans and receivables are reduced through the use of an allowance account, all other impairment losses on financial assets at amortised cost are taken directly to the asset. Subsequent recoveries of amounts previously written off are credited against other expenses in the statement of comprehensive income.

(g) Inventories

General

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 related to completion and its sale.

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(h) Fixed Assets

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

Initial recognition and measurement between mandatory revaluation dates

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 *Local Government (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.

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 no cost or for nominal consideration, 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.

Individual assets acquired between initial recognition and the next revaluation of the asset class in accordance with the mandatory measurement framework, are recognised at cost and disclosed as being at fair value as management believes cost approximates fair value. They are subject to subsequent revaluations at the next anniversary date in accordance with the mandatory measurement framework.

Revaluation

The fair value of land, buildings, infrastructure and investment properties is determined at least every five years in accordance with the regulatory framework. This includes buildings and infrastructure items which were pre-existing improvements (i.e. vested improvements) on vested land acquired by the Shire.

At the end of each period the valuation is reviewed and where appropriate the fair value is updated to reflect current market conditions. This process is considered to be in accordance with *Local Government (Financial Management) Regulation 17A (2)* which requires land, buildings, infrastructure, investment properties and vested improvements to be shown at fair value.

SHIRE OF VICTORIA PLAINS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(h) Fixed Assets (Continued)

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same class of asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Land under roads

As a result of amendments to the *Local Government (Financial Management) Regulations 1996*, effective from 1 July 2019, vested land, including land under roads, are treated as right-of-use assets measured at zero cost. Therefore, the previous inconsistency with AASB 1051 in respect of non-recognition of land under roads acquired on or after 1 July 2008 has been removed, even though measurement at zero cost means that land under roads is still not included in the statement of financial position.

Vested improvements from 1 July 2019

The measurement of vested improvements at fair value in accordance with *Local Government (Financial Management) Regulation 17A(2)(iv)* is a departure from AASB 16 which would have required the Shire to measure the vested improvements as part of the related right-of-use assets at zero cost.

(i) Depreciation of Non-current Assets

Fixed assets, excluding freehold land, are depreciated on a straight-line basis over the asset's useful life to the Shire, commencing when the asset is ready for use. The estimated useful lives used for each class of depreciable asset are shown below in years:

Asset	Years
Buildings	30 to 50 years
Furniture and equipment	4 to 10 years
Plant and equipment	5 to 15 years
Other infrastructure	15 to 80 years
Sealed roads and streets:	
formation	not depreciated
pavement	50 years
seal:	
bituminous seals	15 to 20 years
asphalt surfaces	20 years
Gravel Roads:	
formation	not depreciated
pavement	50 years
Formed roads (unsealed):	
formation	not depreciated
pavement	50 years
Footpaths - slab	40 to 60 years
Sewerage piping	80 years
Water supply piping and drainage systems	17 to 80 years
Sewerage piping	80 years
Bridges	60 years

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

Land Under Local Government Control

Regulation 16 in the *Local Government (Financial Management) Regulations 1996* prohibits certain assets to be included in the financial report of a local government and require other assets to be included. The regulation therefore supersedes the reporting requirements of AASB 1051 *Land Under Roads (p.15)* and AASB 116 *Property, Plant and*

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Trade and Other Payables

Trade and other payables are unpaid current liabilities owed for goods and services provided to the Shire prior to the end of the financial year. The amounts are unsecured and are normally paid within 30 days of recognition.

(k) Employee Benefits

Provision is made for the Shire's liability for employee benefits arising from services rendered by employees to the end of the annual reporting period. Employee benefits that are expected to be wholly settled within one year are measured at the amounts expected to be paid when the liability is settled.

Employee benefits expected to be settled more than one year after the end of the reporting period have been measured at the present value of the estimated future cash outflows to be made for those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may satisfy vesting requirements. Cashflows are discounted using market yields on 10 year Australia Government Bonds. Changes in the measurement of the liability are recognised in the statement of comprehensive income.

(l) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. Subsequent measurement is at amortised cost using the effective interest method. The annual government guarantee fee is expensed in the year incurred.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs that are directly attributable to the acquisition, construction or production of a qualifying asset are capitalised as part of the cost of that asset. All other borrowing costs are recognised as an expense in the period in which they are incurred.

(m) Provisions

Provisions are recognised when: The Shire has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(n) Contract Liabilities

Contract liabilities represent the Shire's obligation to transfer goods or services to a customer for which the Shire has received consideration from the customer.

With respect to transfers for recognisable non-financial assets, contract liabilities represent performance obligations which are not yet satisfied.

Contract liabilities are recognised as revenue when the performance obligations in the contract are satisfied.

(o) Current and Non-current Classification

The report classifies current and non-current balances as defined by the *Local Government (Financial Management) Regulations 1996*, AASB 101 *Presentation of Financial Statements*, or by another applicable regulation or interpretation.

(p) Nature or Type Classifications

Rates

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

Operating Grants, Subsidies and Contributions

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

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(p) Nature or Type Classifications (Continued)

Non-operating Grants, Subsidies and Contributions

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

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

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.

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. Excluding rubbish removal charges, 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.

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 etc.

Employee Costs

All costs associated with the employment of a 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, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, 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, etc.)

Expenditures made to the respective agencies for the provision of power, gas, water and communication expenses. 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

Loss on the disposal of fixed assets.

Depreciation on Non-current Assets

Depreciation expense raised on all classes of assets.

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, provision for bad debts, member's fees or State taxes, donations and subsidies made to community groups.

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(q) Program Classifications (Function / Activity)

Council operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs related to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

GENERAL PURPOSE FUNDING

Rates, general purpose government grants and interest revenue.

LAW, ORDER AND PUBLIC SAFETY

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

HEALTH

Inspection of food outlets and their control, noise control and waste disposal compliance.

EDUCATION AND WELFARE

Maintenance of playgroup centre and support of school programs.

HOUSING

Provision and maintenance of elderly residents housing.

COMMUNITY AMENITIES

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery and public conveniences.

RECREATION AND CULTURE

Maintenance of public halls, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library, and other cultural facilities.

TRANSPORT

Construction and maintenance of roads, streets, footpaths, depots, cycle ways, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

ECONOMIC SERVICES

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, and standpipes. Building Control.

OTHER PROPERTY AND SERVICES

Private works operation, plant repair and operation costs and engineering operation costs.

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(r) Revenue Recognition Policy

Recognition of revenue is dependant on the source of revenue and the associated terms and conditions associated with each source of revenue and recognised as follows:

Revenue Category	Nature of goods and services	When obligations typically satisfied	Payment terms	Returns / Refunds / Warranties	Determination of transaction price	Allocating transaction price	Measuring obligations for returns	Timing of revenue recognition
Rates	General Rates	Over time	Payment dates adopted by Council during the year	None	Adopted by council annually	When taxable event occurs	Not applicable	When rates notice is issued
Service charges	Charge for specific service	Over time	Payment dates adopted by Council during the year	Refund in event monies are unspent	Adopted by council annually	When taxable event occurs	Not applicable	When rates notice is issued
Grant contracts with customers	Community events, minor facilities, research, design, planning evaluation and services	Over time	Fixed terms transfer of funds based on agreed milestones and reporting	Contract obligation if project not complete	Set by mutual agreement with the customer	Based on the progress of works to match performance obligations	Returns limited to repayment of transaction price of terms breached	Output method based on project milestones and/or completion date matched to performance obligations as inputs are shared
Grants, subsidies or contributions for the construction of non-financial assets	Construction or acquisition of recognisable non-financial assets to be controlled by the local government	Over time	Fixed terms transfer of funds based on agreed milestones and reporting	Contract obligation if project not complete	Set by mutual agreement with the customer	Based on the progress of works to match performance obligations	Returns limited to repayment of transaction price of terms breached	Output method based on project milestones and/or completion date matched to performance obligations as inputs are shared
Grants with no contract commitments	General appropriations and contributions with no reciprocal commitment	No obligations	Not applicable	Not applicable	Cash received	On receipt of funds	Not applicable	When assets are controlled
Licences/ Registrations/ Approvals	Building, planning, development and animal management, having the same nature as a licence regardless of naming.	Single point in time	Full payment prior to issue	None	Set by State legislation or limited by legislation to the cost of provision	Based on timing of issue of the associated rights	No refunds	On payment and issue of the licence, registration or approval
Pool inspections	Compliance safety check	Single point in time	Equal proportion based on an equal annually fee	None	Set by State legislation	Apportioned equally across the inspection cycle	No refunds	After inspection complete based on a 4 year cycle

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(r) Revenue Recognition Policy (Continued)

Revenue Category	Nature of goods and services	When obligations typically satisfied	Payment terms	Returns / Refunds / Warranties	Determination of transaction price	Allocating transaction price	Measuring obligations for returns	Timing of revenue recognition
Other inspections	Regulatory Food, Health and Safety	Single point in time	Full payment prior to inspection	None	Set by State legislation or limited by legislation to the cost of provision	Applied fully on timing of inspection	Not applicable	Revenue recognised after inspection event occurs
Waste management collections	Kerbside collection service	Over time	Payment on an annual basis in advance	None	Adopted by council annually	Apportioned equally across the collection period	Not applicable	Output method based on regular weekly and fortnightly period as proportionate to collection service
Waste management entry fees	Waste treatment, recycling and disposal service at disposal sites	Single point in time	Payment in advance at gate or on normal trading terms if credit provided	None	Adopted by council annually	Based on timing of entry to facility	Not applicable	On entry to facility
Property hire and entry	Use of halls and facilities	Single point in time	In full in advance	Refund if event cancelled within 7 days	Adopted by council annually	Based on timing of entry to facility	Returns limited to repayment of transaction price	On entry or at conclusion of hire
Memberships	Gym and pool membership	Over time	Payment in full in advance	Refund for unused portion on application	Adopted by council annually	Apportioned equally across the access period	Returns limited to repayment of transaction price	Output method Over 12 months matched to access right
Fees and charges for other goods and services	Cemetery services, library fees, reinstatements and private works	Single point in time	Payment in full in advance	None	Adopted by council annually	Applied fully based on timing of provision	Not applicable	Output method based on provision of service or completion of works
Commissions	Commissions on licencing and ticket sales	Over time	Payment in full on sale	None	Set by mutual agreement with the customer	On receipt of funds	Not applicable	When assets are controlled
Reimbursements	Insurance claims	Single point in time	Payment in arrears for claimable event	None	Set by mutual agreement with the customer	When claim is agreed	Not applicable	When claim is agreed

2. EXPLANATION OF MATERIAL VARIANCES

Variations which have exceeded the thresholds are listed below by Program. Significant variations within the Program are listed underneath it by Nature or Type.

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

Reporting Program	Var	Var	Var	Timing / Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	(1,282)	(22%)		Timing	Sundry (Miscellaneous) revenue over estimates
General Purpose Funding - Rates	251,337	9%		Timing	Mainly related to timing of budget profile. Rates revenue in line with full year budget. Refer to Note 10 for detail.
General Purpose Funding - Other	965,586	160%	▲	Permanent	Advance payment of Financial Assistance Grant 22/23 in April 22 (\$975K).
Law, order and public safety	75,821	26%	▲	Permanent	Over Budget Mitigation Activity Fund Grant (\$110K) and Animal Welfare Grant (\$6K), offset by timing of CESM reimbursements (\$45K).
Health	(1,756)	(48%)		Timing	Admin income allocation under budget YTD.
Education and Welfare	(572)	(100%)		Permanent	No YTD grants or hire of community vehicle.
Housing	(23,969)	(28%)	▼	Permanent	Vacant units, and staff housing used as consultant accommodation
Community Amenities	12,544	11%	▲	Permanent	Increase in planning and building applications, and reimbursement - Drum muster
Recreation and Culture	(22,181)	(26%)	▼	Timing	Variance due to budget phasing of Insurance claims received, offset by Road Board building vacancy (\$4K).
Transport	16,503	10%		Permanent	Mainly related to Main Roads Direct Grant above budget.
Economic Services	5,886	24%		Permanent	Increase income from caravan parks (\$2K) and commission received (\$4K).
Other Property and Services	12,535	40%	▲	Permanent	Increase in private works, and fuel rebates.

Operating Expense

Governance	21,693	4%		Permanent	Notable variances relate to Consultancy / Contractors (\$109K) below budget, Audit Fees \$54K below budget, offset by above administration expenditure allocations (\$149K).
General Purpose Funding	40,044	10%		Timing	Mainly related to under budget administration costs allocated (\$35K). Allocations to be reviewed at year end.
Law, order and public safety	(107,840)	(21%)	▼	Permanent	Bolgart Fire Access track funded project DFES (\$96K).
Health	11,158	8%		Timing	Mainly related to under budget administration costs allocated (\$11K). Allocations to be reviewed at year end.
Education and welfare	1,710	39%		Timing	Mainly related to below budget Bolgart Playgroup Maintenance (\$2K).
Housing	(20,875)	(10%)		Permanent	Mainly related to overbudget Staff Housing Buildings & Surrounds Maintenance (\$9K), Staff Housing Operating Expenditure (\$7K) and Other Housing Expenditure (\$9K), offset by under budget administration costs allocated (\$8K). Allocations to be reviewed at year end.
Community amenities	147,771	26%	▲	Permanent	Mainly related to under budget expenditure for Landfill Site Maintenance (\$62K) Mogumber Water Supply (\$33K), Effluent Disposal Schemes - Calingiri (\$12K), Shared Town/Consultant Planner (\$14K), Cemetery Works (\$11K) and Admin Expenditure Allocation (\$8K).
Recreation and Culture	(143,547)	(23%)	▼	Permanent	Mainly related to over budget Town & Gardens Maintenance (\$177K), offset by below budget Roads Board Building Expenditure (\$15K) Administration Costs Allocated (\$15K).
Transport	(338,213)	(7%)		Permanent	Mainly related to over budget maintenance grading (\$325K), Roads Storm Water Damage (\$105K) and Depreciation (\$103K), offset by below budget Tree Lopping/Verge Maintenance (\$141K), Bitumen Maintenance (\$13K), Depot Maintenance (\$6K) and Admin Costs Allocated (\$25K).

2. EXPLANATION OF MATERIAL VARIANCES

Economic services	10,740	4%		Timing	Mainly related to overbudget Water Supply Stand Pipes (\$41K), Caravan and Camp Grounds Operating expenditure (\$5K), offset by below budget Building Control Operating Expenses (\$45K), Noxious Weeds & Pest Control (\$10K) and Caravan and Camp Grounds Maintenance (\$8K).
Other property and services	(154,227)	466%		Timing	Mainly related over budget Parts & Repairs (\$47K), offset by vacant position- Works Manager (\$115K) and Overhead costs recovered (\$98K).

Capital Revenues

Grants, subsidies and contributions	(2,680,694)	(64%)	▼	Timing	Mainly related to Wheatbelt Secondary Freight Network (\$1.1M) and Ag-Lime Project (841K). Refer to Note 12(b) for detail. Note, this is offset by below budget year to date capital expenditure.
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Capital Expenses

Land and buildings	111,362	68%	▲	Timing	Mainly related to below budget expenditure for Mogumber Hall Ceiling (\$74K) and Purchase of Land for Aglime Route (\$30K). Refer to Note 9(a) for detail.
Plant and equipment	(11,220)	(4%)		Timing	Variance due to budget phasing. Mainly related to Grader Purchase (note - below full year budget). Refer to Note 9(b) for detail.
Infrastructure - roads	2,303,379	49%	▲	Timing	Mainly related to Wheatbelt Secondary Freight Network projects (\$1.5M) and Aglime Calingiri - New Norcia Road (\$1M). Refer to Note 9(c) for detail.
Infrastructure - Other	38,626	33%	▲	Timing	Mainly related to Yerecoin Sewerage Inspection Hatch. Refer to Note 9(d) for detail.

Nature or Type Operating Revenues	Var \$	Var %	Var	Timing / Permanent	Explanation of Variance
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Grants, Subsidies and Contributions	1,107,629	123%	▲	Permanent	Mainly related to Mitigation Activity Fund - DFES (\$113K) and Financial Assistance Grant 22/23 advance payment (\$957K). Refer to Note 12(a) for detail.
Rates	248,652	9%		Timing	Mainly related to timing of budget profile. Rates revenue in line with full year budget. Refer to Note 10 for detail.
Interest Earnings	(27,918)	(94%)	▼	Permanent	Interest earnings below estimates
Other Revenue	(41,090)	(15%)	▼	Timing	Mainly related to timing of CESM reimbursements (\$45K).

Operating Expense

Employee Costs	100,799	6%		Permanent	Mainly related to vacancies.
Materials and contracts	(445,229)	(19%)	▼	Permanent	Mainly related to Maintenance Grading (\$180K), Fire Mitigation (\$96K), Water Supply Standpipes (\$42K), Parts and Repairs (\$37K), Roads Storm Water Damage (\$25K), Animal Control (\$24K), Occupational Health & Safety (\$14K) Bridge and Culvert Maintenance (\$13K), Signage and Guideposts (7K).
Utility charges	(15,323)	(15%)	▼	Permanent	Overbudget Electricity Charges (\$10K) and Water Charges (\$6K).
Depreciation on Non-current Assets	(120,637)	(3%)		Permanent	Higher than budgeted depreciation expense.
Interest Expenses	6,754	44%		Timing	Variance due to budget phasing - budget allocated to 12 months but actual expense recognised when loan repayments are made.
Insurance Expenses	(43,484)	(33%)	▼	Permanent	Insurance over estimates
Other expenditure	(4,835)	(8%)		Permanent	Mainly related to over budget Other Office Expenses.

SHIRE OF VICTORIA PLAINS

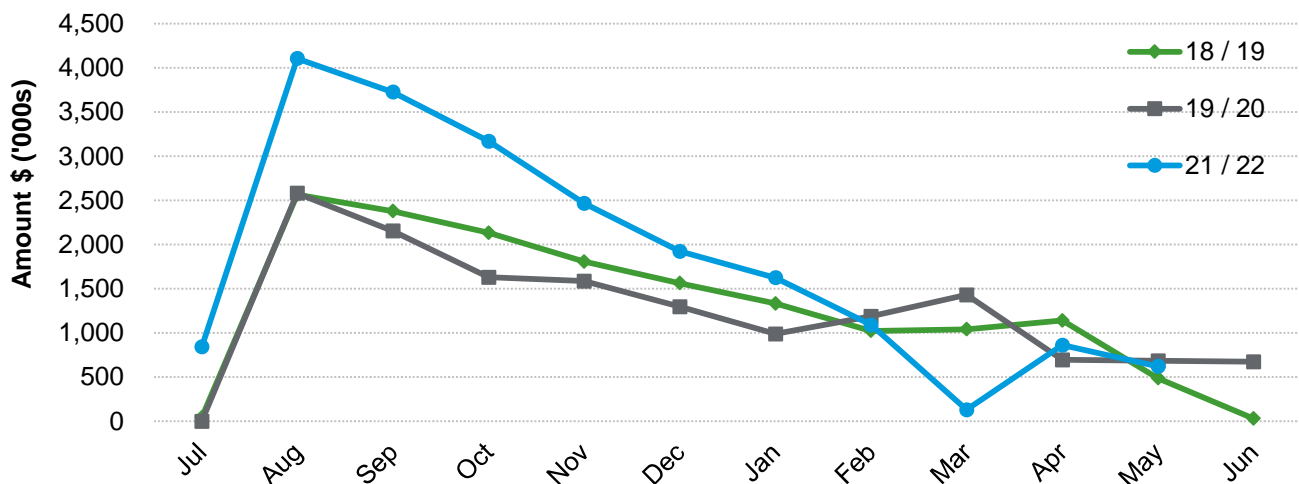
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

3. NET CURRENT FUNDING POSITION

	Note	Current Month 31 May 22 \$	Prior Year Closing 30 Jun 21 \$	This Time Last Year 31 May 21 \$
Current Assets				
Cash unrestricted	4	954,452	1,742,975	551,474
Cash restricted	4	539,292	538,867	566,452
Deposits and bonds	4	-	-	-
Trust Funds	5	-	-	-
Contact assets		-	129,267	-
Receivables - rates	6(a)	65,545	45,618	31,190
Receivables - sundry	6(b)	52,271	23,244	51,964
Receivables - other		169,690	20,850	88,083
Receivables - loans	11(b)	7,601	20,762	30,382
Provision for doubtful debts		(2,070)	(2,071)	(1,638)
Accrued income		129,267	206	-
Inventories		51,760	31,155	31,723
Total Current Assets		1,967,808	2,550,873	1,349,630
Current Liabilities				
Payables - sundry		(381,033)	(588,045)	(541,346)
Payables - other		(1,225)	(15,811)	(2,030)
Rates received in advance		-	(25,654)	-
Accrued expenses		-	(27,500)	-
Accrued salaries and wages		-	(23,384)	-
Pensioner Rebates		-	-	-
Deposits and bonds		(21,390)	(27,126)	(21,657)
Contract liabilities		(234,327)	(234,327)	(209,544)
Loan liabilities	11(a)	(78,032)	(59,932)	(28,634)
Total Payables		(716,008)	(1,001,779)	(803,211)
Provisions		(148,295)	(155,729)	(197,570)
Total Current Liabilities		(864,303)	(1,157,508)	(1,000,780)
Less: cash reserves	7	(539,292)	(538,867)	(566,433)
Less: movement in provisions (non current)		-	-	-
Less: Self-supporting loan		(21,331)	(20,762)	-
Add: loan principal (current)		78,198	59,932	8,259
Add: trust transactions to municipal		-	-	-
Net Funding Position - Surplus / (Deficit)		621,080	893,668	(209,324)

Liquidity over the Year



SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

4. CASH AND FINANCIAL ASSETS

	Unrestricted	Restricted	Total	Institution	Interest	Maturity
	\$	\$	\$		Rate	Date
					%	
Cash						
Cash on hand	590		590	N/A	0.00	N/A
Municipal fund	448,608		448,608	Bendigo	0.00	N/A
Municipal savings	3,837	-	3,837	Bendigo	0.25	N/A
Municipal Term Deposit 2	501,418		501,418	Bendigo	0.55	09 Jun 22
Reserve funds		427,981	427,981	Bendigo	0.00	N/A
Financial Assets at Amortised Cost						
Reserve funds		111,311	111,311	Bendigo	0.55	05 Jun 22
Total Cash and Financial Assets	954,452	539,292	1,493,744			

5. TRUST FUND

There are no funds held at balance date over which the Shire has no control

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ending 31 May 2022

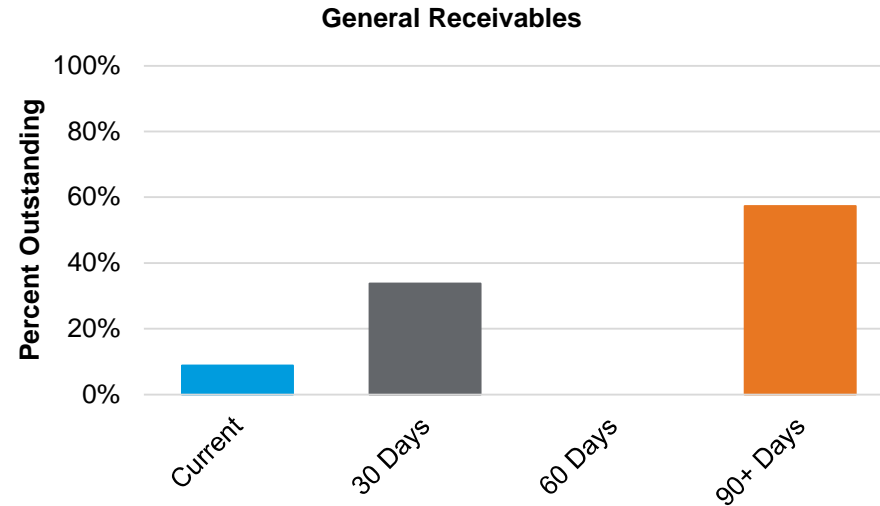
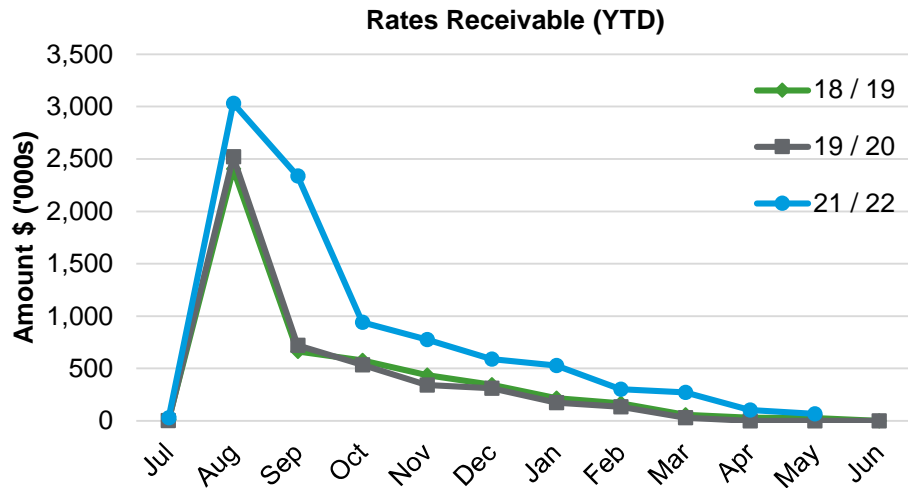
6. RECEIVABLES

(a) Rates Receivable

	31 May 22
	\$
Rates receivables	65,545
Total Rates Receivable Outstanding	65,545
Closing balances - prior year	19,963
Rates levied this year	2,973,759
Effluent and refuse removal	97,268
Closing balances - current month	(65,545)
Total Rates Collected to Date	3,025,445

(b) General Receivables

	31 May 22
	\$
Current	14,984
30 Days	57,322
60 Days	-
90+ Days	97,384
Total General Receivables Outstanding	169,690



Comments / Notes

Rubbish fees included in YTD graph

Comments / Notes

Amounts shown above include GST (where applicable)

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS

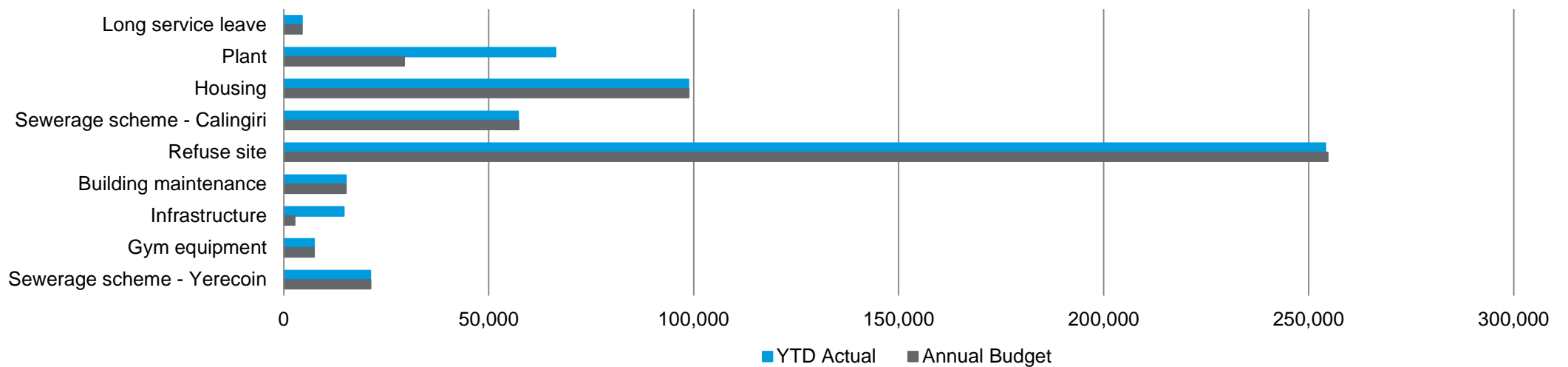
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

7. CASH BACKED RESERVES

Reserve Name	Annual Budget					YTD Actual				
	Balance 01 Jul 21 \$	Transfers from \$	Interest Received \$	Transfer to \$	Balance 30 Jun 22 \$	Balance 01 Jul 21 \$	Transfers from \$	Interest Received \$	Transfer to \$	Balance 31 May 22 \$
Long service leave	4,477	-	13	-	4,490	4,477	-	4	-	4,481
Plant	66,272	(38,000)	160	960	29,392	66,276	-	52	-	66,328
Housing	98,669	-	133	-	98,802	98,676	-	78	-	98,753
Sewerage scheme - Calingiri	57,142	-	165	-	57,307	57,146	-	45	-	57,191
Refuse site	253,886	-	809	-	254,695	253,909	-	201	-	254,109
Building maintenance	15,168	-	44	-	15,212	15,169	-	12	-	15,181
Infrastructure	14,665	(12,000)	42	-	2,707	14,667	-	12	-	14,678
Gym equipment	7,411	-	21	-	7,432	7,412	-	6	-	7,417
Sewerage scheme - Yerecoin	21,135	-	61	-	21,196	21,136	-	17	-	21,153
Total Cash Backed Reserves	538,825	(50,000)	1,448	960	491,233	538,867	-	425	-	539,292

Annual Budget v YTD Actual



SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

8. DISPOSAL OF ASSETS

Annual Budget

	WDV \$	Proceeds \$	Profit \$	(Loss) \$
Transport				
Plant and Equipment				
Total Disposal of Assets	-	-	-	-
Total Profit or (Loss)				-

YTD Actual

	WDV \$	Proceeds \$	Profit \$	(Loss) \$
Other Property & Services				
Motor Vehicle				
Toyota Landcruiser (MV007)	16,538	6,909	-	(9,629)
				-
				-
				-
Total Disposal of Assets	16,538	6,909	-	(9,629)
Total Profit or (Loss)				(9,629)

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

9. CAPITAL ACQUISITIONS

(a) Land and Buildings

Funding Source	Annual Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$	% Complete
Governance					
Solar Lights - Rear Admin Building	7,892	5,919	7,312	(1,393)	93%
Shire Admin Car Park	25,000	22,917	30,484	(7,567)	122%
	32,892	28,836	37,796	(8,960)	
Housing					
Roller door	5,000	5,000	4,510	490	90%
	5,000	5,000	4,510	490	
Recreation and Culture					
Mogumber Hall Ceiling	81,767	74,943	-	74,943	0%
Roads Boards Building - Airconditioners	-	-	160	(160)	0%
	81,767	74,943	160	74,783	
Transport					
Depot Upgrades	10,000	9,163	6,978	2,185	70%
Purchase of land for Aglime Route	35,000	32,076	2,500	29,576	7%
Automatic Closing Gates - Depot	14,500	13,288	-	13,288	0%
	59,500	54,527	9,478	45,049	
Total Land and Buildings	179,159	163,306	51,944	111,362	

(b) Plant and Equipment

Funding Source	Annual Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$	% Complete
Transport					
Grader	165,000	151,250	160,000	(8,750)	97%
Roller	35,000	32,083	37,560	(5,476)	107%
	200,000	183,333	197,560	(14,226)	
Community Amenities					
Bolgart tip generator	8,000	7,326	6,545	781	82%
	8,000	7,326	6,545	781	
Law, Order & Public Safety					
CCTV camera's	6,531	5,984	3,262	2,722	50%
CESM Vehicle	77,000	77,000	77,000	77,000	100%
	83,531	82,984	80,262	79,722	
Governance					
Wallis computers - video conferencing	4,329	3,971	4,467	(496)	103%
	4,329	3,971	4,467	(496)	
Total Plant and Equipment	295,861	277,614	288,834	65,780	

SHIRE OF VICTORIA PLAINS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ending 31 May 2022

9. CAPITAL ACQUISITIONS (Continued)

(c) Infrastructure - Roads	Funding Source	Annual Budget	YTD Budget	YTD Actual	YTD Variance	% Complete
Transport		\$	\$	\$	\$	
Toodyay - Bindi Bindi Rd Nth 21/22	MRWA / CBH	634,611	581,702	684,963	(103,261)	108%
Toodyay - Bindi Bindi Rd		-	-	83,127	(83,127)	0%
Bolgart West Road	LRCIP	446,104	408,903	460,041	(51,138)	103%
Bindi Bindi-Toodyay Road	RRG	82,665	75,768	157,135	(81,367)	190%
Footpaths - Bolgart	LRCIP / CP	41,760	38,280	-	38,280	0%
Footpaths - Calingiri	LRCIP / CP	23,429	21,472	22,682	(1,210)	97%
Ag Lime Calingiri - New Norcia Road	RTR	1,179,822	1,081,487	54,173	1,027,314	5%
Mogumber - Yarawindah Road 19/20	WSFN	248,381	227,678	259,616	(31,938)	105%
Mogumber - Yarawindah Road WSFN #2	WSFN	239,019	219,098	246,404	(27,306)	103%
Mogumber - Yarawindah Road WSFN #3	WSFN	102,888	94,303	13,602	80,701	13%
Mogumber - Yarawindah Road WSFN #4	WSFN	55,000	50,413	-	50,413	0%
Mogumber - Yarawindah Road WSFN #5	WSFN	1,578,438	1,446,874	329	1,446,545	0%
Yerecoin South East Road - Shoulder recon	LRCIP	110,383	101,178	134,940	(33,762)	122%
Catabody Street		161,020	147,576	136,129	11,447	85%
Yerecoin South - East Road		94,332	86,471	98,165	(11,694)	104%
Behanging Road		80,472	73,766	-	73,766	0%
Bridge Works - RTR Funded		-	-	284	(284)	0%
		5,078,325	4,654,969	2,351,590	2,303,663	
Total Infrastructure - Roads		5,078,325	4,654,969	2,351,590	2,303,663	

(d) Infrastructure - Other	Funding Source	Annual Budget	YTD Budget	YTD Actual	YTD Variance	% Complete
Recreation and Culture		\$	\$	\$	\$	
Hockey fields safety fencing		8,000	7,326	6,949	377	87%
Mogumber toilets		3,000	2,750	-	2,750	0%
Calingiri Playground Upgrades		37,600	34,463	34,810	(347)	93%
		48,600	44,539	41,759	2,780	
Other Economic Services						
Piawaning Standpipe Controller		18,760	18,760	27,966	(9,206)	149%
		18,760	18,760	27,966	(9,206)	
Community Amenities						
Calingiri Landfill Rear Fence		10,000	9,163	9,938	(775)	99%
Yerecoin Sewerage Inspection Hatch x 2		50,000	45,826	-	45,826	0%
		60,000	54,989	9,938	45,052	
Total Infrastructure - Other		127,360	118,288	79,662	38,626	
Total Capital Expenditure		5,680,705	5,214,177	2,772,030	2,519,431	

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

10. RATING INFORMATION

	Rateable Value \$	Valuation \$	Number of Properties #	Annual Budget Revenue \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	YTD Actual Revenue \$
General Rates								
GRV	1,790,738	0.117898	162	211,124	211,124	-	-	211,124
UV	362,361,014	0.007169	309	2,597,766	2,597,766	-	-	2,597,766
Total General Rates				2,808,890	2,808,890	-	-	2,808,890
Minimum Rates								
GRV	93,142	485.00	66	32,010	32,010	-	-	32,010
UV	2,031,748	586.00	76	44,536	48,990	-	-	48,990
Total Minimum Rates				76,546	81,000	-	-	81,000
Total General and Minimum Rates				2,885,436	2,889,890	-	-	2,889,890
Other Rate Revenue								
Facilities fees (Ex Gratia)				87,412				83,868
Total Rate Revenue				2,972,848				2,973,758

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

11. INFORMATION ON BORROWINGS

(a) Debenture Repayments

(i) Loan 82 Calingiri Sports Pavilion

	Annual Budget	YTD Budget	YTD Actual
Recreation and Culture	\$	\$	\$
Opening balance	20,584	20,584	20,584
Principal payment	(20,584)	(20,584)	(20,584)
Principal Outstanding	-	-	0
Interest payment	(1,737)	(1,158)	(1,391)
Guarantee fee	-	-	-
Total Principal, Interest and Fees Paid	(22,321)	(21,742)	(21,975)

(ii) Loan 84 Piawaning Water Supply

	Annual Budget	YTD Budget	YTD Actual
Economic Services	\$	\$	\$
Opening balance	101,580	101,580	101,580
Principal payment	(17,456)	(8,674)	(8,674)
Principal Outstanding	84,124	92,906	92,906
Interest payment	(3,357)	(1,265)	(1,265)
Guarantee fee	-	-	-
Total Principal, Interest and Fees Paid	(20,813)	(9,939)	(9,939)

(iii) Loan 83 Calingiri Football Club

	Annual Budget	YTD Budget	YTD Actual
Recreation and Culture	\$	\$	\$
Opening balance	183,253	183,253	183,253
Principal payment	(20,579)	(20,579)	(21,090)
Principal Outstanding	162,674	162,674	162,163
Interest payment	5,372	5,372	4,533
Service fee	-	-	-
Total Principal, Interest and Fees Paid	(15,207)	(15,207)	(16,557)

(iv) New Loan - Grader & Loader

	Annual Budget	YTD Budget	YTD Actual
Transport	\$	\$	\$
Opening balance	200,000	200,000	200,000
Principal payment	(34,000)	(19,247)	(19,247)
Principal Outstanding	166,000	180,753	180,753
Interest payment	(6,000)	-	-
Service fee	-	-	-
Total Principal, Interest and Fees Paid	(40,000)	(19,247)	(19,247)

Total Principal Outstanding	412,798	255,580	255,069
Total Principal Repayments	(92,619)	(69,084)	(69,596)

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

11. INFORMATION ON BORROWINGS

(b) Self Supporting Loans

(i) Loan 83 Calingiri Football Club

	Annual Budget	YTD Budget	YTD Actual
	\$	\$	\$
Recreation and Culture			
Opening balance	183,252	183,252	183,253
Principal payment received	(20,579)	(10,612)	(21,091)
Principal Outstanding	162,673	172,640	162,162
Interest received	5,372	2189.3	4,533
Service fee received	-	-	-
Total Principal, Interest and Fees Received	(15,207)	(8,423)	(16,558)
Total Principal Outstanding	162,673	172,640	162,162
Total Principal Received	(20,579)	(10,612)	(21,091)

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2022

12. GRANTS, SUBSIDIES AND CONTRIBUTIONS

(a) Operating Grants, Subsidies and Contributions

Program / Details	Grant Provider	Annual Budget \$	YTD Budget \$	YTD Actual \$
General Purpose Funding				
General commission grants	WALGGC	309,418	309,416	789,553
Law, Order and Public Safety				
DFES Operating Grant	DFES	71,590	52,975	53,693
Mitigation Activity Fund		106,071	97,229	209,017
Animal Welfare Grant Program		-	-	5,700
Education and Welfare				
Seniors week/TAVD community	DLGC	530	484	-
Transport				
Roads commission grants	WALGGC	277,730	277,728	773,310
Street lighting	MRWA	940	858	-
Disaster Recovery Funding - AGRN962		39,500	36,201	39,504
Direct road	MRWA	140,839	129,096	140,839
Total Operating Grants, Subsidies and Contributions		946,618	903,987	2,011,616

(b) Non-operating Grants, Subsidies and Contributions

Transport				
WSFN Funding	MRWA	1,893,035	1,735,272	589,284
Roads to recovery	Dept of Infrastructure	215,328	197,384	473,862
Regional Roads	MRWA	466,332	466,332	398,399
Footpaths - Bolgart		20,880	19,140	-
Local Roads & Comm Infra Program	LCRI	1,015,837	931,172	48,286
Ag-Lime project	CBH	560,740	514,008	-
Ag-Lime Project	MRWA	356,974	327,217	-
Total Non-Operating Grants, Subsidies and Contributions		4,529,126	4,190,525	1,509,831

Total Grants, Subsidies and Contributions		5,475,744	5,094,512	3,521,447
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Ordinary Council Meeting
22 June 2022

Shire of Victoria Plains

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 March 2022

13. BUDGET AMENDMENTS

GL Code	Job Code	Description	Council Resolution	Classification	Increase in Cash \$	Decrease in Cash \$	Running Balance \$	Comment
Adopted Budget Surplus / (Deficit)								(3,500)
Adjustment to 1 July Opening Surplus				Opening Surplus / (Deficit)		(46,805)	(50,305)	Adjustments post budget adoption
20403		Election Expenses	Budget Review	Operating Expenses		(1,072)	(51,377)	As per Salary Budget Adjustment
20404		Conferences & Seminars - Local Government Week	Budget Review	Operating Expenses	13,428		(37,950)	
20405		Conferences & Seminars - Councillor Training	Budget Review	Operating Expenses	30,000		(7,950)	Will flow into 2022/23 financial year
20406		Meeting Costs	Budget Review	Operating Expenses		(303)	(8,253)	As per Salary Budget Adjustment
20409		Public Relations	Budget Review	Operating Expenses	10,000		1,747	Budget savings
20411		Insurance	Budget Review	Operating Expenses	3,538		5,285	Reduced to Actual
20414		Subscriptions - Members	Budget Review	Operating Expenses	5,000		10,285	Budget savings
20430		Salaries & Wages	Budget Review	Operating Expenses		(81,585)	(71,299)	As per Salary Budget Adjustment
20433		Other Staff Costs	Budget Review	Operating Expenses		(24,067)	(95,366)	Increased to Actual
20435		Computing/IT Support	Budget Review	Operating Expenses	10,000		(85,366)	Budget savings
20436		Insurance	Budget Review	Operating Expenses	19,318		(66,049)	Reduced to actual
20438		Staff Training	Budget Review	Operating Expenses	9,000		(57,049)	Budget savings
20440		Office Building & Surrounds Maintenance	Budget Review	Operating Expenses	7,119		(49,930)	Budget savings
20441		Minor Office Equipment	Budget Review	Operating Expenses	1,900		(48,030)	Budget savings
20445		Other Office Expenses	Budget Review	Operating Expenses	116		(47,914)	As per Salary Budget Adjustment
20451		Consultancy/Contractors	Budget Review	Operating Expenses	38,500		(9,414)	Reduced based on expected expenditure for remainder of year
20452		Legal Fees - Administration	Budget Review	Operating Expenses		(75,000)	(84,414)	Increased based on expected expenditure for remainder of year
20452		Legal Fees - Administration	Council Meeting 31	Operating Expenses		(10,000)	(94,414)	As per Council Meeting 30/3/22
20454		Records Management	Budget Review	Operating Expenses	50641			
10300		Rates Income	Budget Review	Operating Revenue	3,544		(40,229)	Increased to YTD Actual
10310		Ex Gratia Rates	Budget Review	Operating Revenue	3,297		(36,932)	Increased to YTD Actual
10315		Rates Enquiry Fees (EAS)	Budget Review	Operating Revenue	236		(36,696)	Increased to YTD Actual
10317		Administrative Fees on Rates Instalments	Budget Review	Operating Revenue	156		(36,540)	Increased to YTD Actual
10319		Instalment Interest on Rates	Budget Review	Operating Revenue	1,336		(35,204)	Increased to YTD Actual
10512		Fire Prevention Infringements	Budget Review	Operating Revenue	3,625		(31,579)	Increased to YTD Actual
20520		Animal Control	Budget Review	Operating Expenses		(1,290)	(32,868)	As per Salary Budget Adjustment
20533		Community Emergency Services Manager	Budget Review	Operating Expenses	27,365		(5,503)	As per Salary Budget Adjustment
20534		Ranger Services	Budget Review	Operating Expenses		(1,290)	(6,793)	As per Salary Budget Adjustment
20535		Community Safety	Budget Review	Operating Expenses	38,955		32,161	As per Salary Budget Adjustment
10530		Other Income	Budget Review	Operating Revenue	4,000		36,161	Increased to YTD Actual
16093		Grant - Mitigation Activity Fund	Budget Review	Operating Revenue	106,071		142,232	Increased to YTD Actual
20511		Mtce of Land & Buildings (Fire Stations)	Budget Review	Operating Expenses		(126,000)	16,232	Increased to YTD Actual (Mitigation Fund expenditure)
20523		Insurances	Budget Review	Operating Expenses		(1,440)	14,792	Increased to actual
41000		Emergency Services Manager Vehicle	Council Resolution	Capital Expenses		(77,000)	(62,208)	CESM Vehicle purchase
20803		Bolgart Playgroup - Maintenance	Budget Review	Operating Expenses	85		(62,123)	Reduced to actual (insurance expense)
20809		Grants Officer - External	Budget Review	Operating Expenses	10,000		(52,123)	Now part of wages
20900		Staff Housing Operating Expenditure	Budget Review	Operating Expenses		(1,346)	(53,469)	Increased to Actual
20901		Staff Housing Building & Surrounds Maintenance	Budget Review	Operating Expenses	35,000		(18,469)	Budget Savings
20902		Calingiri Aged Person Units Operating Expenditure	Budget Review	Operating Expenses	2,200		(16,269)	Budget savings
20903		Calingiri Aged Person Units Maintenance	Budget Review	Operating Expenses	4,000		(12,269)	Budget savings
20904		Bolgart Aged Persons Units Operating Expenditure	Budget Review	Operating Expenses	1,818		(10,451)	Decreased to Actual
20905		Bolgart Aged Person Units - Maintenance	Budget Review	Operating Expenses	2,680		(7,771)	Budget savings
TIPB		Landfill Site Maintenance	Budget Review	Operating Expenses	2,000		(5,771)	Budget savings
11001		Refuse Removal - Rubbish Bins	Budget Review	Operating Revenue	2,500		(3,271)	Increased to YTD Actual
11010		Drum Muster	Budget Review	Operating Revenue	6,000		2,729	Increased to YTD Actual
21030		Effluent Disposal Schemes (STED) - Calingiri	Budget Review	Operating Expenses	507		3,236	Reduced to actual (insurance expense)
21034		Effluent Disposal Schemes (STED) - Yerecoin	Budget Review	Operating Expenses	216		3,452	Reduced to actual (insurance expense)
21052		Shared Town/Consultant Planner	Budget Review	Operating Expenses	65,000		68,452	Reduced based on expected expenditure for remainder of year
11040		Planning Applications	Budget Review	Operating Revenue	20,000		88,452	Increased to YTD Actual
21060		Cemetery Works	Budget Review	Operating Expenses		(46)	68,406	Increased to Actual
21062		Mogumber Water Supply	Council Resolution	Operating Expenses		(35,000)	33,406	Council Resolution
21068		Calingiri Water Supply	Budget Review	Operating Expenses		(8,684)	24,723	Increased to Actual
21069		Bolgart Water Supply	Budget Review	Operating Expenses	6		24,728	Reduced to actual (insurance expense)
B008		Bolgart Hall	Budget Review	Operating Expenses	1,917		26,645	As per Salary Budget Adjustment
B009		Calingiri Recreation Centre	Budget Review	Operating Expenses	7,500		34,145	Decreased based on expected full year expenditure
B010		Calingiri Recreation Centre	Budget Review	Operating Expenses	8,661		42,806	Decreased based on expected full year expenditure
B011		Piawaning Hall	Budget Review	Operating Expenses		(12,973)	29,833	Increased to actual
B012		Piawaning Hall	Budget Review	Operating Expenses	2,900		32,733	Decreased to actual
B014		Mogumber Hall	Budget Review	Operating Expenses	155		32,887	Reduced to actual (insurance expense)
B016		Gillingarra Hall	Budget Review	Operating Expenses		(1,533)	31,354	Increased to actual

Shire of Victoria Plains
SHIRE OF VICTORIA PLAINS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ending 31 March 2022

13. BUDGET AMENDMENTS

GL Code	Job Code	Description	Council Resolution	Classification	Increase in Cash \$	Decrease in Cash \$	Running Balance \$	Comment
B018		Yerecoin Hall	Budget Review	Operating Expenses		(2,996)	28,358	Increased to actual
B022		Roads Board Building	Budget Review	Operating Expenses	80		28,437	Reduced to actual (insurance expense)
40104		Reroof Mogumber Hall	Budget Review	Capital Expenses		(76,767)	(48,330)	Expenditure related to insurance claim
41101		Calingiri Rec Centre - Flooring Upgrade	Budget Review	Capital Expenses	5,000		(43,330)	Actual coded to B010
TWNBOL		Town & Gardens Maintenance	Budget Review	Operating Expenses	2,000		(41,330)	Reduced based on estimated expenditure for remainder of year
TWNCAL		Town & Gardens Maintenance	Budget Review	Operating Expenses	1,000		(40,330)	Reduced based on estimated expenditure for remainder of year
TWNPIA		Town & Gardens Maintenance	Budget Review	Operating Expenses	6,000		(34,330)	Reduced based on estimated expenditure for remainder of year
TWNYER		Town & Gardens Maintenance	Budget Review	Operating Expenses	1,500		(32,830)	Reduced based on estimated expenditure for remainder of year
21112		Calingiri Football Club Operating	Budget Review	Operating Expenses		(4,623)	(37,453)	Increased to actual
21113		Calingiri Football Ground Maintenance	Budget Review	Operating Expenses	10,000		(27,453)	Reduced based on estimated expenditure for remainder of year
11127		Insurance Claims received	Budget Review	Operating Revenue	77,241		49,787	Increased to Actual.
40328		Mogumber Toilets	Budget Review	Capital Expenses	5,000		54,787	
21130		Library - Salaries & Wages	Budget Review	Operating Expenses	1,239		56,026	As per Salary Budget Adjustment
21131		Library Services	Budget Review	Operating Expenses	234		56,260	As per Salary Budget Adjustment
21132		Library Building Maintenance	Budget Review	Operating Expenses		(474)	55,786	Increased to actual
16091		MRWA Mogumber - Yarawindah Rd	Budget Review	Capital Revenue	58,986		114,772	Increased for 2021 Contract Liability Audit Adjustment 2021
16012		Govt Grant - R2R	Budget Review	Capital Revenue		(129,267)	(14,495)	Decreased for 2021 Contract Asset Audit Adjustment 2021
16091		Local Roads and Comm Infra Program	Budget Review	Capital Revenue	38,271		23,776	Increased for 2021 Contract Liability Audit Adjustment 2021
16010		Govt Grant - Direct	Budget Review	Operating Revenue	3,773		27,549	Increased to Actual
MG9999		Maintenance Grading	Budget Review	Operating Expenses		(452,401)	(424,852)	Increased based on expected expenditure for remainder of year
21203		Signage & Guideposts	Budget Review	Operating Expenses	4,940		(419,913)	Budget savings
21204		Tree Lopping/Verge Maintenance	Budget Review	Operating Expenses	5,928		(413,985)	Budget savings
21205		Drainage Maintenance	Budget Review	Operating Expenses		(8,485)	(422,470)	Increased to actual
21206		Town Streets Maintenance	Budget Review	Operating Expenses	10,000		(412,470)	Budget savings
21207		Roads Stormwater Damage (includes call-outs)	Budget Review	Operating Expenses		(18,640)	(431,110)	Increased to actual
21209		Bridge & Culvert Maintenance	Budget Review	Operating Expenses	1,736		(429,374)	Decreased to actual
21214		Footpath Maintenance	Budget Review	Operating Expenses		(4,113)	(433,487)	Increased to actual
21419		Depot Operating Costs	Budget Review	Operating Expenses		(8,617)	(442,104)	Increased to actual
21420		Depot Maintenance	Budget Review	Operating Expenses		(12,371)	(454,475)	Increased to actual
11206		Disaster Recovery Funding - AGRN962	Budget Review	Operating Revenue	39,500		(414,975)	Increased to actual
40026		Purchase of Plant and Equipment	Budget Review	Capital Expenses	25,000		(389,975)	Deferment of Grab Bucket & Trailer
21321		Caravan Parks and Camping Grounds Operating	Budget Review	Operating Expenses	245		(389,730)	Decreased to actual
BCVPK		Caravan Parks and Camping Grounds Maintenance	Budget Review	Operating Expenses		(11,424)	(401,154)	Increased to actual
CCVPK		Caravan Parks and Camping Grounds Maintenance	Budget Review	Operating Expenses	16		(401,138)	As per Salary Budget Adjustment
21325		Bolgart Tractor Shed	Budget Review	Operating Expenses	12		(401,126)	Reduced to actual (insurance expense)
21330		Building Control Operating	Budget Review	Operating Expenses	4,821		(396,305)	Reduced in line with expected expenditure
21360		Water Supply - Standpipes	Budget Review	Operating Expenses		(2)	(396,307)	Increased to actual (insurance expense)
11400		Private Works Income	Budget Review	Operating Revenue	9,615		(386,693)	Increased to actual
21411		Works Manager Package	Budget Review	Operating Expenses	38,975		(347,718)	As per Salary Budget Adjustment
21430		Fuel & Oil	Budget Review	Operating Expenses		(55,000)	(402,718)	Increased in line with expected expenditure
21433		Insurance & Licences	Budget Review	Operating Expenses	6,225		(396,493)	Decreased to actual
21435		Internal Repair Wages	Budget Review	Operating Expenses	55,000		(341,493)	Reallocated to Fuel
		Transfer to Plant Reserve	Council Resolutior	Reserve Transfer	35,000		(306,493)	
		Transfer to Plant Reserve	Council Resolutior	Reserve Transfer	39,000		(267,493)	
		Withdrawal from Plant Reserve	Council Resolutior	Reserve Transfer	38,000		(229,493)	
MG9999		Maintenance Grading	Council Resolutior	Operating Expenses		(21,271)	(250,764)	
21202		Bitumen Maintenance	Council Resolutior	Operating Expenses	21,271		(229,493)	
Amended Budget Totals					1,105,893	(1,311,886)	(205,993)	

Policy 2.6: Standards for CEO Recruitment, Performance and Termination

Note: Policy implementation is given effect through induction, ongoing training and operational procedures that in this instance evidence that Council Members, Committee Members and Candidates have been made aware of and are accountable for their obligations under an adopted Policy.

Table of Contents

Document Control	3
<i>Relevant management practices/documents</i>	3
<i>Legislation/local law requirements</i>	3
Division 1 — Preliminary provisions	4
1. <i>Citation</i>	4
2. <i>Terms used</i>	4
Division 2 — Standards for recruitment of CEOs	4
3. <i>Overview of Division</i>	4
4. <i>Application of Division</i>	5
5. <i>Determination of selection criteria and approval of job description form</i>	5
6. <i>Advertising requirements</i>	5
7. <i>Job description form to be made available by local government</i>	5
8. <i>Establishment of selection panel for employment of CEO</i>	6
9. <i>Recommendation by selection panel</i>	6
10. <i>Application of cl. 5 where new process carried out</i>	7
11. <i>Offer of employment in position of CEO</i>	7
12. <i>Variations to proposed terms of contract of employment</i>	7
13. <i>Recruitment to be undertaken on expiry of certain CEO contracts</i>	7
14. <i>Confidentiality of information</i>	8
Division 3 — Standards for review of performance of CEOs	8
15. <i>Overview of Division</i>	8
16. <i>Performance review process to be agreed between local government and CEO</i>	8
17. <i>Carrying out a performance review</i>	9
18. <i>Endorsement of performance review by local government</i>	9
19. <i>CEO to be notified of results of performance review</i>	9
Division 4 — Standards for termination of employment of CEOs	9
20. <i>Overview of Division</i>	9
21. <i>General principles applying to any termination</i>	9
22. <i>Additional principles applying to termination for performance related reasons</i>	10
23. <i>Decision to terminate</i>	10
24. <i>Notice of termination of employment</i>	10
Guidance Notes on Applying the CEO Standards	11
<i>Key considerations</i>	11
Recruitment Checklist	11

Performance Review Checklist	12
Terminations	13
<i>Generally, for recruitment, performance reviews or termination</i>	<i>13</i>



Document Control

Responsible Areas	Council
Responsible Officer	Human Resources/Governance
Affected Staff	CEO

Relevant management practices/documents

Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination Local – DLGSCI

Local Government Amendment Regulations Guidance Note - WALGA

Legislation/local law requirements

Local Government Act 1995

Local Government (Administration) Regulations 1996

Office Use Only			
Relevant delegations	NI		
Initial Council adoption	Date	3 Mayl 2021	Resolution #
Last reviewed	Date	N/A	Resolution #
Next review due	Date	April 2023	

Shire of Victoria Plains Standards for CEO Recruitment, Performance and Termination

Policy Purpose:

This Policy is adopted in accordance with section 5.39B of the *Local Government Act 1995*.

Division 1 — Preliminary provisions

1. Citation

These are the *Shire of Victoria Plains Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the *Shire of Victoria Plains*;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or
 - (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

- (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
- (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the negotiated contract) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
- commencement day** means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
- and
- (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
 - (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 — Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on —
 - (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.

- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
 - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying the CEO of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the performance issues) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12 month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

Guidance Notes on Applying the CEO Standards

These guidance notes are designed to assist Council and the CEO meet their respective legislative obligations and compliance regarding the CEO Standards.

Key considerations

When undertaking recruitment, a performance review or termination, the Shire will need to consider, plan and schedule specific processes to give effect to the CEO Standards, and meet Council's obligations as the employing authority, with the agreed processes being subject to endorsement by Council resolution.

Recruitment Checklist

(Source: Local Government Amendment Regulations Guidance Note – WALGA)

- What **information** will need to be gathered and analysed by the Council to determine the skills, qualifications, experience and qualities that the Council will expect a CEO candidate to demonstrate? How will the Council facilitate discussion and develop consensus on these attributes i.e. Council workshops?
- Who will draft the **Position Description**? Will this be managed by an external human resources consultant to ensure the Position Description is drafted in accordance with appropriate industrial practice?
- Will the Council appoint a **Recruitment Consultant**? What will be the scope of activity that the consultant will be required to undertake on the Local Government's behalf? Will the consultant be responsible for development of the **application package** including the **recruitment advertisement**? What reports and recommendations will the consultant be required to make? When and how will the consultant be required to provide the Council with reports and recommendations?
- How will the **procurement** and selection of consultant services (HR consultant, legal consultant and / or recruitment consultant) be facilitated to comply with the adopted Purchasing Policy?
- The Council will need to establish a **Selection Panel**. Will this be a formal committee of Council under s.5.8?
- What will the Council include in a **Terms of Reference** to establish the extent of activity and discretion that the Selection Panel will be required to perform, perhaps including clear statements of the Panel's limitations?
- What criteria will the Council use to identify and select an **independent person** to be a member of the Selection Panel? Will this be an open or closed process?
- What **probity requirements** will members of the selection panel need to comply with i.e. confidentiality, disclosure of interests?
- Who will draft the proposed **contract of employment**? Will this be managed by an external legal consultant so that it complies with employment law, the Salaries and Allowances Tribunal Local Government CEO Determination and appropriate industrial practice?

Performance Review Checklist

(Source: Conducting CEO Appraisals – WALGA)

ACTION	RESPONSIBILITY (Where Appointed)				Done (✓ or ✗)
	Council	CEO	Committee	Facilitator	
Does the CEO's contract contain performance measures and an appraisal process?	✓				
Has the commencement of the appraisal process been put in the diary?	✓	✓			
Council has determined who will conduct the appraisal process: Appointed Committee; or, all Elected Members	✓				
Will an external facilitator be used?	✓				
Does the CEO agree to the external facilitator?	✓	✓			
The appraisal questionnaire been prepared. A rating method has been agreed.	✓			✓	
Have all Elected Members been provided with opportunity to provide feedback?	✓		✓	✓	
Has the CEO provided a Self-Assessment report?		✓			
A working report/feedback report has been prepared	✓		✓	✓	
The appraisal interview has been scheduled and all parties have been advised.	✓		✓	✓	
The appraisal interview venue has been set up.	✓		✓	✓	
The appraisal interview has taken place	✓	✓	✓	✓	
Performance measures for the next 12 months have been discussed and agreed.	✓	✓	✓	✓	

Note:

A report to the Council on the review outcome is presented. Ideally, the performance review process is also reviewed with improvements incorporated into subsequent reviews.

Terminations

(Source: Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination Local – DLGSCI)

The standards for the termination of a local government CEO's employment (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and transparency. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to address any issues. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary. If the Shire decides to terminate the employment of the CEO it must have conducted a performance review in the previous 12 months in accordance with section 5.38 of the Act.

Termination on the basis of misconduct is covered by employment law. The Shire should seek independent legal, employment or industrial relations advice prior to a termination. The Council should also seek independent advice during the termination process including advice on the relevant employment legislation affecting CEO employment and the application of that legislation to their specific circumstances. This will ensure that a council complies with employment law during the entire termination process

Generally, for recruitment, performance reviews or termination

(Source: Local Government Amendment Regulations Guidance Note – WALGA)

- When will the Council need to **schedule informal Council workshops** to receive background information, facilitate discussion to form consensus views so that Council reports and recommendations can be prepared to enable formal decision making?
- When will **Council Meetings** need to be scheduled? Will Special Council Meetings be required to facilitate an efficient process?
- Who will provide **administrative support** planning and convening informal Council workshops, Council Meetings, preparing Council meeting agenda, reports and recommendations and collating and distributing background information necessary to facilitate the process? This is particularly important if the incumbent CEO is conflicted from advising the Council due to involvement in the process.

Local Government (Administration) Regulations 1996

Part 4 – Local Government Employees. Note: Includes the need to certify by absolute majority the recruitment (employment) or termination of the CEO and a copy of the Council resolution must be submitted to the Department within 14 days.

Strategic Leadership Consulting

Facilitator to Guide Council Through a CEO Recruitment Process *for the Shire of Victoria Plains*

Proposal and quote as
requested

Current Needs

The Consultant - Dr Shayne Silcox, has been advised that ... *“The Shire of Victoria Plains requires an independent facilitator to guide Council through the CEO recruitment process. The Shire has requested availability and the cost to undertake the process in supporting the Shire.*

In facilitating the Shire through the process which the Shire will run I can advise SLC can:

- Review Position description to ensure relevance to the Shire and regulatory requirements.
- Develop Job Advertisement for the Shire to place and pick up advertising costs – for print media and online.
- Conduct search for suitable applicants.
- Revise and update CEO Contract – to ensure it meets with the Shire’s and regulatory requirements.
- Vet applicant responses to identify most suitable applicants.
- Shortlist applicants for Shire to consider - dependent on applicant numbers.
- Develop interview questions for recruitment panel.
- Participate interviews as independent party .
- Reference Check of successful applicant.
- Prepare recruitment report.
- Prepare council item.
- Attend council meeting.
- Create a pre-employment medical form and initial review.
- Arrange pre-employment medical (Shire to pay medical examination expense) – and advise Council as necessary.
- Finalise contract with incumbent.

Legislative Requirements

5.39. Contracts for CEO and senior employees

- (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- (1a) ...
 - (2) A contract under this section —
 - ...(b) in every other case, cannot be for a term exceeding 5 years.
 - (3) A contract under this section is of no effect unless —
 - (a) the expiry date is specified in the contract; and
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.
 - (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
 - (5) ...
 - (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.
 - (8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended: No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint: Gazette 28 Mar 2013 p. 1317).]

Legislative Requirements

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Shire Victoria Plains SAT Band

The Shire of Victoria Plains Chief Executive Officer position is classified in Band 4 of a 4 Band structure by the Salaries and Allowances Tribunal (SAT). Band 1 is the highest and Band 4 the lowest remuneration range. The remuneration package range for a Band 4 Local Government authority CEO is \$128,226 - \$201,113.

Quote – Supporting the Shire and Council through facilitating the recruitment for a New CEO

Activity	Estimated Hours	Cost
Facilitate the Shire through a recruiting process as per Identified in the Current Needs on page 2.	34.15 hours @ \$200.00/hour	\$6830.00
Total Estimated cost		\$6830.00 + GST

Note: Travel and accommodation to be discussed.

Consultant Details

The Principal Consultant



Profile - Dr Shayne Silcox, PSM

Shayne is currently the Principal of Strategic Leadership Consulting Group, a boutique consultancy focussed on delivering business excellence and improved performance to organisations. Until recently he was the respected CEO of the City of Melville, one of Western Australia’s largest local governments, with an annual budget of some \$160 million and physical assets of over \$1.2 Billion, staff of over 765 who had a commitment to effectively service its 107,000+ Customers.

Shayne has over 50 years’ experience spanning both the Private and public sectors. He has extensive government, corporate and commercial knowledge, direct experience in managing large workforces, as well as board and director experience across a wide range of small to large businesses. His career has seen him successfully operate in various industry sectors including: Transport, Energy Research, Energy (Electricity and Gas), Business Development, Consulting (Business Excellence and Strategic Planning), Commercial Services, Management, Construction and Maintenance. Shayne also lectures at masters level in strategy implementation, operations management and organisational development.

The outcomes of this journey have seen him lead multi-million dollar organisations. In doing so, he has been recognised with the highest Australian business award (2017) - The Business Excellence Prize, being only the 3rd organisation nationally to achieve this level in the last 30 years. He has also received the Distinguished Officers Award, and the prestigious LGMA Medal, and the AIM Western Australia leader of the year (2016). National Customer Service Award and the National Business Excellence Gold Award (2015). He has also been recognised as the IPAAWA CEO of the Year (2014); Commonwealth Australia Day Honours with the Public Service Medal (2012); Western Australian Customer Service CEO of the Year in (2012). In 2009 the City he led won the World’s Most Liveable City as assessed by the United Nations against 48 other Countries; Honours for Commitment and Eminent Service (2006); Business Excellence Medal (2004); the Order of Merit from the Institute of Company Directors (2001); Human Resource Institute Prize (1991); Curtin Alumni Medal for Academic Excellence and Leadership in the Community (1994).

Shayne describes the driving forces in his life as being a pursuit of excellence and a commitment to lifelong learning.

Qualifications

- Doctor of Philosophy – Management and Marketing. (UWA).
- Master of Commerce – Management. (Curtin University).
- Post Graduate Diploma – Management. (Curtin University).
- Bachelor of Business - Human Resource Management and Law. (Curtin).
- Graduate Diploma - Company Director. (AICD).
- Diploma - Automotive Engineering and Management. (TAFE).
- Diploma - Quality Management in Business Excellence. (AQAF).
- Practitioners Certificate - Mediation and Conciliation (IAMA)
- Certificate - Automotive Mechanical Engineering (TAFE).
- Certificate IV - Business Excellence Evaluation. (NSW – VET).
- Certificate - Quality Technology (Curtin University & AOQ).
- Certificate - Systems Auditing (Standards Aust).
- Certificate - Supervision (TAFE).
- Certificate - Trade Studies (WA IRC).

Areas of Expertise

- Management
- Board/Director Experience
- Customer Service and Value
- Strategy and Business Development
- Business Excellence
- Change Management
- Energy Research
- Maintenance Management
- System development
- Quality Management.
- Cultural Change
- Project Management
- Employee Development & Management
- Automotive Engineering

Consultant Details

Profile Dean McAuliffe

Dean has over 29 years senior Human Resource, Industrial Relations and Safety Management experience spanning both the Private (profit and not for profit sectors) and Public Sector at Management levels. Dean's strengths lay in his strong advisory skills to help organisations large or small attract, manage, and develop their workforce and associated policies, practices to meet their business needs.

Dean holds Tertiary Qualifications in Human Resource Management, Employee Relations, History and Asian Studies, Public Affairs, Public Administration and has completed practicing certificates in Mediation, Public Safety, Administrative inquiry, Workplace Investigations, Grievance and Alternate Dispute Resolution and Modern Slavery Act Compliance.

In addition to Dean's consulting work and appointments in the private and public sector; Dean was a permanent full-time member of the Australian Defence Force and today retains a permanent part time commitment as a serving Senior Officer within the Royal Australian Air Force.

In his present capacity Dean advises and supports strategic and operational capabilities relating to the Air Defence of Australia. Notably Dean's impact on strategic and operational outcomes resulted in receiving an Air Commander Australia commendation.

Consultant Contact Details





SHIRE OF VICTORIA PLAINS

Minutes

Annual General Meeting (AGM) of Electors

On: Wednesday, 25 May 2022
At: Calingiri Sports Pavilion
Commencing: 6.00PM

**ANNUAL MEETING OF
ELECTORS - MINUTES**
25 May 2022

TABLE OF CONTENTS

TABLE OF CONTENTS 1

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS 1

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE GRANTED . 1

3 CONFIRMATION OF MINUTES 2

 3.1 Matters arising from the Minutes – Monday 3 May 2021 2

4 ANNUAL REPORT 3

 4.1 Matters arising from the Annual Report for Financial Year ended 30 June 2021. 3

 Nil..... 3

5 ANY OTHER GENERAL BUSINESS 3

6 DECLARATION OF CLOSURE 6

A copy of the meeting guidelines is provided on Page 2

A Copy of the Shire’s 2020/2021 Annual Report will be on the Shire’s Website from Wednesday 4 May 2022:

<https://www.victoriaplains.wa.gov.au/documents/annual-reports>

A hardcopy of the Annual Report can be requested from the Shire Office. There will be some copies made available at the Meeting

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS
----------	--

The Meeting opened at 6.00pm.

The Shire president extended a warm welcome to residents for attending this year's Annual Electors Meeting.

The Shire President advised those in attendance that the meeting was being recorded for the purposes of Minute Taking and the meeting will be run in accordance with the *Local Government Act Regulations (1995)* and the *Shire's Meeting Procedures Law 2018*.

2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE GRANTED
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Elected Members	Cr P Bantock – Presiding Member Cr N Clarke – Deputy Shire President Cr G O'Brien Cr D Lovelock Cr J Kelly Cr S Penn Cr S Woods
Staff	CEO – Ms G Teede Acting Works and Services Manager – Mr S Brenzi Customer Service Officer – Mrs K Stripe
Apology	Mr G Nixon
Members of the Public	Ms A Byrne-O'Neil Mr G Bookham Mrs M Bookham Mr M Palmer Mr D Hall Mrs S Mason Mr R Tucker Mr G McGill Mrs N McInnes

3 CONFIRMATION OF MINUTES**Moved: Mr G Bookham****Seconded: Mr M Palmer****STAFF RECOMMENDATION****That the minutes of the AGM of Electors held Monday 3 May 2021 be accepted as a true and correct record of proceedings.****CARRIED BY UNANIMOUS DECISION****3.1 Matters arising from the Minutes – Monday 3 May 2021****Mr G Bookham**

Sought update regarding:

Q1 *The Fence issue listed in the minutes of the Annual Electors Meeting 2021*

A1. This matter is nearly closed out. A new fence has been erected and a licensed asbestos removalist is attending the site this week to completely clear the fence line. The removalists will provide a full report to the landholder for their records.

Q2. *Gillingarra Oval*

A2 This was a maintenance item regarding a clean-up following a fire.

Q3. *Letter regarding Cafe.*

A3. The Shire had previously conducted an expression of interest process for use of the building. One expression was received but that submission has since been withdrawn. Council has undertaken a workshop on this matter and will be seeking the community's feedback on appropriate usages for the building. A workshop will soon be advertised and Council encourages interested community members to bring their ideas along.

Mrs Sarah Mason

Q1. Why are Councillors J Kelly and S Penn sitting in the Gallery, and not at the table with other Elected Members?

A1. The Shire President confirmed all Councillors were invited to sit at the presentation table and is unsure why Councillors Penn & Kelly have chosen to sit in the gallery.

4 ANNUAL REPORT**Moved: Mr G McGill****Seconded: Mr G Bookham****STAFF RECOMMENDATION****That the Annual Report for the financial year ended 30 June 2021 be received.****CARRIED BY UNANIMOUS DECISION****4.1 Matters arising from the Annual Report for Financial Year ended 30 June 2021.**

Nil

5 ANY OTHER GENERAL BUSINESS**Mrs Anne-Marie O'Byrne, Calingiri**

Q1. Noted a car incident with a fence approximately 1 year ago, and sought update as to when the fence would be fixed?

A1. **The CEO took the Question on Notice**, advising that the change over in WSM staff had most likely been a factor in the delay of fixing the fence.

A1. *The WSM advised that the area has been inspected and materials have been sourced from stock within the depot. Staff will replace the damaged section and reinstate the missing piece within the next weeks.*

Q2. Is it normal that interest would accrue on Rates that were delayed in being distributed?

A2. The CEO requested the scenario be put in writing to the CEO for assessment.

Mrs Sarah Mason

Q1. Why has there been a high turnover of Shire Works Managers?

A1. Attracting and retaining shire staff is a matter that Council is concerned about, however Council also understands there are state-wide worker shortages at present. The WA Local Government Association recently reported 71% of Local Governments in WA are facing critical worker shortages. Council is working on the higher level, strategic factors which can aid attraction & retention in Victoria Plains. We do ask the community to think about their interaction with shire staff and help us be part of the solution, not part of the problem.

Mr G Bookham

- Q1. Regarding the road into Calingiri from New Norcia, why not move the road approximately 100 metres and miss all the big trees?
- A1. The Shire has been working through a clearing permit application for the realignment of that road. Our Environmental Consultant has been working through the available options. The clearing permit not only considers the trees, but also the lower vegetation along the railway line and we continue to face difficulties getting approval to remove the vegetation for the new road. Clearing permits are a topic discussed at various forums at present and most local government are having difficulties obtaining clearing permits. The Shire President suggested Mr Bookham could submit a map of his proposal so staff could compare to the research already undertaken.

Mr M Palmer, Wyening

- Q1. Will the Shire join forces with Mining Companies to open up land for a subdivision set up, like Wongan Hills have done? If the Shire can offer staff housing, that may assist with staff attraction and retention.
- A1. Staff housing is a concern for Council, and we have committed to a strategic workshop to address the matter. Housing shortages are impacting the whole state at present. The increase of Mining is also reducing the number of rentals available in our Shire & neighbouring towns.

Council is undertaking their major review of the Strategic Community Plan and we encourage the community to put forward their strategic priorities such as this.

Mrs Anne-Marie O'Byrne, Calingiri

- Q1. When do you envisage that Strategic Plan being completed?
- A1. Council is on track to achieve their adopted timeline of June /July 2022. Council has undertaken 1 workshop with their consultant Caroline Robinson to assess the community feedback received through the survey & community meetings. The community will have further opportunity to see the draft plan before Council's final adoption.

Mr D Hall, Piawaning

- Q1. Is the Community Engagement Report available on the website?
- A1. The community engagement results are being compiled with the updated Long Term Financial Plan and Asset Management Plan. The combined result delivers the Strategic Community Plan which will be presented to the community.

Mr G Bookham

- Q1. In March and April 2022, the Shire paid Advanced Traffic Management over \$58,000. Why was this not done in-house?
- A2. The Shire would like to employ locals and do this in house, however low staff availability within our district means the resources are not there. We also have to consider timing as there are various elements to these large road projects which must fit together. Most of the expenditure you have mentioned is funded from external sources and traffic management is considered in the overall scope of the planned projects.

Mrs M Bookham

- Q1. When will the Department of Transport Services be resumed at the Shire of Victoria Plains?
- A1. That is a difficult question to answer at present. The Shire does not have the resources including staff experience to undertake this service right now. Transport and Licensing Services are a State managed service and it's fortunate our Shire has conducted these services for many years. That being said, licensing services are not a core responsibility of Local Government. Council understands the community does not want to lose any services and we will continue to consider resourcing options and work with the State Department on this matter.
- Q2. Would it be possible to have a one particular day and time allocated for Licensing as a work around?
- A2. The Shire has been liaising with the Department and we must consider the intricate nature of the transactions and the experience required, not just the overall allocation of staff hours. The Department currently suggests residents use the online licensing service. Additionally, in person services are provided at Wongan CRC, Moora Courthouse and Bindoon Bendigo Bank.

Mrs Anne-Marie O'Byrne, Calingiri

- Q1. When will the ATM at the Shire Administration Office be back in operation?
- A1. Bendigo Bank are restocking the teller machine with money which unfortunately is only done once per month and anticipated to be done within the next week.

Mr D Hall, Piawaning

Q1. When can I expect a rates receipt for my 2021- 2022 rates payment?

A1. **Question taken on Notice**

A1. *A Rates Receipt has now been issued to Mr Hall.*

Mr G Bookham

Q1. Queried Bindoon Bakehaus catering costs of in March and April. Can't this be done locally?

A1. The Shire does try to use local wherever possible. We not only have to consider availability but also the most efficient method of transporting/delivery which on occasions lines up with staff travel through Bindoon.

6 DECLARATION OF CLOSURE

The Shire President declared the Meeting closed at 6.29pm.

MEETING OF ELECTORS GUIDELINES

Purpose

In accordance with the *Local Government Act 1995*, a general meeting of electors must be held each financial year after a local government accepts the annual report.

The matters to be discussed at the general electors' meeting are in accordance with Regulation 15 of the *Local Government (Administration) Regulations 1996*: firstly, the contents of the annual report for the previous financial year and then any other general business.

Procedures

The procedure to be followed at a general or special meeting of electors is to be determined by the presiding member (this also includes specific regard to the Shire of Victoria Plains Meeting Procedures Local Law).

Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote. All decisions at a general or special meeting of electors are to be made by a simple majority of votes. Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

All decisions made at an electors meeting are to be considered at the next ordinary council meeting or, if that is not practicable at the first ordinary council meeting after that meeting or at a special meeting called for that purpose, whichever happens first.

An elector is someone on the State Electoral Roll for the District of Victoria Plains or an Owner/Occupier in the Shire of Victoria Plains.

Minutes

Minutes of the proceedings at an electors' meeting are to be kept and preserved. They are published on the Shire's website for a period of not less than 5 years and are also made available for inspection by members of the public.

Shire of Victoria Plains Meeting Procedures Local Law

Specific clauses to be observed regarding a Meeting of Electors are:

18.8 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

Explanatory Memorandum – Annual Review of Delegations

June 2022

Council to CEO

Delegation	Subject	Changes Made	Reason	Applicable Legislation
1.1.7.2	Public Health Act 2016 Designate Authorised Officers	The following criteria deleted (Red text): FUNCTION DELEGATED 3. <u>Planning</u> The CEO is delegated power to appoint employees as authorised persons for the purposes of performing functions under – 4. <u>Infringement Notices</u> - Refer Legislation, Local Laws, Planning Sub-section 4 renumbered to sub-section 3 accordingly and so on.	The reference to planning is not applicable to health matters. This is an oversight and was not removed in previous reviews	N/A
3.2	Municipal Fund and Trust Fund – payments from Bank Accounts	The following criteria amended for the sections listed (Red text): APPLICATION The section heading amended to: APPLICATION OF SUB-DELEGATION (CEO CONDITIONS) The following sub-section amended as follows: From:	This section is confusing regarding how it is set out in the delegation. The CEO and not Council is responsible for the implementation of financial management systems and procedures. This includes who is authorised to sign off and make payments, apart from the CEO. The expectation of the OAG is that there is more than one signatory. Two signatories are the standard practice in the public sector.	Financial Management (FM) Regs 5 and 11

		<p>2. The CEO is to ensure –</p> <p>To:</p> <p>2. Delegates must comply with approvals by the CEO as follows:</p> <p>REFERENCES</p> <p>The following further explanation has been added to this section:</p> <p>This is because these are matters regarding incurring a liability and this is controlled by the CEO in accordance with developing appropriate systems and procedures. See Local Government (Financial Management) Regulations 5 and 11.</p>		
3.6	Write off of rate and sundry debts	<p>The following criteria amended for the sections listed (Red text):</p> <p>FUNCTION DELEGATED</p> <p>In sub-section 1, the amount delegated has been increased from \$100 to \$200.</p>	The increase from \$100 to \$200 recognises the change in value of currency and rate increases over time	<p><i>Local Government Act 1995</i> –</p> <ul style="list-style-type: none"> s.5.95– information that is required to remain confidential s.6.12(c) – Power to write off any amount of money
3.12	Ex-Gratia Payments	No change at this stage.	This delegation should be subject to further review as it would seem it is not a delegation.	Nil

			<p>There is no statutory context. A delegation must have one.</p> <p>The CEO has the ability to assess insurance matters in their own right as it is a liability.</p>	
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Council to Committees (New)

19.1	Behaviour Complaints Committee being able to deal with a complaint and to dismiss a complaint	<p>This is a new delegation:</p> <p>Function</p> <ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. <p>In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].</p> <ol style="list-style-type: none"> 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4(a)); or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)]. <p>Council Conditions on this Delegation</p>	<p>The Committee's Terms of Reference states that there are delegated matters that are applicable.</p> <p>The Act and the Regulations highlight that the Local Government (Council) conducts these matters in the first instance.</p> <p>However, as there is a Committee in place with the responsibility to undertake these matters on behalf of Council, they should be reflected in the appropriate delegation.</p> <p>The note to Conditions (C) and (D) are self explanatory.</p>	<p><i>Local Government (Model Code of Conduct) Regulations 2021:</i></p> <ul style="list-style-type: none"> • Clause 12 Dealing with a complaint • Clause 13 Dismissal of complaint
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		<p>A. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.1A Code of Conduct Behaviour Complaints Management.</p> <p>B. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>C. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>D. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.</p> <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>		
19.2	Meeting with the Auditor at least once per year	<p>This is a new delegation:</p> <p>Function</p> <p>1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</p>	Although it is implied through the Audit Committee's terms of reference that it meet with the Auditor each year on behalf of Council, DLGSC No. 9 advises that this should be by way of a delegation	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> s.5.16 Delegation of some powers and duties to certain committees

		Note: Cannot be sub-delegated		<ul style="list-style-type: none"> s.7.1B Delegation of some powers and duties to audit committees
19.3	Relevant Administrative Functions	<p>This is a new delegation:</p> <p>Function</p> <p>The CEO Recruitment Committee is delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.</p>	<p>Much of the work of this Committee is on a recommendation basis. However, it can through delegation:</p> <ul style="list-style-type: none"> Approve the issue of the advertisement seeking a CEO <p>In future, the delegation could be amended so that the Committee can:</p> <ul style="list-style-type: none"> Appoint the Independent Person; Appoint the Facilitator 	<p><i>Local Government (Administration Regulations) 1996</i> – Division 2:</p>

CEO to Officers

Delegation	Subject	Changes Made	Reason	Applicable Legislation
3.2	Municipal Fund and Trust Fund – payments from Bank Accounts	<p>The following criteria amended for the sections listed (Red text):</p> <p>APPLICATION</p> <p>The section heading amended to:</p> <p>APPLICATION OF SUB-DELEGATION (CEO CONDITIONS)</p> <p>The following sub-section amended as follows:</p> <p>From:</p> <p>3. The CEO is to ensure –</p> <p>To:</p> <p>The following further explanation has been added to this section:</p> <p>This is because these are matters regarding incurring a liability and this is controlled by the CEO in accordance with developing appropriate systems and procedures. See Local Government (Financial Management) Regulations 5 and 11.</p>	<p>This section is confusing regarding how it is set out in the delegation.</p> <p>The CEO and not Council is responsible for the implementation of financial management systems and procedures.</p> <p>This includes who is authorised to sign off and make payments, apart from the CEO. The expectation of the OAG is that there is more than one signatory. Two signatories is the standard practice in the public sector.</p>	Financial Management (FM) Regs 5 and 11

3.3	Investments	<p>The following criteria amended for the sections listed (Red text):</p> <p>SUB-DELEGATION Manager Works and Services</p>	<p>Recognises that either the CEO or Manager Finance may not be available at the time</p> <p>The CEO is directly responsible for the implementation of systems and procedures. This includes who has authority to undertake investments on the CEO's behalf</p>	<p><i>Local Government Act 1995 –</i></p> <ul style="list-style-type: none"> • s.6.14 – Power to invest <p><i>Local Government (Financial Management) Regulations</i></p> <ul style="list-style-type: none"> • r.19 – Investments, control procedure for • r.19C – Investments of money, restrictions on
4.1	Disposal of Sick or Injured Animals	<p>The following criteria amended for the sections listed (Red text):</p> <p>SUB-DELEGATION Community Safety Officer</p>	<p>The Community Safety Officer has responsibility for assisting with the care of animals</p>	<p><i>Local Government Act 1995 –</i></p> <ul style="list-style-type: none"> • s.3.47A – Sick or injured animals, disposal of

Sean Fletcher
Temporary CEO

15 June 2022

Draft

REGISTER OF DELEGATIONS

COUNCIL TO CEO

&

CEO TO OFFICERS

COUNCIL TO COMMITTEES

REVIEW & ADOPTION 22 JUNE 2022

ARRANGEMENT

PART A – PRIMARY DELEGATIONS – to CEO

Section 1 - Council / Governance

Section 2 - Administration / Organisation

Section 3 - Financial Management

Section 4 - Order / public safety

Section 5 - Fire Control

Section 6 - Environmental Health / Food

Section 7 - Community Services

Section 8 - Deleted 20 June 2020

Section 9 - Occupational Safety & Health

Section 10 - Building / Development

Section 11 - Public Facilities

Section 12 - Tourism

Section 13 - Works & Services

Section 14 - Plant / Equipment

Section 15 - Natural Resource Management

Section 16 - Unclassified

PART B – PRIMARY DELEGATIONS – to other persons

Section 17 - Fire Control

Section 18 - Deleted

Section 19 - Conduct

Section 20 - Governance

Section 21 - Governance

HISTORY SUMMARY

APPENDIX One – Advisory Notes to the Delegations Register

APPENDIX TWO – Instrument of Delegation

Local Government Act 1995

INSTRUMENT OF DELEGATION OF RESPONSIBLE AUTHORITY POWERS, DISCRETIONS AND FUNCTIONS

APPENDIX THREE – Suggested Template as the Basis of Future Review

~~PART A – PRIMARY DELEGATIONS – to CEO~~

~~Section 1 – Council / Governance~~

~~Section 2 – Administration / Organisation~~

~~Section 3 – Financial Management~~

~~Section 4 – Order / public safety~~

~~Section 5 – Fire Control~~

~~Section 6 – Environmental Health / Food~~

~~Section 7 – Community Services~~

~~Section 8 – Personnel~~

~~Section 9 – Occupational Safety & Health~~

~~Section 10 – Building / Development~~

~~Section 11 – Public Facilities~~

~~Section 12 – Tourism~~

~~Section 13 – Works & Services~~

~~Section 14 – Plant / Equipment~~

~~Section 15 – Natural Resource Management~~

~~Section 16 – Unclassified~~

~~PART B – PRIMARY DELEGATIONS – to other persons~~

~~Section 17 – Fire Control~~

~~Section 18 – Deleted~~

~~HISTORY SUMMARY~~

~~APPENDIX~~

CONTENTS

PART A – PRIMARY DELEGATIONS – to CEO

Section 1 - Council / Governance

- 1.1 Appointment of authorised persons
- 1.2 Deleted (23 June 2021)

Section 2 - Administration / Organisation

- 2.1 Common Seal – Execution of documents
- 2.2 Deleted
- 2.3 Deleted (23 June 2021)

Section 3 - Financial Management

- 3.1
- 3.2 Municipal Fund and Trust Fund – Payments from Bank Accounts
- 3.3 Investments
- 3.4 Rates record, extensions and objections
- 3.5 Sundry and rate debtors – Recovery and agreements
- 3.6 Write off of rate and sundry debts
- 3.7 Tenders – power to set specifications, criteria, call, accept, vary
- 3.8 Contracts – Variations
- 3.9 Disposing of property, and impounded, confiscated or uncollected goods
- 3.10 Disposing of land – leases, rentals etc
- 3.11 Donations – Financial and In-kind Works / Services
- 3.12 Ex-Gratia Payments

Section 4 - Order / public safety

- 4.1 Disposal of sick or injured animals
- 4.2 Cat Act 2011
- 4.3 Dog Act 1976
- 4.4 Dogs Local Law 2018
- 4.5 Impounding of vehicles and goods
- 4.6 Impounding of cattle etc

Section 5 - Fire Control

- 5.1 Issue of burning permits – CEO
- 5.2 Deleted
- 5.3 Restricted burning periods – Variations

Section 6 - Environmental Health / Food

- 6.1 Control of environmental health matters
- 6.2 Health Local Law 2004
- 6.3 Amenity Local Law 2018
- 6.4 Control of food matters

Section 7 - Community Services

- 7.1 Cemetery Local Law 2018

Section 8 - Deleted 20 June 2020

Section 9 - Occupational Safety & Health

Section 10 - Building / Development

- [10.1 Building permits](#)
- [10.2 Illegal development](#)
- [10.3 Control of planning matters](#)
- [10.4 Applications for subdivision and amalgamations](#)
- [10.5 Fencing Local Law 2018](#)

[Section 11 - Public Facilities](#)

- [11.1 Liquor Control Act](#)
- [11.2 Discount/waiver/subsidy of facility hire fees](#)
- [11.3 Public Places and Local Government Property Local Law 2018](#)

[Section 12 - Tourism](#)

[Section 13 - Works & Services](#)

- [13.1 Reserves under control of the local government](#)
- [13.2 Things to be done on land not local government property](#)
- [13.4 Materials from land not under local government control](#)
- [13.5 Notices requiring certain things to be done](#)
- [13.6 Notice of local government works](#)
- [13.7 Private works/infrastructure on, over or under public land](#)
- [13.8 Events on roads](#)
- [13.9 Temporary road closures](#)

[Section 14 - Plant / Equipment](#)

[Section 15 - Natural Resource Management](#)

- [15.1 Control of Vehicles \(Off-road Areas\) Act 1978](#)
- [15.2 Native flora and fauna](#)

[Section 16 - Unclassified](#)

- [16.1 Deleted 23 June 2021](#)

[PART B – PRIMARY DELEGATIONS – to other persons](#)

[Section 17 - Fire Control](#)

- [17.1 Deleted 23 June 2021](#)
- [17.2 Deleted 23 June 2021](#)
- [17.3 Prohibited burning periods – Variations](#)

[Section 18 - Deleted](#)

- [18.1 Deleted](#)

[PART C – PRIMARY DELEGATIONS to Committees](#)

[Section 19 - Conduct](#)

- [19.1 Behaviour Complaints Committee](#)

[Section 20 - Governance](#)

- [20.1 Audit Committee](#)

[Section 21 - Governance](#)

- [21.1 CEO Recruitment Committee](#)

[HISTORY SUMMARY](#)

[APPENDIX One – Advisory Notes to the Delegations Register](#)

[Definitions](#)

[Statutory Context](#)

Corporate context
Guidelines No.17 – Delegations (Department of Local Government)
Making, amending and revoking delegations
Use of delegations
Record of use of delegations
Review of delegations
Primary delegation
Sub delegation by CEO

APPENDIX TWO – Instrument of Delegation

Local Government Act 1995

**INSTRUMENT OF DELEGATION OF RESPONSIBLE AUTHORITY POWERS, DISCRETIONS
AND FUNCTIONS**

Schedule 2

GLOSSARY OF DELEGATE TITLES

APPENDIX THREE – Suggested Template as the Basis of Future Review

Determine if an Emergency for Emergency Powers of Entry

PART A – PRIMARY DELEGATIONS – to CEO

Section 1 – Council / Governance

- 1.1 – Appointment of authorised persons
- 1.2 – Deleted (23 June 2021)

Section 2 – Administration / Organisation

- 2.1 – Common Seal – Execution of documents
- 2.2 – Deleted
- 2.3 – Deleted (23 June 2021)

Section 3 – Financial Management

- 3.1 – Deleted
- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
- 3.3 – Investments
- 3.4 – Rates record, extensions and objections
- 3.5 – Sundry and rate debtors – Recovery and agreements
- 3.6 – Write off of rate and sundry debts
- 3.7 – Tenders – power to set specifications, criteria, call, accept, vary
- 3.8 – Contracts – Variations
- 3.9 – Disposing of property, and impounded, confiscated or uncollected goods
- 3.10 – Disposing of land – leases, rentals etc
- 3.11 – Donations – Financial and In-kind Works / Services
- 3.12 – Ex Gratia Payments

Section 4 – Order / public safety

- 4.1 – Disposal of sick or injured animals
- 4.2 – Cat Act 2011
- 4.3 – Dog Act 1976
- 4.4 – Dogs Local Law 2018
- 4.5 – Impounding of vehicles and goods

~~4.6—Impounding of cattle etc~~

~~Section 5—Fire Control~~

~~5.1—Issue of burning permits—CEO~~

~~5.2—Deleted~~

~~5.3—Restricted burning periods—Variations~~

~~Section 6—Environmental Health / Food~~

~~6.1—Control of environmental health matters~~

~~6.2—Health Local Law 2004~~

~~6.3—Amenity Local Law 2018~~

~~6.4—Control of food matters~~

~~Section 7 - Community Services~~

~~7.1—Cemetery Local Law 2018~~

~~Section 8—Deleted 24 June 2020~~

~~Section 9—Occupational Safety & Health~~

~~Section 10—Building / Development~~

~~10.1—Building permits~~

~~10.2—Illegal development~~

~~10.3—Control of planning matters~~

~~10.4—Applications for subdivision and amalgamations~~

~~10.5—Fencing Local Law 2018~~

~~Section 11—Public Facilities~~

~~11.1—Liquor Control Act~~

~~11.2—Discount/waiver/subsidy of facility hire fees~~

~~11.3—Public Places and Local Government Property Local Law 2018~~

~~Section 12 - Tourism~~

~~Section 13—Works & Services~~

~~13.1—Reserves under control of the local government~~

~~13.2—Things to be done on land not local government property~~

~~13.3—Works on land outside the district~~

~~13.4—Materials from land not under local government control~~

~~13.5—Notices requiring certain things to be done~~

~~13.6—Notice of local government works~~

~~13.7—Private works/infrastructure on, over or under public land~~

~~13.8—Events on roads~~

~~13.9—Temporary road closures~~

~~Section 14—Plant / Equipment~~

~~Section 15—Natural Resource Management~~

~~15.1—Control of Vehicles (Off-road Areas) Act 1978~~

~~15.2—Native flora and fauna~~

~~Section 16—Unclassified~~

~~16.1—Deleted 23 June 2021~~

~~PART B—PRIMARY DELEGATIONS—to other persons~~

~~Section 17—Fire Control~~

~~17.1—Deleted 23 June 2021~~

~~17.2—Deleted 23 June 2021~~

~~17.3—Prohibited burning periods—Variations~~

~~Section 18—Deleted~~

~~18.1—Deleted~~

~~HISTORY SUMMARY~~

~~APPENDIX One—Advisory Notes to the Delegations Register~~

~~Definitions~~

~~Statutory Context~~

~~Corporate context~~

~~Guidelines No.17—Delegations (Department of Local Government)~~

~~Making, amending and revoking delegations~~

~~Use of delegations~~

~~Record of use of delegations~~

~~Review of delegations~~

~~Primary delegation~~

~~Sub-delegation by CEO~~

~~APPENDIX TWO—Instrument of Delegation~~

~~Local Government Act 1995~~

~~Instrument of Delegation of Responsible authority powers, discretions and functions~~

~~Schedule 1~~

~~POWERS, DISCRETIONS AND FUNCTIONS~~

~~Schedule 2~~

~~Glossary of DELEGATE Titles~~

~~APPENDIX THREE—Suggested Template as the Basis of Future Review~~

~~Determine if an Emergency for Emergency Powers of Entry~~

PART A – PRIMARY DELEGATIONS – to CEO

Section 1 - Council / Governance

1.1 Appointment of authorised persons

1.1.1 Local Government Act 1995

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.18 – local government to administer its local laws and perform its required functions under the Act
- s.3.24 - Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]
- s.9.10(1) – Appointment of authorised persons

Local Government (Miscellaneous Provisions) Act 1960

- s.449 Appointing of poundkeepers and rangers

Building Regulations 2012

- r.70(2) – Appointment of authorised officers (pre-condition of appointment). This is for the purposes of issuing Building Act 2011 Infringement Notices (Building Reg.70(2) prescribes s.9.10(1) of the Local Government Act 1995 as the enabling power.)

Criminal Procedure Act 2004 –

- s.6 – Regulations to provide for the appointment of authorised persons to issue infringement notices and specified persons permitted to withdraw or extend time to pay infringement notices

Graffiti Vandalism Act 2016

- s.15 Prescribes Part 9 of the *Local Government Act 1995* as the enabling power

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion in this matter

FUNCTION DELEGATED

4. Legislation

The CEO is delegated power to appoint employees as authorised persons for the purposes of performing functions under the following Acts and associated Regulations –

- a) *Local Government Act 1995* and its regulations, excluding –
 - s.5.37(1) – determination that an employee or class of employee is or is not designated;
 - and

- s.5.37(1) – appointment or termination of a person to a designated position without Council’s consent
- b) *Local Government (Miscellaneous Provisions) Act 1960* (this includes pound keepers and rangers)
- c) *Graffiti Vandalism Act 2016*
- d) *Building Regulations 2012* as a precondition of appointment to issue infringements (The specific powers and duties are confirmed in Part 9 of this Delegation Register)

5. Local Laws

The CEO is delegated power to appoint employees as authorised persons for the purposes of performing functions under the following local laws made under the *Local Government Act 1995* –

- a) *Extractive Industries Local Law 2018*;
- b) *Fencing Local Law 2018*;
- c) *Public Places and Local Government Property Local Law 2018*.

6. Infringement Notices

The CEO is delegated power to appoint employees

- where the infringement notice is issued by the CEO, a request to withdraw any infringement notice or extend the time to pay an infringement notice is to be referred to Council.

APPLICATION

7. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - (a) It will be for the duration of employment by the Shire, or
 - (b) It will be for the duration of the contract with the Shire, or
 - (c) It will be for a specified time, event or purpose.
8. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - (a) any limitations specified in the relevant general delegation to the person or position;
 - (b) any specific limitations imposed by the Council or CEO in making the appointment.
9. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person’s certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file
- iv) Relevant subject file

HISTORY

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022

REFERENCES

No delegated power for –

- legislation not listed,
- persons who are not employees.

Authorised persons exercise their power directly from the Act, Regulation or local law that refers to “an authorised person”, and may be appointed:

- Directly by Council, or
- By the CEO under delegated power; or
- By the CEO as a direct power under s.9.10(2) the *Local Government Act 1995*, including:
 - (a) this Act (*Local Government Act 1995*);
 - (b) the *Caravan Parks and Camping Grounds Act 1995*;
 - (c) the *Cat Act 2011*;
 - (d) the *Cemeteries Act 1986*;
 - (e) the *Control of Vehicles (Off-road Areas) Act 1978*;
 - (f) the *Dog Act 1976*;
 - (g) subsidiary legislation (local law) made under an Act referred to in any of paragraphs (a) to (f);
 - (h) a written law prescribed for the purposes of this section.

Where the Act, Regulation or local law refers to “local government” the function must be exercised through a formal delegation.

Where the Act, Regulation or local law refers to “Council” or a specific position, it means the elected members in session or the person holding that specific position.

Some appointments can be made independent of employment with the Shire, and unless revoked or otherwise limited, the appointment continues to remain valid. This is the case with Fire Control Officers, Authorised Dog Control Officers etc. Their appointment means –

- the person is an officer of the Shire,
- as an officer of the Shire, there is a duty of care to the person, as well as to the community, and must ensure that the person is adequately resourced for the task, including training, equipment etc, as necessary,
- as an officer of the Shire, there is a legal responsibility for their actions, so when making the appointment there is an obligation to be satisfied that the person is appropriate and competent to exercise the power.

As these appointments mean that the person is an officer of the Shire for that specific purpose, they have the statutory power to commit the Shire to particular actions, initiate various proceedings etc, as listed in the authorising Act, and as permitted or limited by Council.

When making an appointment, the CEO must be certain that the person appointed is capable of undertaking the role, is a suitable, and provide the necessary resources for the role to be carried out such as training, equipment, etc.

This delegation does not apply to allocation of statutory functions made by the CEO to fulfil legislative requirements undertaken as a component of administrative tasks.

Local Laws in development as at 24 June 2020 –

- Amenity
- Waste
- Health (replacement)

1.1.2 Building Act 2011**STATUTORY CONTEXT***Building Act 2011*

- s.127(1) & (3) *Delegation: special permit authorities and local government*

Building Regulations 2012

- r.70(2) – Appointment of authorised officers (pre-condition of appointment)

Criminal Procedure Act 2004 –

s.6 – Regulations to provide for the appointment of authorised persons to issue infringement notices and specified persons permitted to withdraw or extend time to pay infringement notices

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion in this matter: s.127(6A) *Delegation: special permit authorities and local governments* (powers of sub-delegation limited to CEO)

FUNCTION DELEGATED1. Legislation

1. Authority to appoint 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).

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”.

2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2).

2. Local Laws

The CEO is delegated power to appoint employees as authorised persons for the purposes of performing functions under the following local laws made under the *Building Act 2011* –

- a) Fencing Local Law 2018,

3. Infringement Notices

The CEO is delegated power to appoint employees and other persons as appropriate or necessary with the power to issue infringement notices for the purposes of the *Criminal Procedure Act 2004* s.6(b) in accordance with the Local Government Act 1995 s.9.10(1), subject to –

- the power to withdraw any infringement notice or to extend the time to pay an infringement notice is restricted to the CEO as the person specified for this function, and may not be sub-delegated,

- where the infringement notice is issued by the CEO, a request to withdraw any infringement notice or extend the time to pay an infringement notice is to be referred to Council.

APPLICATION

4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - a. It will be for the duration of employment by the Shire, or
 - b. It will be for the duration of the contract with the Shire, or
 - c. It will be for a specified time, event or purpose.
5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - a) any limitations specified in the relevant general delegation to the person or position;
 - b) any specific limitations imposed by the Council or CEO in making the appointment.
6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person's certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file
- iv) Relevant subject file

HISTORY

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022

REFERENCES

- See Delegation 1.1.1

1.1.3 Bush Fires Act 1954**STATUTORY CONTEXT***Bush Fires Act 1954 –*

- s.48 Delegation by local government
- s.38 Local Government may appoint bush fire control officer

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Sub-delegation prohibited by s.48(3)

FUNCTION DELEGATED1. Legislation

1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
 - 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 of Victoria Plains [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)].
 - 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)].

2. Local Laws

- a. Nil

3. Infringement Notices

- a. Nil

APPLICATION

4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - a. It will be for the duration of employment by the Shire, or
 - b. It will be for the duration of the contract with the Shire, or
 - c. It will be for a specified time, event or purpose.
5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - a) any limitations specified in the relevant general delegation to the person or position;

- b) any specific limitations imposed by the Council or CEO in making the appointment.
6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

- iii) Personnel file
- iv) Relevant subject file

HISTORY

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	25 June 2022

1.1.4 Deleted (23 June 2021)

1.1.5 Deleted (23 June 2021)

1.1.6 Food Act 2008**STATUTORY CONTEXT***Food Act 2008* –

- 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
- s.122(1) Appointment of authorised officers
- s.126(6), (7) and (13) Infringement Officers

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

CONDITIONS/LIMITATIONS

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:

- 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

SUB-DELEGATION

CEO has discretion in this matter subject to the Council Conditions/Limitations

FUNCTION DELEGATED1. Legislation

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 *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [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)].

2. Local Laws

- a. Health Local Law 2003
- b. Health Amendment Local Law 2005

3. Infringement Notices

- See Function Delegated

APPLICATION

4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - a) It will be for the duration of employment by the Shire, or
 - b) It will be for the duration of the contract with the Shire, or
 - c) It will be for a specified time, event or purpose.

5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - (a) any limitations specified in the relevant general delegation to the person or position;
 - (b) any specific limitations imposed by the Council or CEO in making the appointment.

6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person's certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file
- iv) Relevant subject file

Review / adoption 22 June 2022

REFERENCES

See Delegation 1.1.1

1.1.7 Public Health Act 2016**1.1.7.1 Appoint Authorised officer or Approved Officer (Asbestos Regulations)****STATUTORY CONTEXT**

Health (Asbestos) Regulations 1992 –

None

PRIMARY DELEGATION

CEO

CONDITIONS/LIMITATIONS

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)].

SUB-DELEGATION

Nil

FUNCTION DELEGATED**1. Legislation**

Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the *Criminal Procedure Act 2004* Part 2 [r.15D(5)].

2. Local Laws

- Health Local Law 2003
- Health Amendment Local Law 2005

3. Infringement Notices

- Refer Legislation and Local Laws

APPLICATION

4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - (a) It will be for the duration of employment by the Shire, or
 - (b) It will be for the duration of the contract with the Shire, or
 - (c) It will be for a specified time, event or purpose.
5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - (a) any limitations specified in the relevant general delegation to the person or position;
 - (b) any specific limitations imposed by the Council or CEO in making the appointment.
6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person's certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022

REFERENCES

See Delegation 1.1.1

1.1.7 Public Health Act 2016

1.1.7.2 Designate Authorised Officers

STATUTORY CONTEXT

Public health Act 2016 –

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

Or

Designated Authorised Officer

CONDITIONS/LIMITATIONS

- a. Subject to each person so appointed being;
 - 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.

SUB-DELEGATION

Nil

FUNCTION DELEGATED

1. Legislation

1. Authority to designate a person or class of persons as authorised officers for the purposes of:
 - i. The Public Health Act 2016 or other specified Act
 - ii. Specified provisions of the *Public Health Act 2016* or
 - iii. Other than the specified provisions of that Act including:
 - 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)].

2. Local Laws

- a. Health Local Law 2003
- b. Health Amendment Local Law 2005[Sf1]

~~3. Planning~~

~~The CEO is delegated power to appoint employees as authorised persons for the purposes of performing functions under—~~

- ~~a) Local Planning Scheme;~~
- ~~b) Local Planning Policy~~

4.3. Infringement Notices

- Refer Legislation, Local Laws[SF2], Planning

APPLICATION

5.4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:

- (a) It will be for the duration of employment by the Shire, or
- (b) It will be for the duration of the contract with the Shire, or
- (c) It will be for a specified time, event or purpose.

6.5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –

- a. any limitations specified in the relevant general delegation to the person or position;
- b. any specific limitations imposed by the Council or CEO in making the appointment.

7.6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person's certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file
- iv) Relevant subject file

HISTORY

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022

REFERENCES

See Delegation 1.1.1

1.1.8 Local Planning Scheme

STATUTORY CONTEXT

Local Government Act 1995 –

- sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

Land Development Act 2005 –

- Shire of Victoria Plains Deemed Provisions: Part 10 - Enforcement and administration; Division 1 - Powers of local government

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

- a) Local Planning Scheme;
- b) Local Planning Policy.

SUB-DELEGATION

Permitted as per the Conditions/Limitations

FUNCTION DELEGATED

1. Legislation

Part 10 - Enforcement and administration

Division 1 - Powers of local government

79. Entry and inspection powers

- (1) The local government CEO may, by instrument in writing, designate an officer of the local government as an authorised officer for the purposes of this clause.
- (2) An authorised officer may, for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time and with any assistance reasonably required –
 - (a) enter any building or land in the Scheme area; and
 - (b) inspect the building or land and anything in or on the building or land.

82. Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.
- (2) A resolution referred to in subclause (1) must be by absolute majority of the council of the local government.
- (3) The delegation must be in writing and may be general or as otherwise provided in the instrument of delegation.

83. Local Government CEO may delegate powers

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO' functions under this Scheme other than this power of delegation.
- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

84. Other matters relevant to delegations under this Division

The Local Government Act 1995 sections 5.45 and 5.46 apply to a delegation made under this Division as if the delegation were a delegation under Part 5 Division 4 of that Act.

2. Local Laws

- a. Nil

3. Infringement Notices

- Subject to the powers listed in Legislation

APPLICATION

4. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is to the office (position) and when issued will set out clearly:
 - (a) It will be for the duration of employment by the Shire, or
 - (b) It will be for the duration of the contract with the Shire, or
 - (c) It will be for a specified time, event or purpose.
5. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the responsibility to administer and perform the functions delegated to that position, subject to –
 - a. any limitations specified in the relevant general delegation to the person or position;
 - b. any specific limitations imposed by the Council or CEO in making the appointment.
6. All proposals to commence prosecution are to be referred to Council for decision, unless specifically provided for under delegated power or by specific decision.

FORMAL RECORD OF USE

- i) Authorised person's certificate of authorisation
- ii) File copy of authorisation
- iii) Personnel file
- iv) Relevant subject file

HISTORY

Former Delegation	2.6, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

See Delegation 1.1.1

1.2 Deleted (23 June 2021)

Section 2 - Administration / Organisation

2.1 Common Seal – Execution of documents

STATUTORY CONTEXT

Local Government Act 1995 –

- s. 5.43(ha) – CEO cannot authorise a person to sign documents on behalf of the local government
- s.9.49A(1) – only affixed as authorised by Council
- s.9.49A(2) – only to documents as authorised by Council
- s.9.49A(3) – affixed in presence of President and CEO or senior employee authorised by CEO
- s.9.49A(4) – Council may authorise person to sign documents
- s.9.49A(5) – Document does not have legal status as a deed unless permitted and executed as a deed

Local Government (Functions & General) Regulations 1996 –

- r.34 – Common seal, unauthorised use of

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

N/A

FUNCTION DELEGATED

1. Council delegates power to the CEO to determine to affix the Common Seal without prior approval by Council where the document is –
 - a) a renewal or extension of an original document, and there is no significant variation in clauses or conditions in the renewal;
 - b) an agreement to provide funding to the Shire and the project/item to be funded is disclosed in the budget or previously approved by Council.

APPLICATION

2. Notwithstanding the conditions above on use of the Common Seal, the CEO is delegated power to sign and make all necessary arrangements including lodgement, removal, withdrawal, surrender or modification to –
 - (a) Notifications, covenants and easements under the Transfer of Land Act 1893;
 - (b) reciprocal access and/or parking agreements;
 - (c) rights of carriageway agreements;
 - (d) caveats under the Transfer of Land Act 1893; and
 - (e) easements or deeds under the Land Administration Act 1997 or Strata Titles Act 1985.
3. The Common Seal is to be kept in the custody of the CEO.
4. Application of the Common Seal has not effect unless countersigned by the President.

FORMAL RECORD OF USE

- i) Report to Council's Monthly Briefing Session
- ii) Recording in the Common Seal Register of Use

HISTORY

Former Delegation	2.24
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

The Local Government Act s.5.43 (ha) prohibits the CEO delegating the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government (i.e. to make a decision whether to sign/affix the seal or not).

This is not to be confused with the power of the CEO under 9.49A(3)(b) to authorise a senior employee to sign a document to attest that the common seal was so affixed (i.e. the decision to affix the seal was made by authorised persons prior).

Most contracts for supply of services, including contracts of employment, do not legally require the Common Seal to be affixed, although its use may be usual practice.

2.2 Deleted

2.3 Deleted (23 June 2021)

Section 3 - Financial Management

3.1 Deleted

3.2 Municipal Fund and Trust Fund – Payments from Bank Accounts

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8 – expenditure from Municipal Fund
- s.6.8(1)(c) – Payment in an emergency

Local Government (Financial Management) Regulations 1996 –

- r.5 – CEO’s duties as to financial management
- r.11 – Payments, procedures for making etc
- r.12 – Payments from municipal fund or trust fund, restrictions on making
- r.13 – Duties of CEO

Local Government (Audit) Regulations 1996 –

- r.16 – CEO to review certain systems and procedures

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance (MF)

FUNCTION DELEGATED

1. The CEO is delegated power to make payments from the Municipal Bank Account and Trust Bank Account subject to –
 - a) being in accordance with the adopted Budget;
 - b) being authorised by a resolution of Council;
 - c) disbursement as authorised, of funds lodged to the Trust Account, or
 - d) being authorised emergency expenditure.

APPLICATION OF SUB-DELEGATION (CEO CONDITIONS^[SF3])

2. ~~The Delegates must comply with approvals by the CEO is to ensure as follows:~~ –
 - a) systems and procedures required by FM Reg. r.5 ~~are in place~~;
 - b) compliance with procedures developed in accordance with FM Reg r.11;
 - c) constant review of procedures in accordance with Audit Reg. r.17
3. All transactions are to have the approved signatures or secure electronic passwords by any two of the following approved persons, jointly –

Position	Authorising Signature / Electronic Password	
	Initial	Secondary
CEO	All	All
MF	All	All
MWS	All	All
Payroll	Payroll	None
Creditors	Creditors	None

Rates

FORMAL RECORD OF USE

- i) Copy of approval, authorisation, payment of invoice etc. with financial transaction
- ii) Monthly report to Council Meeting

HISTORY

Former Delegation	2.41
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

This delegation is not for the issue of purchase orders, use of credit cards, store cards[Sf4] or fuel cards, or procedures for the processing of creditors invoice. This is because these are matters regarding incurring a liability and this is controlled by the CEO in accordance with developing appropriate systems and procedures. See Local Government (Financial Management) Regulations 5 and 11.

3.3 Investments

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.14 – Power to invest

Local Government (Financial Management) Regulations

- r.19 – Investments, control procedure for
- r.19C – Investments of money, restrictions on

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

[Manager Works and Services](#) [SF5](#)

FUNCTION DELEGATED

1. The CEO is delegated power to invest money held in any [Council Shire](#) fund that is not required for immediate use, provided that sufficient working funds are retained at all times.

APPLICATION [OF SUB-DELEGATION \(CEO CONDITIONS\)](#) [SF6](#)

2. All transactions are to have two authorised signatures or secure electronic passwords, at least one of whom must be –
 - a) CEO; or
 - b) Manager Finance

Second signatories may be –

- c) Manager Works and Services

FORMAL RECORD OF USE

Record of lodgement of funds for investment, and instructions given

HISTORY

Former Delegation	2.31
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

FM Reg r.19C imposes limits on institutions, duration of investment, type of investment etc.

3.4 Rates record, extensions and objections

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.39 (2) – amend rate records for up to 5 years
- s.6.40 (3) – refund of rates after overpayment
- s.6.76 (4) – extension of time to make objection to rate record
- s.6.76 (5) – determination of objection to rate record

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate:

- Manager Finance;
- Rates Officer

FUNCTION DELEGATED

1. The CEO is delegated power to –
 - a) amend rate records for the past five years preceding the current year,
 - b) refund of rates overpaid following an adjustment to the rate record if requested,
 - c) extend the time for making the objection for such period as the CEO thinks fit, on application by a person proposing to make an objection to the rate record
 - d) consider any objection to the rate record and may either disallow it or allow it, wholly or in part.

APPLICATION

N/A

FORMAL RECORD OF USE

- i) File copy of rates notice, payment, agreement or determination
- ii) Property / Assessment file

HISTORY

Former Delegation	2.40, 2.47
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

3.5 Sundry and rate debtors – Recovery and agreements

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.49 – Agreement as to payment of rates and service charges
- s.6.56 (1) – recovery of rates by complaint or action
- s.6.60 (2) – recovery of rates by requiring payment of rent to Shire

CORPORATE CONTEXT

CEO

SUB-DELEGATION

Manager Finance

FUNCTION DELEGATED

1. The CEO is delegated power to negotiate an agreement for the payment of rates, service charge and sundry debts, together with the costs of proceedings, if any, for that recovery, subject to any administrative or instalment charges, penalty interest etc being incorporated into the agreement.
2. The CEO is delegated power to recover unpaid rates or service charges after becoming due and payable, together with the costs of proceedings, if any, for that recovery –
 - by use of a debt collection agency,
 - in a court of competent jurisdiction;
 - by serving notice on a tenant to pay rent to the Shire;
 - other such means as is provided for and appropriate.
3. The CEO is delegated power to recover unpaid sundry debtors, together with the costs of proceedings, if any, for that recovery –
 - by use of a debt collection agency,
 - in a court of competent jurisdiction;
 - other such means as is provided for and appropriate.

APPLICATION

N/A

FORMAL RECORD OF USE

- i) File copy of instruction to court or debt collection agency etc, written agreement with debtor, notice to tenant etc.
- ii) Property file

HISTORY

Former Delegation	2.2, 2.36, 2.39, 2.46
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

3.6 Write off of rate and sundry debts

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.95– information that is required to remain confidential
- s.6.12(c) – Power to write off any amount of money

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate.

FUNCTION DELEGATED

1. The CEO is delegated power to write off small amounts to a maximum of \$~~100200~~¹⁵⁷.00 ex GST per individual debt for –
 - (a) sundry debtors and any interest, charges and associated cost where the debtor can no longer be traced, or recovery is deemed unlikely;
 - (b) rates and services charges, interest on rates or service charges, or rate instalment charge where there is satisfactory evidence of attempt to pay by the required date –
 - (i) where as a result of daily interest calculations, the rates were intended to be paid in full, but an error occurred, or the payment was received by mail after the calculation was made; or
 - (ii) on transfer of the property from one owner to the next,
 - (iii) the value of the debt makes recovery attempts uneconomical.

APPLICATION

None

FORMAL RECORD OF USE

- i) Listing of debts written off to be signed by CEO
- ii) Report to Council via monthly briefing papers of the number of debts and total amount only
- iii) Value of rates and service charges written off to be included in the annual report

HISTORY

Former Delegation	2.28
Adopted	18 July 2018
Review / adoption	22 June 2022 ^{23 June 2021}

REFERENCES

Where a write-off is intended for rates or service, there must be evidence that reasonable attempts were made to pay the amount by the date of calculation.

Debt information –

- includes rate debts as well as sundry debts
- is to be kept confidential under the Local Government Act s.5.95(2), and therefore no identifying details should be in public documents such as Agendas or Minutes.

3.7 Tenders – power to set specifications, criteria, call, accept, vary

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.57– Tenders for providing goods or services
- s.3.58 – Disposing of property
- 5.43(b) – Limits on delegation to accept tenders

Local Government (Functions and General) Regulations 1996 –

Part 4 – provision of goods and services

- Division 1 – Purchasing policies for local government
 - o r.11A – requirement for a purchasing policy
 - o r.11 – when tenders have to be publicly invited and exemptions from inviting
- Division 2 – Tenders for providing goods and services, specifically –
 - o r.14(2a) – criteria for deciding on tender to be determined in writing prior
 - o r.14(4) – information to be disclosed, specifications, own tender to be determined prior
 - o r.14(5) – vary information disclosed subject to all being informed
 - o r.20 – Minor variation of requirements before entry into contract
 - o r.23 – Rejecting and accepting expressions of interest
- Division 3 – Panels of pre-qualified suppliers, specifically –
 - o r.24AD(2a) – requirements to join panel of pre-qualified suppliers

Part 4A – Regional Price Preference

Part 6 - Miscellaneous

- o 30 (3) – exempt disposition of property

CORPORATE CONTEXT

Delegation Register –

- 3.1 – Municipal Fund – Incurring expenditure

Policy Manual –

- 3.1 – Purchasing – Framework
- 3.2 – Local Price Preference

PRIMARY DELEGATION

CEO

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power, subject to prior budget provision having been made or to give effect to a Council decision, to –
 - a) prepare and finalise specifications for calling all tenders, expressions of interest and panels for pre-qualified suppliers in accordance with Budget provision and at the appropriate time;
 - b) determine the criteria for assessment of all tenders, expressions of interest and panels for pre-qualified suppliers;
 - c) invite all tenders, expressions of interest and applications for panels of pre-qualified suppliers; or
 - d) approve a minor variation to a tender prior to acceptance, provided the intentions and purposes of the tender are not substantially altered, and where the effect on the total contract is a –

- i) reduction;
- ii) increase in cost to a cumulative total of \$25,000 ex GST or 5% whichever is the greater, where the adjusted total remuneration remains within Budget provision; or
- iii) reasonable and unforeseen increase in duration of the contract.

APPLICATION

- 2. Acceptance of tenders and expressions of interest, equal to or above the threshold, are to be by Council, unless prior delegation had been resolved.
- 3. Acceptance and variation of tenders is limited to the CEO only.
- 4. Variation of a tender after acceptance of the tender is not permitted unless provided for in the accepted tender.
- 5. All matters dealing with purchase or disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council.

FORMAL RECORD OF USE

- i) Report to Council via monthly briefing papers
- ii) Tender register and documentation on file

HISTORY

Former Delegation	2.51
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

Expression of interest is not a quote – refer Functions & General Regulations r.21(3). The mandatory requirements are equivalent to those for a tender.

This delegation applies to all tenders – whether acquisition or disposal.

3.8 Contracts – Variations

STATUTORY CONTEXT

Local Government (Functions and General) Regulations 1996 –

- r.21A – Varying a contract for the supply of goods or services
- r.24AJ – Contracts with pre-qualified suppliers

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power subject to prior budget provision having been made or to give effect to a Council decision to accept a minor variation of a contract entered into, subject to the intentions and purposes of the tender are not substantially altered, and where the effect on the total contract is a –
 - a) reduction;
 - b) the cumulative value remains below the tender threshold;
 - c) increase in cost to a cumulative total of \$25,000 or 5% whichever is the greater, where the adjusted total remuneration remains within Budget provision; or
 - d) reasonable and unforeseen increase in duration of the contract.

APPLICATION

N/A

FORMAL RECORD OF USE

- i) File copy of approved variation

HISTORY

Adopted

18 July 2018

Review / adoption

22 June 2022~~23 June 2024~~

REFERENCES

3.9 Disposing of property, and impounded, confiscated or uncollected goods

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.39 – Power to remove an impound
- s.3.40 – Vehicle may be removed if goods to be impounded are in or on it
- s.3.40A – Abandoned vehicle wreck – disposal
- s.3.41 – Impounded perishable goods
- s.3.42 – Impounded non-perishable goods
- s.3.43 – Impounded non-perishable goods, court may confiscate
- s.3.44 – Notice to collect goods if not confiscate
- s.3.47(1) – Confiscated or uncollected goods, disposal of
- s.3.47(2b) – Periods of retention before disposal
- s.3.48 – Impounding expenses, recovery of
- s.3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996 –

- r.29A – Abandoned vehicle wrecks, value etc. prescribed for
- r.30 – Disposition of property excluded from Act s.3.58
- r.31 – Anti-avoidance provision for Act s.3.58

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

FUNCTION DELEGATED

3. The CEO is delegated power to take all appropriate action under section 3.48 that may be necessary to recover the costs of impounding good or vehicles.
4. The CEO is delegated power to dispose of property under section 3.58.

APPLICATION

5. This delegated power –
 - a) is subject to the operation of Delegation 3.1 Tenders;
 - b) applies to property other than land and buildings;
 - c) applies to property less than \$20,000 ex GST (individually or collective of associated similar items), unless prior authorisation given by Council specifically or by reference (such as trade-in vehicle or replacement vehicle);
 - d) applies to property that is surplus to requirements, unlikely to be used, damaged, or impounded;

- e) is to be exercised ensuring disposal of assets is by offering them for public sale by any fair means, or to an appropriate not-for-profit community group;
6. Restrictions –
- a) Where the “income” from the asset being disposed of is to be used as part of consideration for the acquisition of a new asset, both disposal and acquisition must be disclosed in Budget;
 - b) If required, transfer of the property is subject to the asset not being available to the purchaser until such time as the replacement asset is available for Shire use;
 - c) And price offered is paid

HISTORY

Adopted 18 July 2018
Review / adoption ~~22 June 2022~~ ~~23 June 2021~~

REFERENCES

All matters dealing with purchase or disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council.

3.10 Disposing of land – leases, rentals etc

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.58 – disposition of assets

Local Government (Function and General) Regulations 1996 –

- r.30 – limited exemption for disposition of assets

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to determine leases, licences or rental of land or property for periods of 12 months or less, in accordance with any policy, guidelines or conditions as set by Council from time to time.

APPLICATION

2. This delegation applies where the consideration is less than \$20,000 ex GST, unless prior authorisation given by Council specifically or by reference.
3. All leasing or rental of property for more than 12 months to be referred to Council for decision, except for employee in Shire owned housing.
4. All sale of land requires authorisation by Council resolution.

FORMAL RECORD OF USE

- i) File copy of notice

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~23 June 2021~~

REFERENCES

Dept of Local Government and Communities considers leasing and rentals to be disposal of land under LG Act s.3.58 as it is a grant of exclusive right for the period agreed.

Functions and General Regulations r.30 has different exemptions and different values for land and other property.

3.11 Donations – Financial and In-kind Works / Services

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8 – expenditure from Municipal Fund

Local Government (Financial Management) Regulations 1996 –

- r.5 – CEO's duties as to financial management
- r.11 – Payments, procedures for making etc
- r.12 – Payments from municipal fund or trust fund, restrictions on making

CORPORATE CONTEXT

Delegations Register –

- 3.1 – Municipal Fund – Incurring expenditure

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

The CEO is delegated power to –

1. Financial

Where a donation is provided for by name in the adopted Budget, the CEO may make payment at the appropriate time or on application by the recipient.

Financial donations within the non-specified amount in the adopted Budget may be made by the CEO where –

- the amount does not exceed \$500 ex GST in any financial year;
- the recipient is a community group, sporting club or non-profit organisation;
- the recipient is based locally, or the purpose has particular benefit or application to the district.

Financial and works/service in-kind donations will not be considered for –

- businesses,
- individuals;
- recipients of funding from the annual Budget allocation.

Donations for specific appeals such as a crisis appeal, will be considered individually by Council.

In-kind works or services may be authorised by the CEO where –

- the amount does not exceed \$500 ex GST in any financial year;
- the recipient is a community group, sporting club or non-profit organisation;
- the recipient is based locally, or the purpose has particular benefit or application to the district.

APPLICATION

N/A

FORMAL RECORD OF USE

Office copy of approval / authorisation

HISTORY

Adopted

18 July 2018

Review / adoption

22 June 2022~~23 June 2021~~

REFERENCES

3.12 Ex-Gratia Payments^[SF8]

STATUTORY CONTEXT

None

CORPORATE CONTEXT

Delegations Register –

- 6.8 – Municipal Fund – Incurring expenditure

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to determine an ex-gratia payment claim made on the Shire if the claim is less than the relevant insurance policy excess.

APPLICATION

2. The Shire exercises a predisposition against making ex-gratia payments.
3. Should the claim be declined by the CEO, the matter is to be referred to Council if requested by the claimant.
4. All claims are to be referred to the Shire's insurers.
5. Exceptional circumstances may be referred to Council for consideration, noting that such a referral does not constitute likelihood of Council agreement.
6. When referring to Council, the report is to advise –
 - of all attempts to claim insurance, if applicable,
 - circumstances outside of the Shire or claimant's control, that may contribute to consideration of the claim.
7. Should the CEO or Council agree to make an ex-gratia payment, the claimant is to be –
 - a) made an offer in writing,
 - b) advised –
 - the offer is without prejudice,
 - does not constitute a precedent,
 - does not imply admission of liability.
 - c) required to confirm that no further claim will be made on the Shire in relation to the matter.
8. Only once (7) above is fully completed is payment to be made.

FORMAL RECORD OF USE

Office copy of letters on subject file

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~23 June 2021~~

REFERENCES

Section 4 - Order / public safety

4.1 Disposal of sick or injured animals

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.47A – Sick or injured animals, disposal of

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

[Community Safety Officer](#) [SF9]

FUNCTION DELEGATED

1. The CEO is delegated power to arrange for an impounded animal that is ill or injured to an extent that treatment is not practical, to be humanely destroyed.
2. The CEO is delegated power to take all appropriate action that may be necessary to recover the costs of destroying the animal.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of written instruction or record of destruction of animal

Review / adoption [22 June 2022](#)~~23 June 2021~~

REFERENCES

4.2 Cat Act 2011

STATUTORY CONTEXT

Cat Act 2011 –

- s.44 – Council may delegate to CEO

- s.73(1) – Prosecutions under the Act

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance
Manager Works and Services
Community Safety Officer
Customer Service Officers

FUNCTION DELEGATED

1. The CEO is delegated power to exercise all discretionary matters in the *Cat Act 2011*, including –
 - (a) issue of all notices and infringements etc;
 - (b) granting, refusal, cancellation and setting conditions of approval to conduct activities;
 - (c) carrying out of works in default of a duly served notice;

APPLICATION

2. The delegation excludes –
 - (a) determination of any fee or charge
 - (b) dealing with an objection.
3. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - (a) is of such severity that the action is appropriate or
 - (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

FORMAL RECORD OF USE

File copy of notice, approval etc.

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~24 June 2020~~

REFERENCES

The Act (e.g. s.63, s.64, s.65) restricts some matters to CEO.

4.3 Dog Act 1976

STATUTORY CONTEXT

Dog Act 1976 –

- s.11 – appointment of dog registration officer
- s.10AA – delegations must be to CEO, who may delegate functions
- s.29 – appointment of authorised person to perform functions under Act
- s.33F – dealing with objections (dangerous dogs)
- s.44(2)(b) – enforcement proceedings by an authorised person

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Safety Officer

Customer Service Officers

FUNCTION DELEGATED

The CEO is delegated power to exercise all discretionary matters in the Dog Act 1976, including –

- (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- (b) issue of all notices and infringements etc;
- (c) carrying out of works in default of a duly served notice

APPLICATION

The delegation excludes –

- (a) determination of any fee or charge
- (b) dealing with an objection.

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- (a) is of such severity that the action is appropriate or
- (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

File copy of notice

HISTORY

Adopted

18 July 2018

Review / adoption

22 June 2022~~23 June 2024~~

REFERENCES

4.4 Dogs Local Law 2018

STATUTORY CONTEXT

Dogs Act 2018 –

- s.10AA – delegations must be to CEO, who may delegate functions
- s.29 – appointment of authorised person to perform functions under Act
- s.44(2)(b) – enforcement proceedings by an authorised person

Local Government Act 1995 –

- s.9.6 – Dealing with objection – to be by council

Shire of Victoria Plains Dogs Local Law 2018 –

- cl.4.15 – dealing with objections – to be by Council

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Safety Officer

Customer Service Officers

FUNCTION DELEGATED

1. The CEO is delegated power to approve all discretionary matters in the Shire of Victoria Plains *Dogs Local Law 2018* including –
 - a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
 - b) issue of all notices and infringements etc;
 - c) carrying out of works in default of a duly served notice.

APPLICATION

2. The delegation excludes –
 - a) determination of any fee or charge
 - b) dealing with an objection.
3. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - a) is of such severity that the action is appropriate or

File copy of approval of discretionary use

HISTORY

Former Delegation	2.1
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

Objections and review are those matters refused under delegated power which the applicant requests Council to reconsider.

4.5 Impounding of vehicles and goods

STATUTORY CONTEXT

Local Government Act 1995 –

Part 3, Division 3, Subdivision 4 – Impounding abandoned vehicles wreck and goods involved in certain contraventions

- s.3.37 to s.3.48

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

Manager Works and Services

Community Safety Officer

FUNCTION DELEGATED

1. The CEO is delegated power to the power to remove and impound goods from a public place if –
 - a) the goods or vehicle present a hazard to public safety;
 - b) the goods or vehicle obstruct the lawful use of any place;
 - c) the goods ore vehicle have been, or appear to have been abandoned
2. The CEO is delegated power to take all appropriate action that may be necessary to recover the costs of impounding vehicles and goods.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of notice

HISTORY

Former Delegation	2.30
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

Disposal of impounded vehicles or goods is covered by Delegation 3.9.

4.6 Impounding of cattle etc

STATUTORY CONTEXT

Local Government (Miscellaneous Provisions) Act 1960 –

- s.458 – power to impound trespassing cattle
- s.459 – power to destroy cattle in certain circumstances
- s.460 – impounding in other than a public pound
- s.462 – fees for impounded cattle
- s.463 – damage by trespassing cattle
- s.464 – local government may vary fees of Sch.2, 3, 4 after notice in Government Gazette

CORPORATE CONTEXT

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Safety Officer

FUNCTION DELEGATED

1. The CEO is delegated power to enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1960, and Regulations.
2. The CEO is delegated power to take all appropriate action that may be necessary to recover the costs of impounding the animal.

APPLICATION

1. The CEO is authorised to make appropriate arrangements for the custody and care of cattle, either within a designated pound, or by written arrangement with a land holder, including any costs or charges the landholder may incur or impose
2. The CEO is authorised to recover the costs and charges imposed by the landholder from the owner of the cattle.

FORMAL RECORD OF USE

Impounding register

HISTORY

Adopted 18 July 2018

Review / adoption 22 June 2022~~23 June 2024~~

REFERENCES

Although “cattle” is not defined, the Local Govt (Miscellaneous Provisions) Act provides for charges for various animals impounded, that include sheep–

- Schedule 2 – Ranger’s fees
- Schedule 3 – Poundage and sustenance charges
- Schedule 4 – rates for damage by trespass by cattle

Animals listed in the Schedules include in various combinations of descriptions –

- (1) Entire horses, mules, asses, camels, bulls or boars above or apparently above the age of 2 years
- (2) Entire horses, mules, asses, camels, bulls or boars under the age of 2 years
- (3) Mares, geldings, colts, fillies, foals, oxen, cows, steers, heifers, calves, rams or pigs
- (4) Pigs of any description
- (5) Rams, wethers, ewes, lambs, goats
- (6) Sheep of any description
- (7) Goats

Section 5 - Fire Control

5.1 Issue of burning permits – CEO

STATUTORY CONTEXT*Bush Fires Act 1954 –*

- s.18 – Restricted burning times
 - (1) – nothing in this section permits burning in prohibited period
 - (2) – prohibited & restricted times to be published in Government Gazette
 - (5) – Local government may vary burning periods after consultation
 - (5B) – variation for maximum of 14 days
 - (5C) – burning period restrictions apply to variation period
 - (6) – permit required to set fire to bush from either FCO or CEO
 - (7) – person issuing permit may apply requirements or conditions
 - (8) – permit holder to comply with conditions
 - (9) – permit may authorise burning of bush on adjoining road reserve
 - (10A) – local government may adopt enforceable schedule for burning

s.23(2)(a)(iv) – road verge burning between constructed portion of road and established fire break only

- s.24A – clover may be burnt in prohibited burning period with permit

Bush Fire Regulations 1954 –

- r.15(1) – Permit to burn as per section 18 of the Act
- r.15(2) – If request to burn is conditional or refused, review is only by the local government or CBFCO
- r.15A – BFCO to comply with directions of local government
- r.15B – Permit holder to comply with permit conditions
- r.15C – Local Government may prohibit burning on certain days
- r.16 – CEO or specifically authorised person may permit burning of clover in prohibited period
- r.17 – permit required to burn clover
- r.18 – 7 days notice of clover burn required, under specified restrictions
- r.19A – duties of clover burning permit holder
- r.20 – local government may prohibit issue of clover burn permits
- r.21A – permit holder may be required to advertise clover burn
- r.21B – FCO may postpone clover burn

Public Places and Local Government Property Local Law 2018 –

- activities on land under Council management and control including roads

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Not permitted

FUNCTION DELEGATED

1. The CEO is delegated power to issue, vary or prohibit burning permits in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.15(1).
2. The CEO is delegated power, in consultation with the Chief Bush Fire Control Officer and the issuing FCO is possible, to review or vary the conditions of a permit issued, or issue a permit if refused.
3. The CEO is delegated power to issue, vary or prohibit permits to burn clover in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.16.
4. The CEO is delegated power to approve applications to burn a road verge vested in the care, control and management of the Shire, in accordance with the Bush Fires Act 1954 s.18(9), subject to the applicant obtaining the approval of the Dept of Parks and Wildlife.
5. The CEO is delegated power, in consultation with the Chief Bush Fire Control Officer, to issue instructions, restrictions or conditions relating to burning permits to apply generally throughout the Shire.

APPLICATION

N/A

FORMAL RECORD OF USE

Duplicate copy of permit issued

HISTORY

Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

The Act s.16(6)(a) stipulates

...obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer ...

Refer also Delegation 17.1 and 17.2.

Issue of burning permits may be done by an authorised person – see Delegations 1.1 and 17.1.

5.2 Deleted

5.3 Restricted burning periods – Variations

STATUTORY CONTEXT

Bush Fires Act, 1954 –

- s.18(5) – power to vary restricted burning time
- s.18(5B) – time may not be varied by more than 14 days
-
- s.48(1) – power to delegate to CEO

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Not permitted

FUNCTION DELEGATED

1. The CEO is delegated power to exercise the powers of Council under the Bush Fires Act 1954 s.18(5) variate of restricted burning periods,

APPLICATION

2. Prior to advertising the variation, the CEO is to consult with –
 - the Dept of Parks and Wildlife in accordance with s.18(5), and
 - the Chief BFCO if available, or Deputy Chief BFCO if Chief BFCO is unavailable.

FORMAL RECORD OF USE

File copy of variations approved

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~23 June 2021~~

REFERENCES

Section 6 - Environmental Health / Food

6.1 Control of environmental health matters

STATUTORY CONTEXT

Public Health Act 2016 –

- s.4(2) – authorised person
- s.21 – power to delegate to CEO
- s.24 – authorised person must be qualified
- s.25 – authorised person must have acceptable qualifications or be an EHO

Health (Miscellaneous Provisions) Act 1911 –

- s.344(2) – regulations or local laws may be made so as to delegate or confer a discretionary authority to specified persons or class of person

Government Gazette 24 Jan 2017 – Designation of Health Authorised Officers

CORPORATE CONTEXT

Delegations Register –

- 18.1 – Food Act 2008

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Not permitted

FUNCTION DELEGATED

1. The CEO is delegated power to exercise and discharge all or any of the powers and functions of the local government with regard to the Public Health Act 2016 and Regulations.
2. The CEO is delegated power to exercise and discharge all or any of the powers and functions of the local government with regard to the Health Act 1911 and Regulations, including but not limited to –
 - a) Part IV Sanitary Provisions,
 - b) Part V Dwellings;
 - c) Part VI Public Buildings;
 - d) Part VII Nuisances and Offensive Trades;
 - e) Part IX Infectious Diseases;
 - f) Part XV Miscellaneous Provisions;
 - g) Regulations made under the above parts of the Health (Miscellaneous Provisions) Act 1911.

APPLICATION

3. Where approvals are required, compliance is also mandatory with –
 - a) the Health legislation and Regulations,
 - b) the Building Code of Australia,
 - c) the Local Planning Scheme and Planning Policies,
 - d) the Shire of Victoria Plains Health Local Law 2004
4. Any application not complying is to be refused, unless there is a discretion, in which case it is to be referred to Council for decision.

5. This delegation excludes –
 - a) determination of any fee or charge;
 - b) dealing with an objection,
6. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - a) is of such severity that the action is appropriate or
 - b) an infringement notice remains unpaid after reasonable attempts to obtain payment.
7. Any prosecution proposed is to be referred to Council for decision to proceed.

FORMAL RECORD OF USE

- i) Report to Council via monthly briefing papers
- ii) File copy of notice

HISTORY

Former Delegation	2.57, 2.64
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

Refer also Delegation 18.1 – Food Act 2008.

In some instances the EHO may be required to act without reference to Council or CEO, and regardless of Council's or CEO's wishes.

Objections and review are those matters refused under delegated power which the applicant requests Council to reconsider.

The Public Health Act 2016 –

21. Enforcement agency may delegate
 - (1) A power or duty conferred or imposed on an enforcement agency may be delegated —
 - (a) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or
 - (b) if the enforcement agency is a local government, to —
 - (i) the chief executive officer of the local government; or
 - (ii) an authorised officer designated by the local government;

The effect of the delegation is that the CEO is to cause various actions to be taken by an authorised person.

Authorised person must be either –

- a) an EHO in the employ of the Shire at the time of the Public Health Act 2016 coming into force, or
- b) hold an appropriate qualification as published in the Government Gazette of 24 January 2017.

6.2 Health Local Law 2004

This Delegation will not become effective until after publication of the Amenity Local Law in the Government Gazette.

Refer also Delegation 6.4 Control of food matters

6.3 Amenity Local Law 2018

This Delegation will not become effective until after publication of the Amenity Local Law in the Government Gazette.

6.4 Control of food matters

STATUTORY CONTEXT

Food Act 2008 –

- s.118(2)(b) – power to delegate functions and obligations to qualified authorised person
- s.122(1)(b) – authorised person must hold office as an environmental health officer under the *Health Act 1911*
- s.122 – designated officers for infringement notices

Food Regulations 2009 –

- s.5 – a local government is an appropriate enforcement agency for the purposes of certain food businesses, animal processing premises and retail pet meat shops

Public Health Act 2016

- s.4(2) – authorised officer

Government Gazette of 24 Jan 2017 – Designation of Health Authorised Officers

CORPORATE CONTEXT

Delegations Register –

- 6.1 – Control of environmental health matters
- 6.2 – Health Local Law 2004

PRIMARY DELEGATION

Chief Executive Officer

SUB-DELEGATION

Not permitted

FUNCTION DELEGATED

1. The CEO is delegated power to exercise and discharge the powers and functions of the local government with regard to the Food Act 2008, including but not limited to –
 - a) powers of entry to premises,
 - b) taking of food samples for analysis,
 - c) formal warnings;
 - d) improvement notices;
 - e) prohibition orders; and
 - f) infringement notices.

APPLICATION

1. Where required by the Act to be carried out by an appropriately qualified person, the CEO may direct the function to be performed, but the discharge of that function is at the discretion of the qualified person.
2. The delegation excludes –
 - a) determination of any fee or charge;
 - b) dealing with an objection,
3. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

(a) an infringement notice remains unpaid after reasonable attempts to obtain payment.

4. Any prosecution proposed is to be referred to Council for decision to proceed.

FORMAL RECORD OF USE

File copy of notice, record of inspection etc

HISTORY

Adopted	18 July 2018
Formerly	Delegation 18.1
Review / adoption	22 June 2022 23 June 2021

REFERENCES

Council may appoint a person as an authorised person who is not an employee.

CEO may appoint an employee as an authorised person under Delegation 1.1

It should be noted that under the Act, the EHO may be required to prosecute, regardless of Council's direction or wishes.

Section 7 - Community Services

7.1 Cemetery Local Law 2018

STATUTORY CONTEXT

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Safety Officer

FUNCTION DELEGATED

The CEO is delegated power to approve all discretionary matters in the Shire of Victoria Plains Cemetery Local Law 2018 including –

- a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
- b) issue of all notices and infringements etc;
- c) carrying out of works in default of a duly served notice;

APPLICATION

The delegation excludes –

- a) determination of any fee or charge

Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –

- a) is of such severity that the action is appropriate or
- b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

FORMAL RECORD OF USE

- i) File copy of approval of grant of right of burial, pre-need certificate, notice etc
- ii) Duplicate copy of infringement etc

HISTORY

Former Delegation	2.1
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2024

REFERENCES

Section 8 - Deleted 20 June 2020

Section 9 - Occupational Safety & Health

This section is currently empty

Section 10 - Building / Development

10.1 Building permits

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.36 – Local government employees

Building Act 2011 –

- s.3 – authorised person to be designated under s.96
- s.96(3) – the local government may designate a person to be authorised
- s.127(3) – delegation by a local government must be to an employee
- s.127(6A) – further delegation of power given to CEO

Building Regulations 2012 –

- r.31B – applicable standards for buildings in bush fire prone areas

Building Services (Registration) Act 2011

- s.17 – registration of building service practitioners

Building Services (Registration) Regulations 2011 –

- r.4 – prescribed levels for building surveying
- Part 3A – Building surveyors

CORPORATE CONTEXT

Delegations Register –

1.1 Appointment of Authorised Persons

- (4) – restrictions on issue, withdrawal and extension of time to pay infringements

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to determine matters under –
 - a) sections 18, 20, 22, 23, 24 – Building permits
 - b) sections 21, 22, 23, 24 – Demolition permits
 - c) sections 27 – Conditions for building permit or demolition permit
 - d) sections 32 – Duration of building permit or demolition permit
 - e) sections 58, 59, 60 – occupancy permit
 - f) sections 62 – conditions of occupancy permit
 - g) sections 65 – duration of occupancy permit
 - h) sections 110, 111, 112 – Issue of notices and building orders
 - i) sections 117 – Revocation of building orders
 - j) sections 118 – giving effect to building order if non-compliance

APPLICATION

2. The CEO is to be consulted prior to use of any sub-delegation in relation to items (b), (h), (i) and (j).
3. A building permit may be issued if –

- a) a valid Certificate of Design Compliance is presented;
 - b) compliance with requirements for bush fire prone areas;
 - c) all buildings where permitted in accordance with the Building Act 2011 and
 - d) the information required by the Regulations is provided.
4. A building permit is not to be issued unless payment has been received for –
 - a) the assessed building permit fees
 - b) Building Services Levy
 - c) Building and Construction Industry Training Fund levy, or production of evidence of payment or exemption where applicable
 5. The following matters are to be referred to Council for decision
 - a) s.192 – Dangerous Buildings
 - b) s.193 – Removal of Neglected Building
 6. Any prosecution proposed is to be referred to Council for decision to proceed.
 7. The CEO only is permitted to withdraw or extend time to pay an infringement in accordance with Delegation 1.1 clause 4.

FORMAL RECORD OF USE

- i) Report to Council via monthly briefing papers – Items (a), (b), (h), (i)
- ii) File copy of permit, notice etc issued

HISTORY

Former Delegation	2.9, 2.10
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

Building permits are separate from the Local Planning Scheme functions, but are governed by them.

Any authorised person can issue a permit or notice etc – some inspections, notices, certifications etc. can only be issued by a Registered Building Surveyor.

The Building Act 2011 requires response –

- within 10 days of lodgment, if a valid CDC is presented, as all assessment and preparation is done prior to lodgment in order to obtain the CDC, accordingly there is no reason that the CEO and other appropriate persons cannot be authorised to approve applications.
- for Class 1 and 10 buildings only, within 25 days of lodgment if a valid CDC is not presented, and the local government is required to source/provide the CDC.

With the Building Act 2011, the functions separated are –

- (a) Issue of permits, notices etc –
 - o does not require a registered person (Registered Building Surveyor), since the Certificate of Design Compliance has to be signed by a registered person
 - o the decision is on the basis of whether all the requirements of CDC have been met, and any appropriate person can do that if authorised
 - o delegation to issue permits can be made under this amended delegation
- (b) Building inspection and certification of plans still requires a registered person –

10.2 Illegal development

STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.42(1)(b) – Delegation to CEO of powers under the Planning and Development Act 2005 s.214(2), (3) and (5)
- s.5.44 CEO may delegate some powers and duties to other employees

Planning and Development Act 2005 –

- s.214 – development in contravention of planning scheme or interim development order
 - (2) – power to order stop work
 - (3) – power to remove, alter etc and restore land to original condition

Planning and Development (Local Planning Schemes) Regulations 2015 –

- s.82 – a local government may delegate to a committee or to the CEO
- s.83 – CEO may delegate to any employee

Local Planning Scheme No.5 –

- Part 9 – Applications for Planning Approval

CORPORATE CONTEXT

Local Planning Policies

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to issue notices in relation to illegal or delayed works in accordance with the Planning and Development Act 2005 s 214(2), (3) and (5).

APPLICATION

2. Where a notice is not complied with, the CEO is authorised to commence prosecution without reference to Council.

FORMAL RECORD OF USE

- i) Report to Council via monthly briefing papers
- ii) File copy of notice

HISTORY

Former Delegation	2.11
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

10.3 Control of planning matters

STATUTORY CONTEXT

Planning and Development Act 2005 –

Part 5 – Local planning schemes

- s.68 – Town planning schemes continued as local planning schemes
- s.72 – Local government may prepare or adopt scheme
- s.73 – Provisions of a local planning scheme
- s.214 (2)(3)(5) – development works not in compliance may have written stop work or remedial action order issued

Planning and Development (Local Planning Schemes) Regulations 2015 –

Local Planning Scheme No. –

Part 9 – Applications for Planning Approval

CORPORATE CONTEXT

Local Planning Policies

PRIMARY DELEGATION

CEO

SUB-DELEGATION

CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to administer all planning matters or functions for the Shire of Victoria Plains, subject to compliance with –
 - a) Planning and Development Act,
 - b) Planning Regulations,
 - c) Residential R Codes
 - d) Local Planning Scheme, and
 - e) Local Planning Policy.

APPLICATION

2. Any proposal that is not compliant, where discretionary approval by the local government may be considered, is to be referred to Council for decision.
3. Any proposal requiring a decision but which has been refused is to be notified to Council for information.
4. The CEO is delegated power to respond to –
 - a) any appeal against a discretionary decision of the local government in accordance with the local government's decision on the matter to which the appeal or request for reconsideration relates,
 - b) Development Assessment Panel requirements.
5. Where a planning approval is not complied with, the CEO is authorised to commence prosecution without reference to Council.

FORMAL RECORD OF USE

Approvals etc on file

HISTORY

Former Delegation	2.11, 2.12, 2.15
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2024

REFERENCES

10.4 Applications for subdivision and amalgamations

STATUTORY CONTEXT

Planning and Development Act 2005 –

- s.4 – Subdivision includes amalgamation
- s.135 – subdivision (and amalgamation) not permitted without WA Planning Commission approval
- s.138(2) – Commission to have due regard to local planning scheme
- s.142 – Commission to seek local government's comments, objections, recommendations

Local Planning Scheme No.5

CORPORATE CONTEXT

Local Planning Policies

PRIMARY DELEGATION

CEO

SUB-DELEGATION

To be further reviewed to see if CEO has discretion to sub-delegate[SF10]

FUNCTION DELEGATED

1. The CEO is delegated power in respect to an application received from the *Western Australian Planning Commission (WAPC)* to subdivide, re-subdivide or amalgamate land contained within the local government and to recommend to the WAPC –
 - (a) No objection to the granting of approval of an application to amalgamate or subdivide involving five (5) lots or less (including lots forming part of any strata-title scheme), unless prior planning consent has been granted to a co-ordinated development over the land;
 - (b) No objection to the granting of approval of an application to rationalise or reconfigure existing allotments where there is no net increase in lots created, and the new lot sizes will conform with the relevant requirements of the local planning schemes and their policies, and policies adopted in accordance with the Planning and Development Act s.26 relating to State planning policies; and
 - (c) the imposition of relevant conditions on any approval proposed to be granted by the WAPC, considered necessary to secure the objectives of the local planning scheme, and any land use plan or strategy adopted by Council;
2. The CEO is delegated power to certify to the WAPC compliance with conditions imposed on an approval to subdivide, re-subdivide or amalgamate land have been completed to the satisfaction of the Shire.

APPLICATION

3. Standard conditions of subdivision approval as endorsed by the WA Planning Commission are to be used where possible.

FORMAL RECORD OF USE

File copy of advice of decision to applicant, developer etc.

HISTORY

Former Delegation	2.13, 2.14
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

Refer Planning Policy

10.5 Fencing Local Law 2018

STATUTORY CONTEXT

Fencing Local Law 2018 –

- cl.7.1 – dealing with objections – to be by Council

Local Planning Scheme No. 5 –

- Part 9 – Applications for Planning Approval

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Community Safety Officer

FUNCTION DELEGATED

1. The CEO is delegated power to approve all discretionary matters in the Shire of Victoria Plains *Fencing Local Law 2018* including –
 - (a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
 - (b) issue of all notices and infringements etc;
 - (c) carrying out of works in default of a duly served notice.

APPLICATION

2. The delegation excludes –
 - (a) determination of any fee or charge
 - (b) dealing with an objection.
3. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - (a) is of such severity that the action is appropriate or
 - (b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

FORMAL RECORD OF USE

File copy of advice of decision to applicant, developer etc.

HISTORY

Former Delegation	2.1
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

Objections and review are those matters refused under delegated power which the applicant requests Council to reconsider.

Section 11 - Public Facilities

11.1 Liquor Control Act

STATUTORY CONTEXT

Liquor Control Act 1988 –

- s.39 – Certificate of local government of compliance with laws
- s.40 – Certificate of planning authority of compliance with planning laws
- s.156 – Local governments, functions of

Local Planning Scheme No. 5 –

- Part 9 – Applications for Planning Approval

CORPORATE CONTEXT

Local Planning Policies

PRIMARY DELEGATION

CEO

SUB-DELEGATION

To be further reviewed to see if CEO has discretion to sub-delegate

FUNCTION DELEGATED

1. The CEO is delegated power to –
 - a) s.39 – Issue Certificates advising compliance with Food, Health and Local Government laws.
 - b) s.40 – Issue Certificates of the Local Planning Authority
 - c) s.66 (1)(d) and (2) – Respond to applications for Extended Trading Permits;
 - d) s.69 (8) – Make submissions on health grounds regarding a license;
 - e) s.153 (2) – Request copies of reports produced by the Liquor Licensing Authority;
 - f) s.156 – Report to the Liquor Licensing Authority any offences committed by a licensee and ensure appropriate assistance is given to the Authority if requested.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of notice

HISTORY

Former Delegation	2.60
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

11.2 Discount/waiver/subsidy of facility hire fees

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.12(1)(b) – Power to defer, grant discounts etc.

Delegations Register –

- 3.11 – Donations – Financial and in-kind Works / Services

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

FUNCTION DELEGATED

1. The CEO is delegated power to approve reduction in fees and charges of local government owned facilities, subject to –
 - a) the request is from a local community, charitable or not-for-profit organisation; or
 - b) the event is for the specific benefit of the local community; and
 - c) each request of the organisation does not exceed \$500 ex GST;
 - d) cleaning cost of the venue hire is not to be discounted.

APPLICATION

N/A

FORMAL RECORD OF USE

Copy of approval of written request

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~23 June 2021~~

REFERENCES

11.3 Public Places and Local Government Property Local Law 2018

STATUTORY CONTEXT

Public Places and Local Government Property Local Law 2018

CORPORATE CONTEXT

Delegation Register –

- 11.2 – Discount/waiver/subsidy of facility hire fees
- 15.2 – Native Flora and Fauna

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Safety Officer

FUNCTION DELEGATED

1. The CEO is delegated power to approve all discretionary matters in the Shire of Victoria Plains *Public Places and Local Government Property Local Law 2018* including –
 - a) hire of facilities, including issue of permit for consumption/sale of alcohol;
 - b) granting, refusal, cancellation and setting conditions of approval to conduct activities in public places or on local government property;
 - c) issue of all notices and infringements etc;
 - d) carrying out of works in default of a duly served notice;

APPLICATION

2. The delegation excludes the following clauses of the *Public Places and Local Government Property Local Law 2018* –
 - a) cl.1.6 – setting of any fee or charge
 - b) cl.2.1 – Activities requiring a licence on local government property –
 - (c) erect a structure for amusement in excess of 28 days;
 - (n) erect a building or refuelling site;
 - (p) erect or install a structure for water, power, sewer, communication, television or similar service;
 - c) cl.5.13 – giving notice of crossover in unsafe location;
 - d) cl.10.1 – dealing with an objection;
3. On written application made under cl.3.3, the CEO is authorised to give permission to hirers of premises or land under the control and management of the local government to consume and sell liquor on the premises or land, under such conditions and in such areas as considered appropriate.

- a) is of such severity that the action is appropriate or
- b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

FORMAL RECORD OF USE

- i) File copy of hire, approval, notice, etc
- ii) File copy of advice of decision to applicant, developer etc
- iii) Duplicate copy of infringement etc
- iv) Local government property file

HISTORY

Former Delegation 2.1, 2.49, 2.60, 2.61, 2.62
Adopted 18 July 2018
Review / adoption ~~22 June 2022~~ ~~23 June 2024~~

REFERENCES

Objections and review are those matters refused under delegated power which the applicant requests Council to reconsider.

Section 12 - Tourism

This section is currently empty

Section 13 - Works & Services

13.1 Reserves under control of the local government

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.54(1) – Reserves under control of a Local Government
- s.5.44 CEO may delegate some powers and duties to other employees

Land Administration Act 1997

CORPORATE CONTEXT

Policy Manual –

- 13.1 – Standard Crossovers
- 13.2 – Roads – Developer Conditions
- 13.3 – Roads – Access to Lots / Locations without Road Frontage
- 13.4 – Road Reserves – Stormwater Discharge

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to do anything on land vested or under the control and management of Council –
 - a) subject to prior budget provision having been made, or
 - b) to give effect to a Council decision.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of decision on written application

HISTORY

Former Delegation	2.54, 2.61
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2024

REFERENCES

13.2 Things to be done on land not local government property

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.24 – Authorising person under this subdivision
- s.3.27 – Particular things local government can do on land that is not local government property
- s.3.33 – Entry under warrant
- s.3.34(2) – Entry in an emergency
- Sch.3.2 – Particular things local governments can do on land even though it is not local government property

CORPORATE CONTEXT

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to carry out work on land that is not local government property subject to –
 - a) prior budget provision having been made,
 - b) to give effect to a Council decision;
 - c) if the matter is considered to be an emergency;
 - d) the consent is obtained of –
 - the owner of the land;
 - if the land is occupied, the occupier of the land; and
 - if the land is under the control or management of any other person, that other person.
 - e) compensation agreed for the functions is provided for within the adopted Budget or is specifically approved.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of notice

HISTORY

Former Delegation	2.8, 2.43
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

The delegation applies to land not under local government control that is within the district, and is in relation to things being done on the land, not taken from the land.

13.3 Works on land outside the district

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.20 – performing function outside the district
- s.3.21 – duties when performing functions
- s.3.22 - compensation

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to undertake necessary executive functions on land outside the district that is not property of the local government provided that –
 - a) the consent is obtained of –
 - the owner of the land;
 - if the land is occupied, the occupier of the land; and
 - if the land is under the control or management of any other person, that other person.
 - b) compensation agreed for the functions is provided for within the adopted Budget or is specifically approved.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of agreement, consent etc

HISTORY

Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2024

REFERENCES

Executive functions does not include private works requested of the Shire by an individual or other local government, but does apply to sourcing of roadmaking materials and water.

The delegation applies to land not under local government control that is also outside the district, and is in relation to things being done on the land, not taken from the land.

13.4 Materials from land not under local government control

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.21 – Duties when performing functions
- s.3.22 – Compensation for materials, damage, access etc

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to negotiate with land owners and/or occupiers for access to materials required for local government functions, principally –
 - a) extraction of gravel, sand or other materials from land;
 - b) water, etc.

APPLICATION

2. The CEO is to apply to the Department of Environmental Regulation for permits to clear vegetation as applicable.
3. The agreement reached with the land owner/occupier is to –
 - a) state a specific duration, that it is indefinite or otherwise provide for termination;
 - b) provide for mutually agreed compensation;
 - c) specify rehabilitation responsibilities if appropriate;
 - d) within the budget provision.

FORMAL RECORD OF USE

- i) Written agreement with land owner/occupier
- ii) Property file where the land is within the district

HISTORY

Adopted 18 July 2018
Review / adoption ~~22 June 2022~~ ~~23 June 2021~~

REFERENCES

The delegation applies to land not under local government control that that may be either within or outside the district, and is in relation to materials to be taken from the land, not things being done on the land.

Until such time as agreement is signed, or compulsory notice of acquisition is given under the Act, employees should not access the materials.

13.5 Notices requiring certain things to be done

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.24 – Authorising person under this subdivision
- s.3.25(1) – Notices requiring certain things to be done by owner or occupier of land
- s.3.26(2) – Additional powers when notice is given
- s.3.33 – Entry under warrant
- s.3.34(2) – Entry in an emergency
- s.9.60 – Regulations that operate as local laws
- Sch.3.1 – Powers under notices to owners or occupiers of land
- Sch 9.1(6) – dangerous excavations in or near public thoroughfare
- Sch.9.1(7) – Matters for which regulations under s.9.60 may be made

Local Government (Uniform Local Provisions) Regulations 1996 –

- r.11 – dangerous excavation in or near public thoroughfare
- 13 – Requirement to construct or repair crossing

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works & Services

FUNCTION DELEGATED

1. The CEO is delegated power to issue notices requiring certain things to be done by the owner or occupier of land.

APPLICATION

4. Any prosecution proposed resulting from non-compliance with a notice is to be referred to Council for decision to proceed.

FORMAL RECORD OF USE

- i) File copy of notice

HISTORY

Former Delegation	2.21
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

Under LG Act s.9.6(1) an objection to a notice must be dealt with by Council and cannot be delegated.

Objections and review are those matters refused under delegated power which the applicant requests Council to reconsider.

13.6 Notice of local government works

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.51(3) – notice to adjoining owners affected by works

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to give the required public notice and individual notice to landowners and occupiers adjoining proposed works to –
 - a) fix or alter the levels, or the alignment of a public thoroughfare, or
 - b) drain water from a public thoroughfare or public place onto adjoining land

APPLICATION

N/A

- ii) Advertisement records
- iii) Property file

HISTORY

Former Delegation	2.17
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2021

REFERENCES

13.7 Private works/infrastructure on, over or under public land

STATUTORY CONTEXT*Local Government Act 1995 –*

-
- s.9.60 – Regulations that operate as local laws
- Sch.9.1(8) – Private works/infrastructure on, over, or under public places
- Sch.9.2(5) – gates across public thoroughfares

Local Government (Uniform Local Provisions) Regulations 1996 –

- r.9 – gates across a public thoroughfare
- r.17 – Private works on, over, or under public places
 - (4) approval of local government required
 - (5) conditions may be imposed
 - (6) mandatory conditions – no permanent impairment of public use, public safety to be ensured, damaged to be fully repaired
 - (7) penalty for non-compliance is \$5,000 and \$500 daily
 - (8) person constructing is responsible for maintenance, and must insure structure, specifically indemnifying Council against any claim
 - (9) unauthorised constructions, or contravention of approval/conditions can lead to impounding

Public Places and Local Government Property Local Law 2018

- activities on land under Council management and control including roads

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATED

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to approve private works/infrastructure on, over or under public places subject to –
 - a) written application being made;
 - b) the applicant accepts all liability for every part and aspect of the works/infrastructure;
 - c) imposing of appropriate conditions, such as –
 - building permit, structural engineering certification, environmental assessment etc, where appropriate;
 - any damage or interference to public assets to be made good to the satisfaction of CEO (roadway, fence, other structure etc)
 - traffic management plan to be approved
 - d) where deemed appropriate, an insurance certificate indemnifying the local government while works are underway, or for any structure, is to be provided;
 - e) estimated value of works does not exceed \$25,000 ex GST.

APPLICATION

2. The CEO may enter into an agreement with the applicant to carry out the works/infrastructure as a private works.
3. Proposed works in excess of \$25,000 ext GST are to be referred to Council.
4. Any prosecution proposed for non-compliance is to be referred to Council for decision to proceed.

FORMAL RECORD OF USE

- i) Report to Council via monthly briefing papers if significant infrastructure
- ii) File copy of written approval
- iii) Property file of applicant
- iv) Copy on road/reserve/local government property file

HISTORY

Former Delegation	2.54, 2.61, 2.63
Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

If insurance indemnity is required, a certificate is to be provided to the Shire annually. It is to be a condition of approval, that a lapse of insurance means automatic withdrawal of approval, and removal of the previously insured structure is required within 14 days.

This delegation includes minor works on the road such as –

- drilling for soil testing;
- pressure or gravity pipe from a water tank or windmill to a stock trough;
- farm drainage.

13.8 Events on roads

STATUTORY CONTEXT

Road Traffic Act 1974 –

- s.81D – Road closure, how effected by local government

Road Traffic (Administration) Act 2008 –

- s.139(2) – Temporary suspension of road law

Road Traffic (Events on Roads) Regulations 1991 –

- s.4 – local government approval and payment of fee required
- r.9 – Erection of barriers, signs and other equipment

Public Places and Local Government Property Local Law 2018 –

- activities on land under Council management and control including roads

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power –
 - a) in consultation with the President, to approve with or without conditions or refuse to approve, an event or function on a thoroughfare in accordance with section 81C of the *Road Traffic Act 1974*;
 - b) in consultation with the President, to approve with or without conditions, or refuse to approve, the temporary suspension of written law in accordance with section 83 of the *Road Traffic Act 1974*; and
 - c) make all necessary arrangement to comply with Road Traffic (Events on Roads) Regulations r.9.
2. The CEO is delegated power, in consultation with the President, to respond to any request for information made under section 7(1) of the *Public Order in Streets Act 1984*.

APPLICATION

3. In considering any application, the CEO is to have regard to Police and Main Roads WA guidelines.

FORMAL RECORD OF USE

File copy of decision on written application

HISTORY

Adopted	18 July 2018
Review / adoption	<u>22 June 2022</u> 23 June 2021

REFERENCES

See Road Traffic (Administration) Act –

135. Protection from liability for wrongdoing

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under a road law.*
- (3) A local government is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1) in relation to a function of a local government under section 11, 139 or 141.*

141. Closure of roads

- (2) A local government may cause a road in its district to be closed for such period that the local government considers necessary if the local government considers that the road is unsafe for traffic but the road cannot be closed by the local government for more than one month without with the Minister's written approval to do so.*

See Events on Roads Regulations –

9. Erection of barriers, signs and other equipment

- (1) A road closure ordered by the Commissioner of Police under Part VA of the Act shall be effected by the erection and maintenance by the local government for the district within which the road concerned is situated of —*
 - (a) barriers, being free standing posts and rails, or other barriers which are substantial and uniform in construction;*
 - (b) signs, being substantial and uniform in design, with the words "Road Closed" or similar, clearly printed in black letters upon a reflective background; and*
 - (c) such other equipment as the local government considers is reasonably necessary to effect the road closure.*
- (2) The costs of erecting, maintaining and removing barriers, signs and other equipment to effect a road closure are payable to the local government by the person or body who applied for the order for that road closure.*
- (3) A local government may waive the payment of all or any of the costs referred to in subregulation (2).*
- (4) Any costs payable to a local government under subregulation (2) may be recovered as a debt due to that local government in a court of competent jurisdiction.*

Main Roads WA – Traffic Management for Events on Roads: "Code of Practice"

13.9 Temporary road closures

STATUTORY CONTEXT

Local Government Act 1995 –

- s.3.50 – closing to vehicles
- s.3.50A – closure for repairs or maintenance

Road Traffic Act 1974 –

- s.81D – how a road is to be closed
- s.92 – power to close unsafe roads

Public Places and Local Government Property Local Law 2018 –

- cl.5.2 – no entry to closed local government property
- cl.6.13 – no driving on closed thoroughfare

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to –
 - a) temporarily close a thoroughfare or a portion of a street for a period not exceeding 28 days (without providing local public notice) if of the opinion –
 - a thoroughfare is likely to be damaged by the passage of traffic generally or traffic of any particular class;
 - that the thoroughfare is unsafe for use.
 - b) temporarily close a road or portion of a road for repairs and maintenance;
 - c) temporarily close a thoroughfare for a period in excess of 28 days by providing local public notice.
2. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - a) is of such severity that the action is appropriate or
 - b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

APPLICATION

N/A

FORMAL RECORD OF USE

File copy of public notice, instruction to employee etc

HISTORY

Former Delegation	2.17
Adopted	18 July 2018
Review / adoption	22 June 2022 23 June 2020

REFERENCES

Section 14 - Plant / Equipment

This Section is currently empty

Section 15 - Natural Resource Management

15.1 Control of Vehicles (Off-road Areas) Act 1978

STATUTORY CONTEXT

Control of Vehicles (Off-road Areas) Act 1978 –

- s.5(1) – Duty of local government to administer and enforce the Act
- s.5(3) – authorised officers

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Finance

Manager Works and Services

Community Services Officer

FUNCTION DELEGATED

1. The CEO is delegated power to exercise all discretionary matters in the *Control of Vehicles (Off-road Areas) Act 1978*, including –
 - a) granting, refusal, cancellation and setting conditions of approval to conduct activities;
 - b) issue of all notices and infringements etc;
 - c) carrying out of works in default of a duly served notice;

APPLICATION

2. The delegation excludes –
 - a) determination of any fee or charge
3. Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
 - a) is of such severity that the action is appropriate or
 - b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

FORMAL RECORD OF USE

File copy of notice

HISTORY

Adopted 18 July 2018

Review / adoption 22 June 2022~~24 June 2020~~

REFERENCES

15.2 Native flora and fauna

STATUTORY CONTEXT

Environmental Protection Act 1986 –

- s.51C – Unauthorised clearing of native vegetation

Wildlife Conservation Act 1950 –

- s.14 – Protection of fauna
- s.23C – Licences to take protected flora
- s.23D – Taking and sales of protected flora on private land

Wildlife Conservation Regulations 1970

Public Places and Local Government Property Local Law 2018 –

- cl.4.4(2) – Written authority of local government required to remove, damage, interfere with any flora on local government property

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

SUB-DELEGATION

Manager Works and Services

FUNCTION DELEGATED

1. The CEO is delegated power to approve a request for permission to pick wildflowers and / or collect seed on lands under Council's control, under the following conditions –
 - a) written application is to be made;
 - b) it is for their own domestic or hobby use;
 - c) permission is given for a period not exceeding one week;
 - d) the area of picking and/or collection is strictly limited;
 - e) not more than one collector is permitted in any one location;
 - f) a maximum of 10% of seed only to be taken in any one area.

APPLICATION

2. All applications for commercial picking of wildflowers or collection of seed are to be referred to Council for consideration, and required details include –
 - a) collector's credentials and purpose (collector includes the permit holder and up to 2 assistants),
 - b) duration of approval, if any,
 - c) the area of picking and/or collection
 - d) not more than one collector being permitted in any one location
 - e) a maximum of 25% of seed only to be taken in any one area
3. All applications for the collection of animals, reptiles, amphibians and birds from lands under Council's control, are to be referred to Council for consideration.
4. All applications to collect flora or fauna are to provide the following information at minimum –
 - a) collector's credentials, including any person acting on the collector's behalf
 - b) purpose of collection – domestic, hobby, display, educational, commercial

- c) flora/fauna to be collected – rarity, locality, need for preservation etc
 - d) locality of collection – ease of access, likelihood of general public-knowledge or access
 - e) period or duration sought
5. Where Council has previously permitted an application, the CEO may issue permission in subsequent consecutive years under identical terms and conditions, without further reference to Council.
6. The following statement is to be included in every approval by the CEO –
The approval of the Department of Parks and Wildlife is mandatory, and Shire permission is invalid without the Department's written consent accompanying Shire approval.

FORMAL RECORD OF USE

Coy of letter advising decision on file

HISTORY

Adopted 18 July 2018
Review / adoption 22 June 2022~~23 June 2024~~

REFERENCES

Dept of Biodiversity, Conservation and Attractions –

- may issue a permit for a maximum of one year;
- is to be provided a copy of every approved application.

Section 16 - Unclassified

16.1 Deleted 23 June 2021

PART B – PRIMARY DELEGATIONS – to other persons**Section 17 - Fire Control****17.1 Deleted 23 June 2021**

17.2 Deleted 23 June 2021

17.3 Prohibited burning periods – Variations

STATUTORY CONTEXT*Bush Fires Act, 1954 –*

- s.17(7) – power to vary prohibited burning time
- s.17(7B) – time may not be varied by more than 14 days
- s.17(8) – requirements to give various notice, and Minister may rescind or modify the variation
- s.17(9) – publication requirements
- s.17(10) – local government may delegate to President and Chief BFCO jointly
- s.17(11) – Local government may rescind delegation or vary any delegated decision

PRIMARY DELEGATION

Shire President and Chief Fire Control Officer, jointly

SUB-DELEGATION

Not permitted

FUNCTION DELEGATED

1. The Shire President and Chief Fire Control Officer are delegated power to jointly exercise the powers of Council under the Bush Fires Act 1954 s.17 (7), (8), (10) – prohibited burning periods.

APPLICATION

2. Should the Shire President be unavailable or hold joint office as Chief BFCO, the Deputy Shire President is deemed to be Acting Shire President in relation to this matter.
3. If the Chief BFCO is unavailable, the Deputy Chief BFCO is deemed to be Acting Chief BFCO.
4. The CEO is to be advised in order that public notification may be arranged.

FORMAL RECORD OF USE

Written advice to CEO

HISTORY

Adopted 18 July 2018
Review / adoption ~~22 June 2022~~ ~~24 June 2020~~

REFERENCES

Section 18 - Deleted

18.1 Deleted

PART C – PRIMARY DELEGATIONS to Committees**Section 19 - Section 19—Conduct****19.1 19.1 Behaviour Complaints Committee**

<u>Delegator:</u> <i>Power / Duty assigned in legislation to:</i>	<u>Local Government</u>
<u>Express Power to Delegate:</u> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.16 Delegation of some powers and duties to certain committees s.5.17 Limits on delegations of powers and duties to certain committees
<u>Express Power or Duty Delegated:</u>	<u>Local Government (Model Code of Conduct) Regulations 2021:</u> <ul style="list-style-type: none"> • <u>Clause 12 Dealing with a complaint</u> • <u>Clause 13 Dismissal of complaint</u>
<u>Delegate:</u>	<u>Behaviour Complaints Committee</u>
<i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. <u>Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)].</u> <u>In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].</u> 2. <u>Where a finding is made that a breach has occurred, authority to:</u> <ol style="list-style-type: none"> a. <u>take no further action [MCC.cl.12(4(a)); or</u> b. <u>prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].</u> 3. <u>Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].</u>
<u>Council Conditions on this Delegation:</u>	<ol style="list-style-type: none"> 1. <u>The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy G1.4 Complaint Handling Division 3 Code of Conduct.</u> 2. <u>That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</u> 3. <u>The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</u> 4. <u>In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.</u> <p><u>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</u></p>

Express Power to Sub-Delegate:

Nil.

<u>Compliance Links:</u>	<p><u>Department of Local Government, Sport and Cultural Industries – Model Code of Conduct</u></p> <p><u>SoVP Code of Conduct Council Members, Committee Members and Candidates Policy</u></p> <p><u>SoVP Complaints Behaviour Committee Terms of Reference</u></p> <p><u>SoVP Development Framework Code of Conduct Behaviour Complaint Policy</u></p> <p><u>Local Government Act 1995 – s.5.16 (Delegation of Some Powers to Certain Committees)</u></p> <p><u>Local Government (Model Code of Conduct) Regulations 2021- Division 3</u></p>
<u>Record Keeping:</u>	<p><u>Behaviour Complaints Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</u></p>

Version Control:

1	<u>Adopted 22 June 2022</u>
2	
3	

Section 20 - Governance

20.1 Audit Committee

<u>Delegator:</u> <i>Power / Duty assigned in legislation to:</i>	<u>Local Government</u>
<u>Express Power to Delegate:</u> <i>Power that enables a delegation to be made</i>	<p><u>Local Government Act 1995:</u></p> <p><u>s.5.16 Delegation of some powers and duties to certain committees</u></p> <p><u>s.5.17 Limits on delegations of powers and duties to certain committees</u></p> <p><u>s.7.1B Delegation of some powers and duties to audit committees</u></p>
<u>Express Power or Duty Delegated:</u>	<p><u>Local Government Act 1995:</u></p> <p><u>s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits</u></p>
<u>Delegate:</u>	<u>Audit Committee</u>
<u>Function:</u> <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. <u>Authority to meet with the Shire’s Auditor at least once every year on behalf of the Council [s.7.12A(2)].</u> 2. <u>Authority to:</u> <ol style="list-style-type: none"> i. <u>examine the report of the Auditor and determine matters that require action to be taken by the Shire; and</u> ii. <u>ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</u> 3. <u>Authority to review and endorse the Shire’s report on any actions taken in response to an Auditor’s report, prior to it being forwarded to the Minister [s.7.12A(4)].</u>

	<u>Nil.</u>
<u>Express Power to Sub-Delegate:</u>	<u>Nil. Sub-delegation is prohibited by s.7.1B.</u>

<u>Compliance Links:</u>	<u>Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</u> <u>Audit Committee Terms of Reference</u>
<u>Record Keeping:</u>	<u>Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</u>

Version Control:

1	<u>Adopted 22 June 2022</u>
2	
3	

Section 21 - Governance

21.1 CEO Recruitment Committee

<u>Delegator:</u> <i>Power / Duty assigned in legislation to:</i>	<u>Local Government</u>
<u>Express Power to Delegate:</u> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> <u>s.5.16 Delegation of some powers and duties to certain committees</u> <u>s.5.17 Limits on delegations of powers and duties to certain committees</u>
<u>Express Power or Duty Delegated:</u>	<u>Local Government (Administration Regulations) 1996 – Division 2:</u>
<u>Delegate:</u>	<u>CEO Recruitment Committee</u>
<u>Function:</u> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<u>The CEO Recruitment Committee is delegated all powers necessary to enable the Committee to undertake relevant administrative aspects of the recruitment process. Refer to the list of Recruitment Tasks.</u>
<u>Council Conditions on this Delegation:</u>	<u>The CEO Recruitment Committee assists Council with the recruitment process by carrying out the relevant administrative functions as identified in the List of Recruitment Tasks:</u> <u>1. Determine the selection criteria for the position of CEO;</u> <u>2. Approve by absolute majority, the job description form for the position of CEO, which sets out:</u> <u>a. The duties and responsibilities of the CEO; and</u>

	<p>a. <u>The facilitator would assist the CEO Selection Panel;</u></p> <p>b. <u>Make recommendations on the job description form (Points 2a and 2b);</u></p> <p>c. <u>Review applications received, undertake interviews and make recommendations regarding: suitability of the recommended applicant, the offer of employment, the proposed terms of contract.</u></p> <p>5. <u>Approve by absolute majority:</u></p> <p>a. <u>The making of the offer of employment to the applicant; and</u></p> <p>b. <u>The proposed terms of the contract of employment, including any variations proposed to the contract.</u></p>
<u>Express Power to Sub-Delegate:</u>	<u>Nil.</u>

<u>Compliance Links:</u>	<ul style="list-style-type: none"> • <u>s.5.39A Local Government Act 1995</u> • <u>Local Government (Administration Regulations) 1996 – Division 2</u> • <u>Policy 2.6: Standards for CEO Recruitment, Performance and Termination</u>
<u>Record Keeping:</u>	<u>CEO Recruitment Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</u>

Version Control:

<u>1</u>	<u>Adopted 22 June 2022</u>
<u>2</u>	
<u>3</u>	

HISTORY SUMMARY

Item	Meeting	Purpose	Applies	Delegations affected
1	18 July 2018	Revocation	19 July 2018	All previous delegations
		Adoption	19 July 2018	All delegation in this Register
3	24 June 2020	Review and adoption	24 June 2020	All delegations in this Register
4	23 June 2021	Review	23 June 2021	Delegations revoked: 1.1.4, 1.1.5, 1.,2, 2.3, 16.1, 17.1, 17.2 Delegations modified: 1.1.1 Delegations CEO to Officers modified: 3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 3.9, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 7.1, 10.5, 11.2, 11.3, 13.9, 15.1
5	<u>22 June 2022</u>	<u>Review</u>	<u>22 June 2022</u>	<u>Delegations modified:</u> <u>1.1.7.2, 3.2, 3.6</u> <u>Delegations CEO to Officers modified:</u> <u>3.2, 3.3, 4.1</u> <u>Delegations to Committee</u> <u>19.1 – New</u> <u>19.2 – New</u> <u>19.3 - New</u>
6				

APPENDIX One – Advisory Notes to the Delegations Register

Introduction

This document records the compiled delegations made by Council and the CEO under the authority of the *Local Government Act 1995*. Other legislative instruments may allow for delegations to occur. The latter may be kept in a separate delegations register in future.

This register is the formal written record by which a delegation is made and conferred. Therefore, committees, the CEO, authorised persons and officers are provided with this document as their record of delegation/s made to them in the first instance in hand with an instrument of delegation. See Appendix Two for the instrument of delegation template.

Definitions

The LG Act 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 following terms used in this document apply insofar as they are consistent with enabling legislation.

authority means the permission or requirement for Council, a Committee or a person to act in accordance with:

- the Local Government Act, Regulation or other legislation,
- a delegation made by Council,
- a policy made by Council, or
- a specific decision by Council, or
- Standard Procedural Direction given or authorised by the CEO.

delegation means the power for a Committee, the CEO or other person to exercise a power, or discharge a duty, as conferred by absolute majority decision of council under the provisions of the relevant legislation.

Council Policy is the standing instruction resolved by Council as to how a particular matter is to be implemented:

employee means –

- a) a person employed directly by the Shire receiving a salary or wage,
- b) a person employed directly by the Shire on a fixed term contract,
- c) a person appointed for the purposes of exercising a delegation who –
 - i) is engaged under a contract for services either directly or with a firm,
 - ii) is the specific person named in the contract, and
 - iii) is authorised to issue notices on behalf of the Shire,

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

Planning Policy is established under the Planning & Development Act 2005, and the local planning scheme, and has mandatory procedures to adopt, amend or revoke.

Statutory Context

This Delegations Register has been prepared in accordance with –

Local Government Act 1995:

s.5.16 – Delegation of some powers and duties to certain committees

- s.5.17 – Limits on delegations of powers and duties to certain committees
- s.5.18 – Register of delegations to committees
- s.5.42 – Delegation of some powers and duties to CEO**
- s.5.43 – Limits on delegations to CEO
- s.5.44 – CEO may delegate powers and duties to other employees
- s.7.1B – Delegation of some powers and duties to audit committees

Local Government (Administration) Regulations 1996 –
r.19 – Record to be kept by delegates

Other legislation includes, but is not limited to –
Building Act 2011
Bushfires Act 1954
Cat Act
Dog Act 1976
Food Act 2008
Health Act 1911
Local Government (Miscellaneous Provisions) Act 1960
Planning and Development Act 2005

Shire of Victoria Plains Local Laws, currently adopted –
Amenity Local Law 2018
Bush Fire Brigades Local Law 2017,
Cemeteries Local Law 2018,
Dogs Local Law 2018,
Extractive Industries Local Law 2018,
Fencing Local Law 2018
Health Local Law 2004,
Meeting Procedures Local Law 2018,
Public Places and Local Government Property Local Law 2019,
Waste Local Law 2018.

Local Planning Scheme

Unless stated otherwise, the Local Government Act 1995 section 5.42 is the fundamental statutory context for Council to make the delegations in Parts A and B.

Local Government Act 1995 –

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

It is inadequate to quote this reference as the specific power for the function delegated.

Various other legislative instruments empower or require Council to make delegations. The legislative empowerment is stated within each delegation.

Council expects the CEO to apply the provisions of the Local Government Act s.5.44 and other legislation to delegate powers and duties to other employees, including s.5.44(3) powers and duties which have been delegated to the CEO under s5.42.

Corporate context

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and power to various persons, and to stipulate conditions, standards or methods of control and management. Note: there are more than 170 Acts/Regulations that put a responsibility on local government.

This Delegations Register has been prepared to complement a range of obligations imposed by legislation including local laws, and various documents adopted by Council.

The order of priority for compliance is –

1. Federal and State legislation and regulations,
2. The Local Planning Scheme,
3. A specific resolution of Council,
4. Delegations Register – being specific authorisations resolved by Council or those powers on-delegated by the CEO, and having a statutory context under the Local Government Act,
5. Local Planning Policy – as it is made under the authority of the Local Planning Scheme, by resolution of Council,
6. Council Policy – being instructions resolved by Council on how particular matters are to be dealt with,
7. Executive Instruction – standing instructions or procedures issued by the CEO,
8. administrative directions or instructions.

Although not decisions of Council, and therefore not a requirement of employee, consideration should be given to the following as being best practice –

- DLGRD Guidelines (In particular Guideline 17)
- WALGA Delegation Templates, Councillors Manual, Practice Notes etc.

There are some Delegations that have specific legislative provision, and these are noted in the individual Delegation.

Guidelines No.17 – Delegations (Department of Local Government)

The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

The Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... 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. 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.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters. Similarly, not all “acting through” matters will be listed. Policy describes how that action or some other action is to be carried out.

Making, amending and revoking delegations

Delegations from Council under the Local Government Act, may be made, amended or revoked at any time by an absolute majority of Council.

Delegations from the CEO to other employees are at the discretion of the CEO and do not require a Council resolution.

The CEO’s power to sub-delegate the exercise of a power or duty (delegated to the CEO by council) will be subject to any conditions imposed by council on its delegation to the CEO (s. 5.44(3) Local Government Act).

The council may not otherwise interfere with a valid delegation made by the CEO.

Section 5.44 of the Local Government Act permits the CEO to delegate to other employees the exercise of any of the CEO’s powers or duties under the Act. As the Act has given the authority to the CEO, council has no authority to remove or alter delegations made by the CEO.

Use of delegations

Delegations are made to assist with the smooth operation of the organisations, and allow appropriate levels of power to determine a wide range of matters.

There is no requirement for any authorised person to use a delegation. It is at the person’s discretion whether or not to exercise a delegated power, and they may refer the matter to a higher level at any time, should it appear in their judgement to be the best option.

Record of use of delegations

The Act requires that the use of each delegation is recorded, but does not require that the use is reported to Council, nor does it specify recording or listing the use in a particular format. Such requirements would result in an unwieldy volume of work that is unproductive.

However, in some instances, the use of the delegation is of sufficient importance that Council should be advised so as to be aware of the impact of the decision made.

In order to reduce the unnecessary paperwork burden as far as is possible, the formal record of use of a delegation is the document that is produced in the normal course of administration of the matter. This document may be a form approving or refusing an application, a letter, batch approval for payment of creditors, file note, email or similar.

All these satisfy the requirement of the State Records Office for recordkeeping.

Review of delegations

A delegation has effect for the period of time specified in the delegation or indefinitely if no period has been specified.

- The CEO may sub-delegate a delegation from the Council to another employee subject to any restrictions or limitations imposed by the Council, the CEO or other legislation;
- The CEO may sub-delegate a specific power attributed directly to the CEO under the Local Government Act to another employee subject to any restrictions or limitations imposed by the Local Government Act (or another legislation if it stipulates this is applicable).

Any decision to amend or revoke a delegation by a local government is to be by an absolute majority s.5.45 (1) (b).

Review of delegations from the Council to committees and the CEO will be carried out before the end of each financial year.

The CEO will review delegations to employee as required on changeover of employee or change of employee functions and will review all delegations at least once in the financial year in accordance with the legislation.

Note that the Interpretation Act allows for a delegation to be made to an office and not a named person. This allows for the smooth transition of applying delegations without the need for formal approval by the council or the CEO to revoke, amend or allocate such a delegation.

Primary delegation

The primary delegation recipient includes the person acting in that position should the named recipient be absent from duty. This provision does not apply where the named person is on duty, but not present at the office at the time.

The Delegation and conditions etc, are resolved by Council. Secondary delegations by the CEO within the permissions approved by Council are at the discretion of the CEO, who may place additional conditions or limitations on the secondary delegation. All procedural or reference information may be amended or updated by the CEO.

Sub delegation by CEO

The CEO is expected and encouraged to further delegate to appropriate persons, subject to the limitations imposed by the Local Government Act, other enabling legislation, or the conditions of the delegation made by Council to the CEO –

- s.5.43 – limits on delegations to CEO
- s.5.44 (1) – does not permit the CEO to delegate the capacity to further delegate, and further stipulates that the delegation may only be to employees
 - no such stipulation is made for delegations under other legislation
- s.5.46 – requires the CEO to review sub-delegations to other employees at least annually

– End

|

APPENDIX TWO – Instrument of Delegation

Local Government Act 1995

Section XX

**INSTRUMENT OF DELEGATION OF RESPONSIBLE AUTHORITY
POWERS, DISCRETIONS AND FUNCTIONS**

I, [first name, surname], Chief Executive Officer of the Shire of Victoria Plains and the responsible authority for the administration and enforcement of the Act/Regulation/Local Law/Scheme/Policy as set out in section X of that Act/Regulation/Local Law/Scheme/Policy:

1. delegate to those persons specified in Column 3 of Schedule 1 (and anyone acting in those roles from time to time), the powers, discretions and functions as a responsible authority under those provisions of the Act/Regulation/Local Law/Scheme/Policy specified in Column 1 of Schedule 1 (as described in Column 2 of Schedule 1), to the extent and subject to any special conditions specified in Column 4 of Schedule 1; and
2. provide that the persons referenced in Column 3 of Schedule 1 are defined in Schedule 2.

First Name, Surname
Chief Executive Officer

Date:

Schedule 1**POWERS, DISCRETIONS AND FUNCTIONS**

Column 1 Section	Column 2 Description of the powers, discretions and functions delegated	Column 3 Delegate	Column 4 Conditions and limitations
50	amend an application in accordance with a request from the applicant under section 50(1), or refuse to amend an application if it is considered that the amendment is so substantial that a new application for a permit should be made		
50A(1)	with the agreement of the applicant and after giving notice to the owner, make any amendments to an application that it thinks necessary		
50A(3)	require the applicant to notify the owner of an amendment to an application made under section 50A(1), and to make a declaration that notice has been given		
51	make a copy of every application and the prescribed information supplied in respect of the application available for inspection		

APPENDIX THREE – Suggested Template as the Basis of Future Review

Council to CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
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 or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the 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. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition 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>. (3. Authority to appoint authorised person for the purposes of section 15 the Graffiti Vandalism Act 2016, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Council Conditions on this Delegation:	GUIDANCE NOTE: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements. <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. c. <<Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties>>
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>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>

Compliance Links:	<<insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation>>
	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:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

CEO to Employees

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:	<<insert position title>>
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:	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<<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	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

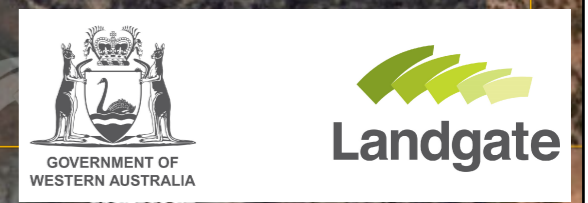
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Created: 13 June 2022 from Map Viewer Plus: <https://maps.landgate.wa.gov.au/maps-landgate/registered/>



Reserve Details Report -18203

Reserve	18203	Legal Area (ha)	12.3202
Name	N/A	Status	CURRENT
Type	N/A	Current Purpose	RECREATION
File Number	7340/22		
Notes	WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS		
Additional Reserve Information	N/A		

Class	Responsible Agency	Date of Last Change
C	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)	07/10/2021

Management Order	Document Number
SHIRE OF VICTORIA PLAINS	O831784

Land Use
RECREATION

Local Government Authority
SHIRE OF VICTORIA PLAINS

CLT Number	Parcel Identifier	Street Address, Suburb	File Number	PIN	Area (m ²)
LR3020/278	Lot 35 On Deposited Plan 206970	33 Purser Street, PIAWANING 6572	07340-1922-01RO	726998	20188
LR3020/278	Lot 34 On Deposited Plan 206970	33 Purser Street, PIAWANING 6572	07340-1922-01RO	726997	20238
LR3020/278	Lot 33 On Deposited Plan 206970	33 Purser Street, PIAWANING 6572	07340-1922-01RO	726996	20234
LR3020/278	Lot 31 On Deposited Plan 206970	19 Purser Street, PIAWANING 6572	07340-1922-01RO	726994	16997
LR3020/278	Lot 29 On Deposited Plan 206970	1 Denton Street, PIAWANING 6572	07340-1922-01RO	726992	45531

Previous Certificates of Title	Status
---------------------------------------	---------------

Document Number/Gazette Page	Date	Type	Text
O831783	10 /2021	Vesting Revoked	REVOKED
O831784	10/08/2021	Current Vesting	MANAGEMENT ORDER SHIRE OF VICTORIA PLAINS
1975	31/07/1959	Historical Vesting	VEST SHIRE OF VICTORIA PLAINS
1980	31/07/1959	Current Area	30.1.31
2307	14/09/1956	Area Reduced by	10.1.0.
1390	13/08/1954	Historical Vesting	VEST VICTORIA PLAINS ROAD BOARD
112	26/01/1923	Original Gazettal and page	ORIGINAL GAZETTE
N/A	26/01/1923	Class	C
N/A	26/01/1923	Current Purpose	RECREATION
N/A	26/01/1923	Correspondence File Number	7340/22
N/A	26/01/1923	Lot/Town Lot	PIAWANING,29,31,33-35
N/A	26/01/1923	Original Area	10.2.19
N/A	26/01/1923	Public Plan	PIAWANING TOWNSITE
N/A	26/01/1923	Street Name	PURSER ST
N/A	26/01/1923	Survey Number	OP:6970
N/A	N/A	Metric Conversion	12.3202,P70

date: Jun 13, 2022, 5:10:51 PM

Reserve Details Report -18204

Reserve	18204	Legal Area (ha)	0.1659
Name	N/A	Status	CURRENT
Type	N/A	Current Purpose	HALL SITE AND RECREATION
File Number	7341/22		
Notes	WITH POWER TO LEASE FOR ANY TERM NOT EXCEEDING 21 YEARS, SUBJECT TO THE CONSENT OF THE MINISTER FOR LANDS		
Additional Reserve Information	N/A		

Class	Responsible Agency	Date of Last Change
C	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)	07/10/2021

Management Order	Document Number
SHIRE OF VICTORIA PLAINS	O831788

Land Use
HALL
RECREATION

Local Government Authority
SHIRE OF VICTORIA PLAINS

CLT Number	Parcel Identifier	Street Address, Suburb	File Number	PIN	Area (m ²)
LR3010/565	Lot 28 On Deposited Plan 202037	19 Denton Street, PIAWANING 6572	07341-1922-01RO	726991	1661

Previous Certificates of Title	Status
---------------------------------------	---------------

Document Number/Gazette Page	Date	Type	Text
O831786	10/08/2021	Vesting Revoked	REVOKED
O831787	10/08/2021	Current Purpose	HALL SITE AND RECREATION
O831787	10/08/2021	Land Use	7400
O831787	10/08/2021	Land Use	7205

Shire of Victoria Plains

22 June 2022

Document Number/Gazette Page	Date	Type	Text
O831788	1 8/2021	Current Vesting	MANAGEMENT ORDER SHIRE OF VICTORIA PLAINS
K930556	05/05/2009	Vesting Revoked	REVOKED
K930557	05/05/2009	Historical Vesting	MANAGEMENT ORDER SHIRE OF VICTORIA PLAINS
N/A	05/05/2009	Historical Vesting	MANAGEMENT ORDER VESTEES
2307	14/09/1956	Current Area	0.1.25.6
1241	06/07/1923	Historical Vesting	TRUSTEES
112	26/01/1923	Original Gazettal and page	ORIGINAL GAZETTE
N/A	26/01/1923	Class	C
N/A	26/01/1923	Correspondence File Number	7341/22
N/A	26/01/1923	Historical Purposes	HALL SITE
N/A	26/01/1923	Lot/Town Lot	PIAWANING,28
N/A	26/01/1923	Original Area	0.1.29.8
N/A	26/01/1923	Public Plan	PIAWANING TOWNSITE
N/A	26/01/1923	Street Name	DENTON ST
N/A	N/A	Metric Conversion	0.1659,P17

date: Jun 13, 2022, 5:11:53 PM

INSTRUCTIONS

1. If insufficient space in any section, Additional Sheet Form B1 should be used with appropriate headings. The boxed sections should only contain the words "See Annexure".
2. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by parties.
3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the person signing this document and their witnesses.

NOTES

1. RESERVE DESCRIPTION
Reserve number and details to be stated. The Volume and Folio numbers to be stated.
2. MANAGEMENT BODY
State the full name and address of management body.
3. CONDITIONS
Detail the conditions specified by the Minister to be observed by the management body in its care control and management of the Reserve.
4. ATTESTATION
This document is to be executed by the Minister for Lands or a person to whom the power to grant a management order under section 46 of the Land Administration Act 1997 has been duly delegated under section 9(1) of the Act (if applicable).

EXAMINED

NE125
7/10/09

Office Use Only

K930557 XE
05 May 2009 14:27:56 Midland



MANAGEMENT ORDER (XE)

LODGED BY State Land Services

ADDRESS DPI - Wheatbelt - Box 98C

PHONE No.
FAX No.

REFERENCE No. Grace Pacecca 07341-1922-01RO Job
090980 Ph 9347 5181 Fax 9347 5002

ISSUING BOX No.

PREPARED BY State Land Services

ADDRESS DPI - Wheatbelt - Box 98C


PHONE No.
FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC LODGED HEREWITH

1. <i>Duplicate M.O.</i>	Received Items
2. <i>Oracle form.</i>	Nos. <i>2</i>
3. _____	
4. _____	Receiving Clerk
5. _____	
6. _____	<i>49</i>

090980-003



Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register.



ORIGINAL

FORM LAA-1023

SECTION 46

WESTERN AUSTRALIA
LAND ADMINISTRATION ACT 1997 as amended
TRANSFER OF LAND ACT 1893 as amended

MANAGEMENT ORDER (XE)

RESERVE DESCRIPTION (NOTE 1)

18204

EXTENT

Whole

VOLUME

~~0000~~
3010

FOLIO

~~000~~
565



MANAGEMENT BODY (NOTE 2)

Shire of Victoria Plains
PO Box 21
Calingiri WA 6569

CONDITIONS (NOTE 3)

To be utilised for the purpose of "Hall Site" only.

THE MINISTER FOR LANDS (IN THE NAME OF AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA) ORDERS THAT THE CARE, CONTROL AND MANAGEMENT OF THE ABOVE RESERVE BE PLACED WITH THE MANAGEMENT BODY DESCRIBED ABOVE FOR THE PURPOSE FOR WHICH THE LAND COMPRISING THE RESERVE IS RESERVED UNDER SECTION 41 OF THE LAND ADMINISTRATION ACT 1997, AND FOR PURPOSES ANCILLARY OR BENEFICIAL TO THAT PURPOSE TO THE CONDITIONS ABOVE

Dated this 5TH day of May in the year 2009

ATTESTATION (NOTE 4)

Jul Healy

SENIOR STATE LAND OFFICER
WHEATBELT REGION
STATE LAND SERVICES

Reserves

01-OCT-2007 Last Update from DLI

Number	18204	Calc Area	1658	Sq Metres
Name		Legal Area	1659	Sq Metres
File Reference	07341-1922			
Associated Files	7341/22			
Department Region	SLS Wheatbelt	Class	C	
LGA	Victoria Plains	Status	Current	
Responsible Agency	DEPARTMENT FOR PLANNING AND INFRASTR	<input type="checkbox"/>	Crown Grant In Trust	
Purpose	HALL SITE	<input type="checkbox"/>	Power To Lease	
Last Update Date	28-APR-2009	<input type="checkbox"/>	Section 20a	
Last Updated By	DATALOAD			

Management/Purpose Actions

Management Orders	Land Use
SHIRE OF VICTORIA PLAINS	HALL

PART 2 – RESERVES

AMD 2 GG 08/10/2021

13. REGIONAL RESERVES

There are no regional reserves in the Scheme area.

14 LOCAL RESERVES

(1) In this clause –

Department of Main Roads – means the department principally assisting in the administration of the *Main Roads Act 1930*;

Western Australian Road Hierarchy – means the document of that name available on the website maintained by the Department of Main Roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows –

Reserve objectives

Reserve name	Objectives
Environmental conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. ADDITIONAL USES FOR LOCAL RESERVES

There are no additional uses for land in local reserves that apply to this Scheme.

LEGEND

LOCAL SCHEME RESERVES

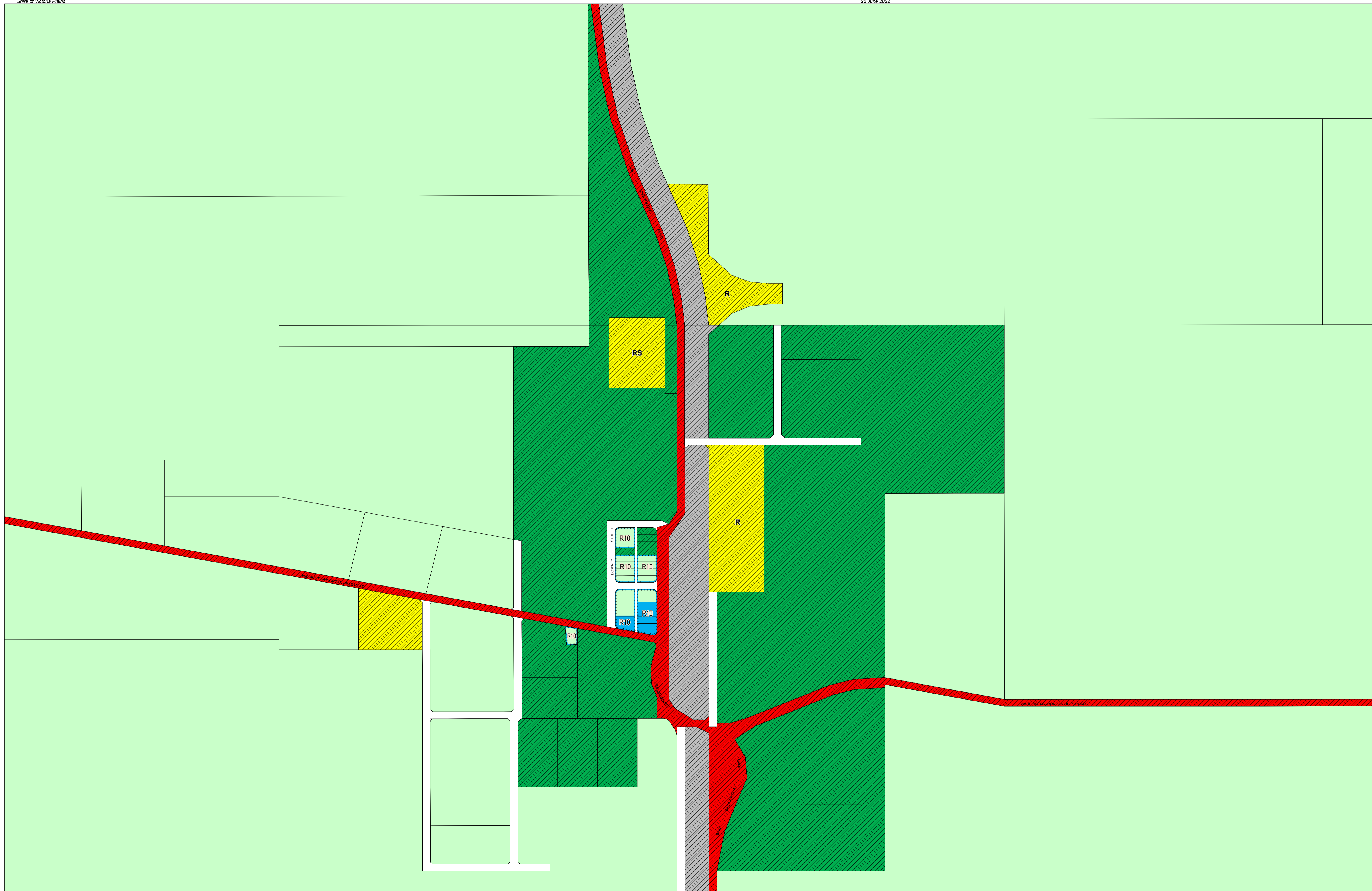
Public Open Space	Public Purposes : Railways
Public Purposes	Public Purposes : Refuse Site
Public Purposes : Ambulance	Public Purposes : School Site
Public Purposes : Cemetery	Public Purposes : Shire Offices
Public Purposes : Church	Public Purposes : Water
Public Purposes : Emergency Services	Primary Distributor Road
Public Purposes : Hall Site	Local Road
Public Purposes : Parking	Railways
Public Purposes : Playground	
Public Purposes : Public Utility	
Public Purposes : Quarry	

LOCAL SCHEME ZONES

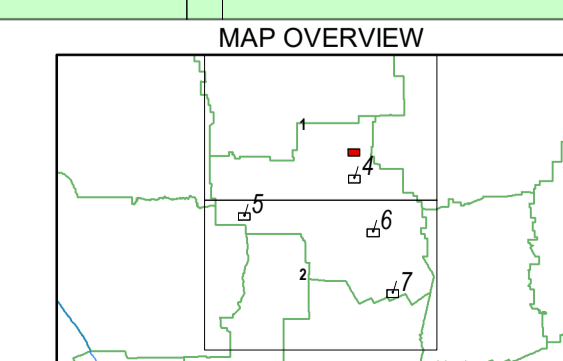
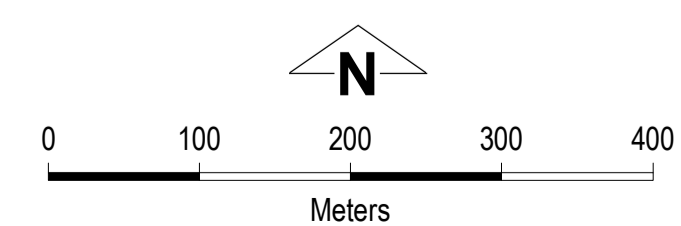
Commercial	Rural Residential
Industry	Service Industry
Residential	Special Use
Rural	Townsite

OTHER CATEGORIES

Scheme Area Boundary
Local Government Boundary
R20 R Codes
R1 Restricted Uses
RR1 Rural Residential Area
SU1 Special Use Area
No Zone



VERSION No 1



PIAWANING COMMUNITY'S RESPONSES TO THE FOLLOWING QUESTIONS:

1. **Would you prefer to see Crown Reserves 18203 and 18204 amalgamated into one (1) new reserve or the boundaries between the two reserves realigned to deal with the current building and land use encroachment issues?**
2. **What types of land uses would you like to see accommodated on Crown Reserve 18203 in the future which is currently authorised to be used for 'Recreation' purposes?**
3. **What types of land uses would you like to see accommodated on Crown Reserve 18204 in the future which is currently authorised to be used for 'Hall Site' purposes?**
4. **Would you like the Shire to remain as the current approved management body for the two reserves or would you like the Management Order for one or both reserves to be changed to another entity or local incorporated community group and why?**
5. **Do you have any other comments or suggestions you would like Council to consider in relation to the future configuration, use and management of these two reserves?**

	NAME / ADDRESS	SUBMISSION DETAILS	REPORTING OFFICER'S RESPONSE
1.	Robert & Shena Buscumb 432 Waddington-Wongan Hills Road PIAWANING WA 6572	<ol style="list-style-type: none"> 1. We would prefer the boundaries between the two reserves to be realigned to deal with the current building and land use encroachment issues; 2. The land at 18203 to be used for the purposes of the Piawaning community at their leisure; 3. The land at 18204 to be used for the purposes of the Piawaning community at their leisure; 4. I believe that no one can decide without full disclosure of all financial and legal points being considered; and 	<ol style="list-style-type: none"> i) Duly noted. A boundary realignment to address the current building and land use encroachment issues could be accommodated under the <i>Land Administration Act 1997</i> with relative ease subject to completion of the necessary survey works and approval by the Department of Planning, Lands and Heritage. The entire process is expected to take approximately 12 months. ii) This suggestion is not specific enough in terms of future preferred land usage which was the purpose of the question. Unfettered use of Reserves 18203 and 18204 by the local community cannot be supported as it could result in land use conflict and other negative impacts. It is also not consistent with the Shire's legislative and regulatory obligations as they currently apply to the use of Crown land reserved under the <i>Land Administration Act 1997</i> and Local Planning Scheme No.5. iii) As per point ii) above. iv) Agreed. Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning, Lands and Heritage, it is considered appropriate that the Shire retain the current Management Orders for both reserves.

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		5. Detailed consultation with the Piawaning community going forward.	v) Agreed. The Shire needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to plan for and manage the two Crown reserves and improvements thereon in a consistent and equitable manner for the benefit of the local community.
2.	Kerry A Duggan 1064 Waddington- Wongan Hills Road PIAWANING WA 6572	<p><u>Reserve 18204</u></p> <p>1. I would like to see the Piawaning Hall including the Piawaning Tennis Club and grounds to be realigned to accommodate the buildings and land and to resolve the encroachment issues;</p> <p>2. I would like the management of the Piawaning Hall and Tennis Club to be managed by Piawaning Progress with guidance and financial support from the Victoria Plains Shire;</p> <p>3. The Piawaning Progress has limited funds and resources, so there is a need for the Shires financial and resources support.</p> <p>SUGGESTIONS</p> <p>a) The Hall be available to hire or rent for businesses to use, i.e. travelling hairdressers, fitness classes, nail Technicians, dance classes, party sales and any other businesses approved by the management, if feasible;</p>	<p>i) Duly noted. A boundary realignment to address the current building and land use encroachment issues and provide for inclusion of the tennis courts and associated improvements could be accommodated under the <i>Land Administration Act 1997</i> with relative ease subject to completion of the necessary survey works and approval by the Department of Planning, Lands and Heritage. The entire process is expected to take approximately 12 months.</p> <p>ii) Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning, Lands and Heritage, it is considered appropriate that the Shire retain the current Management Orders for both reserves.</p> <p>iii) Duly noted and accepted. See point ii) above.</p> <p>iv) Reserve 18204, which contains the existing community hall building, is not permitted to be used for commercial purposes or benefit on an ongoing, permanent basis. Approval to do so would be required from the Minister for Lands. A formal amendment to Local Planning Scheme No.5 will also be required, a process that takes approximately 12 to 15 months to complete and will cost the Shire in the order of \$10,000 to \$12,000 excluding GST that will need to be budgeted for. Assuming all the</p>

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		<p>b) The Hall grounds be maintained by the Shire and the Progress to assist.</p> <p>c) The situation of Piawaning Hall and grounds to be looked at and realigned with what other halls in the Shire are getting support for.</p> <p><u>Reserve 18203</u> I think the recreational grounds, should be managed by the Victoria Plains Shire, and applications to use the grounds be put through the Shire.</p> <p>SUGGESTIONS</p> <p>d) I would like to see that part of recreational land being possibly made available for a designated caravan area near the old school grounds and eventually a caravan dump site, amenities and powered sites. These grounds to also help accommodate the caravanners that will attend the Piawaning Expo, which will bring in revenue for the maintenance;</p> <p>e) The grounds maintained by the Victoria Plains Shire in conjunction with the Community;</p> <p>f) The grounds be available for Equestrian events;</p>	<p>necessary approvals are able to be secured, the Shire could then issue licenses pursuant to clause 2.1 of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> to allow traders to operate from the land and building thereon.</p> <p>v) Agreed. See point ii) above.</p> <p>vi) Agreed. Council needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the municipal district in a consistent and equitable manner for the benefit of the local community.</p> <p>vii) Agreed. See point ii) above.</p> <p>viii) Duly noted and accepted. A caravan park and associated facilities could be developed on Reserve 18203 now subject to approval by Council in accordance with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated regulations. It should also be noted camping is currently permitted on Reserve 18203 for up to 3 nights in any period of 28 consecutive days or no longer than 3 months in any period of 12 months subject to Council's formal approval.</p> <p>ix) Agreed. See point ii) above.</p> <p>x) Reserve 18203 is classified 'Public Open Space' reserve in Local Planning Scheme No.5 with the key objective being to provide for a range of active and passive recreation uses including recreation buildings, courts, facilities and associated car parking and drainage. The development and use of the land for equestrian purposes is consistent with this objective as well as the land's designated purpose (i.e. 'Recreation') under the <i>Land Administration Act 1997</i> and can therefore be supported and approved under the <i>Shire of Victoria</i></p>

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		g) The grounds be available to use for events like the Piawaning Expo.	<p><i>Plains Public Places and Local Government Property Local Law 2018.</i></p> <p>xi) The use of Reserve 18203 by the Piawaning Expo Inc. for its annual expo event is a passive recreation use which is consistent with its current approved purpose under the <i>Land Administration Act 1997</i> and reserve classification in Local Planning Scheme No.5. Technically a license pursuant to clause 2.1 of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> is required to be sought and obtained for the event however the Shire has not historically required a license and has instead sought approval for the event from the Minister for Lands on behalf of the Piawaning Expo Inc.</p> <p>In order to provide for the effective administration of the abovementioned Local Law, the Shire needs to consider allocating sufficient resources, establishing a set of fees for licenses issued under the Local Law and appoint a suitably qualified and experienced person to manage license applications for the authorised use of all land controlled by the Shire when the demand arises.</p>
3.	Kerry Smith 1095 Waddington- Wongan Hills Road PIAWANING WA 6572	<p>1. I would like to see the Piawaning Hall area realigned so that the Hall is all on one title included with the tennis court area;</p> <p>2. At this stage I would recommend that the Hall stay with the management for the Shire of Victoria Plains as the Piawaning Progress Association is currently not financial enough to take on this responsibility; and</p>	<p>i) Duly noted. A boundary realignment to address the current building and land use encroachment issues and provide for inclusion of the tennis courts and associated improvements could be accommodated under the <i>Land Administration Act 1997</i> with relative ease subject to completion of the necessary survey works and approval by the Department of Planning, Lands and Heritage. The entire process is expected to take approximately 12 months.</p> <p>vi) Agreed. Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning Lands and Heritage, it is considered appropriate that the</p>

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		<p>3. I am okay if the Shire wants to lease the adjoining land to someone else for the purpose only of recreational activities.</p>	<p>Shire retain the current Management Orders for both reserves.</p> <p>vii) Duly noted. Should Council resolve to request the Minister for Lands' approval to amend the current Management Order for Reserve 18203 to include powers to lease and that request is ultimately approved, Council will then need to decide if it wishes to lease all or part of the land. Council is under no obligation to enter into a lease agreement with any party and would only do so following further community consultation and a review of expressions of interest from interested parties to determine and confirm their ability to manage the land for community benefit in accordance with all legislative and regulatory requirements.</p>
4.	Naomi Purser 1324 Waddington- Wongan Hills Road PIAWANING WA 6572	<p>1. I would like to see the boundaries between Crown Reserves 18203 and 18204 realigned to deal with the encroachment issue. I would not like to see an amalgamation into one new reserve;</p> <p>2. My preference is for Crown Reserve 18204 to include hall septic tanks and leach drains, tennis club and courts and Desalination Unit. This would place all existing infrastructure in the one Reserve. As already suggested the Piawaning Progress Association Inc. could cover the cost of the surveying to achieve this outcome at no cost to the Shire;</p> <p>3. I would like to see Crown Reserve 18203 remain "Recreation." If the Shire would like to include other purposes such as Sporting, Camping, Showground and Community use then it should engage in discussions with both the Piawaning Progress Association Inc. and the Piawaning Expo Inc. and ratepayers, formerly, through correspondence and attendance at meetings to explain the reason for the change and how any activities involving such purposes would impact. For example, the current use of Crown Reserve 18203 by numerous caravans appears to be illegal use with no authorisation from the Shire or the State. How has this been allowed to happen?</p>	<p>i) Duly noted. A boundary realignment to address the current building and land use encroachment issues and provide for inclusion of the tennis courts and associated improvements could be accommodated under the <i>Land Administration Act 1997</i> with relative ease subject to completion of the necessary survey works and approval by the Department of Planning, Lands and Heritage. The entire process is expected to take approximately 12 months.</p> <p>ii) As per point i) above.</p> <p>iii) Duly noted. It should however be recognised that active and passive recreational uses are currently permitted on Reserve 18203 given its designated purpose under the <i>Land Administration Act 1997</i> (i.e. Recreation) and 'Public Open Space' reserve classification in Local Planning Scheme No.5. Furthermore, a caravan park and associated facilities could be developed on Reserve 18203 now subject to approval by Council in accordance with the provisions of the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated regulations. It</p>

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		<p>4. Which local community group would take responsibility for the camping grounds, maintenance, fire safety and hire/fee collection per visit?</p> <p>5. How would this impact on other camping facilities nearby such as Yerecoin's Wayside Rest Area, the Calingiri Caravan area, and the Wongan Hills Caravan Park?</p> <p>6. What about horse riding events/pony club, equestrian, gymkhana's etc? How do you accommodate such events in the days of high insurance premiums and public liability?</p>	<p>should also be noted camping is currently permitted on Reserve 18203 for up to 3 nights in any period of 28 consecutive days or no longer than 3 months in any period of 12 months subject to Council's formal approval. Should any additional uses not currently permitted on the land be proposed in the future, a formal amendment to Local Planning Scheme No.5 will be required which must be advertised for public comment for a minimum period of 42 days to satisfy the procedural requirements of the <i>Planning and Development Act 2005</i> and associated regulations. This process affords the local community significant opportunity to provide comment and influence the final decisions by Council and the Minister for Planning.</p> <p>iv) Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning Lands and Heritage, it is considered appropriate that the Shire retain the current Management Orders for both reserves.</p> <p>v) See point iii) above as it applies to the current permissibility of camping on Reserve 18203 and any future proposal to establish and operate a caravan park and associated facilities on the land. In considering whether or not to approve a caravan park on Reserve 18203 Council will need to consider any potential impacts on other existing camping facilities within its municipal district and seek to balance those with the likely benefits to the local community and the travelling public.</p> <p>vi) Reserve 18203 is classified 'Public Open Space' reserve in Local Planning Scheme No.5 with the key objective being to provide for a range of active and passive recreation uses including recreation buildings, courts, facilities and associated car parking and drainage. The development and use of the land for equestrian purposes is consistent with</p>

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		<p>7. If Crown Reserve 18204 is changed to accommodate the surrounding infrastructure, the Reserve purpose or use would have to be expanded to include Recreation, Hall Use, Sporting, Camping, Showground and Community Purposes. It would also need to accommodate the Desalination Unit. The types of functions held at the hall would include community meetings, concerts, cabarets, dances, quiz nights, grower group gatherings, market stalls, Melbourne Cup luncheons, private functions such as birthdays/wakes, community gatherings of any nature, sports including but not limited to tennis, badminton, carpet bowls, ballet, yoga, and Pilates.</p> <p>8. Consideration needs to be given to individuals or groups wishing to hire the hall on Crown Reserve 18204 for personal and/or commercial gain. If someone wants to hire the hall and offer beautician services or remedial massage, dance lessons, fitness instruction, etc then there should be a process to enable them to do so. The kitchen is currently not at a high enough safety standard however community groups may one day like to use the facility to bake or make products for sale etc. If the Food Safety standards are met in a future upgrade, then those groups should be allowed to do so;</p>	<p>this objective as well as the land's designated purpose (i.e. 'Recreation') under the <i>Land Administration Act 1997</i> and can therefore be supported and approved under the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i>. In granting approval Council can impose a condition requiring the organiser of any given event/s to arrange a public liability insurance policy in the names of both the Shire and the organiser indemnifying the Shire in respect of any injury to any person or any damage to any property which may occur in connection with the event/s. It will then be up to the organiser to decide if they wish to proceed with the event/s based upon the cost of the required insurance policy.</p> <p>vii) The first sentence of this statement is not entirely correct. The majority of uses and associated improvements referred to are currently permitted on Reserve 18204 provided they are:</p> <ul style="list-style-type: none"> a) not being undertaken for any commercial purpose or benefit; b) consistent with the land's designated purpose under the <i>Land Administration Act 1997</i> (i.e. Hall Site and Recreation) and 'Public Open Space' reserve classification in Local Planning Scheme No.5, and c) undertaken pursuant to a license issued under the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> where required. <p>viii)Duly noted. Given that Reserve 18204 is not permitted to be used for a commercial purpose or benefit, approval will be required from the Minister for Lands to allow for such usage on an ongoing, permanent basis. A formal amendment to Local Planning Scheme No.5 will also be required, a process that takes approximately 12 to 15 months to complete and will cost the Shire in the order of \$10,000 to \$12,000 excluding GST that will need to be budgeted for. Assuming all the necessary approvals are able to be secured, the Shire could then issue licenses pursuant to clause 2.1 of the <i>Shire of Victoria Plains Public Places and Local Government Property</i></p>

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		<p>9. How can we have a situation currently where stall holders can set up for the Piawaning Expo and profit from sales outside the building on Crown Reserve 18204, but a local resident cannot hire the hall to run a beauty service for local people to benefit? This makes no sense;</p> <p>10. For as much as I would love to see local people managing the use of both reserves, there are not enough people to sustain that in the long term. The logical entity therefore is the Local Government Authority, The Shire of Victoria Plains;</p> <p>11. If the purpose of the Reserves use is amended to include more activities does that then reduce the burden of having to apply to use the reserves each year for purposes such as the Piawaning Expo?;</p> <p>12. Our town cannot be the only one with the issue of Crown Reserves in use and under management? Could research be done into how other LGA's manage similar situations? Surely the contracted town planning consultant Mr Joe Douglas would be able to offer examples in his experience?;</p>	<p><i>Local Law 2018</i> to allow traders to operate from the land and building thereon on a more permanent, ongoing basis.</p> <p>ix) Whilst Reserve 18204 is not permitted to be used for a commercial purpose or benefit on an ongoing, permanent basis, incidental commercial activity associated with one-off annual community events like the Piawaning Expo is acceptable and has been supported by Council on a temporary, short-term basis given the benefits to the local community. Technically all traders/vendors are required to seek and obtain a license pursuant to clause 2.1 of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> however the Shire has not historically required licenses and has sought approval for the event and all associated activities on behalf of the Piawaning Expo Inc. from the Minister for Lands.</p> <p>x) Duly noted and agreed.</p> <p>xi) Amending the purpose of the Reserves under the <i>Land Administration Act 1997</i> and Local Planning Scheme No.5 will allow all approved uses to be undertaken lawfully without the need to seek ongoing approvals from the State government however licenses will still be required pursuant to the requirements of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i>.</p> <p>xii) Other local government authorities manage Crown reserves by ensuring:</p> <p>a) they have been assigned the correct designated purpose and appropriate Management Orders under the <i>Land Administration Act 1997</i>;</p> <p>b) they have been assigned suitable zoning or reserve classifications in their local planning schemes;</p> <p>c) suitable Local Laws are prepared and adopted to manage and control all future usage; and</p> <p>d) sufficient funds are allocated in their annual</p>

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		<p>13. Could the Shire apply for an extended use of the Reserves rather than having to write to the Minister for Lands each time there is a request to use the land?;</p> <p>14. The suggestion that some or all of the Crown Reserves could be leased in the future requires more information to be provided to the community. It is evident within the background information provided that the Piawaning Expo Inc would like to lease the Reserves. Could we have more information on this please? What improvements are being suggested? Who will monitor and maintain the area as a camp site?;</p> <p>15. The Piawaning Progress Association Inc. provides the cleaning and associated costs of replacing stock such as toilet paper, hand towels and cleaning products at no cost to the Shire. I notice there are other public toilets around the Shire</p>	<p>budgets to employ suitably qualified and experienced people to manage and maintain Crown reserves in accordance with all legislative and regulatory requirements in consultation with their local communities.</p> <p>xiii) Yes, application can be made to the Minister for Lands for approval to use the Reserves for a wider range of purposes to support local community activities and events. A formal amendment to Local Planning Scheme No.5 will also be required to accommodate any uses that are not currently permitted, a process that takes approximately 12 to 15 months to complete and will cost the Shire in the order of \$10,000 to \$12,000 excluding GST that will need to be budgeted for. Assuming all the necessary approvals are able to be secured, the Shire could then issue licenses pursuant to clause 2.1 of the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i> where required.</p> <p>xiv) It is acknowledged and agreed more information is required however at this stage of the process the Shire is simply looking at the option of requesting the Minister for Lands' approval to include leasing powers in the Management Orders for the reserves to provide opportunity to lease all or parts of the reserves in the future. If leasing powers are secured, Council will then need to decide if it wishes to lease all or part of the land. Council is under no obligation to enter into a lease agreement and would only do so following further community consultation and a review of expressions of interest from interested parties to determine their ability and capability to manage the land for community benefit in accordance with all legislative and regulatory requirements. Any expressions of interest will also be required to provide details of all improvements proposed and ongoing maintenance arrangements.</p> <p>xv) The background to and formalities surrounding the current cleaning being undertaken by the Piawaning Progress Association Inc. at its own cost is</p>

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		<p>where the Shire pays for them to be cleaned and maintained;</p> <p>16. The Piawaning Progress Association Inc. has a standing order that every camper or caravaner pay \$25/night for the use of the area which appears to be being ignored. That money was specifically sought to help maintain the hall and gardens. Apparently, there is even a website proclaiming the area as a free camp site. By whom and how has this been allowed to happen?;</p> <p>17. The Piawaning Progress Association Inc. also runs biannual busy bees to maintain the hall and grounds including the tennis court area;</p> <p>18. I would like to see the hall and reserve land continue to remain in use for the community with no one, particular, individual or community group having rights over another or any other individual or group in its future use or development. I would also like to see acknowledgement from the Shire that the Piawaning Progress Association Inc. has had a long and successful history establishing and maintaining the hall and surrounds;</p> <p>19. Could the Shire please advise if there is currently adequate insurance of the hall, public toilets, playground, tennis courts and camping area in the carpark and oval spaces?;</p> <p>20. I would ask that all future discussion on Crown Reserves 18203 and 18204 be brought to the attention of all local ratepayers via written correspondence and that Council ask for a vote from ratepayers on these matters. It is unfair that some</p>	<p>unknown. It is considered preferable that a consistent approach to these management and maintenance matters be formulated and adopted by Council for all public facilities. This will again require the allocation sufficient resources in yearly budgets and the appointment of a suitably qualified and experienced person to oversee and coordinate everything.</p> <p>xvi) The Piawaning Progress Association Inc. does not have any legal authority to charge and collect fees for the use of the Reserves for any purposes including camping. This is the Shire's responsibility and must be undertaken in accordance with the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated regulations as well as the <i>Shire of Victoria Plains Public Places and Local Government Property Local Law 2018</i>.</p> <p>xvii) Duly noted however this activity needs to be undertaken in consultation with and approval by the Shire. A clear process should also be established to provide for and manage this work to ensure any legal liability risks are minimised.</p> <p>xviii) Duly noted and agreed. Until there is more clarity and certainty regarding local community groups' ability to fund and manage the two Crown reserves themselves pursuant to a formal Management Order or lease agreement, the terms and conditions of which would need to be determined and confirmed in consultation with the Department of Planning, Lands and Heritage, it is considered appropriate that the Shire retain the current Management Orders for both reserves.</p> <p>xix) The Shire is legally required to maintain suitable insurance policies to cover all local government assets and public liability risks.</p> <p>xx) The Shire is happy to continue consulting with the local community to determine and confirm its preferences regarding the future use and</p>

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		<p>in the community hold the attention of the Shire while others are left to wonder what is going on with burn offs being carried out without notice, caravans camping without notice and the Drum Muster site being established without notice;</p> <p>21. An example of lack of consultation occurred when the future use of the Reserves went before Council for recommendations to amalgamate before consultation with the community. The Victoria Plains community has lost a Community Development Officer and access to the Community Project funds granted annually by the Shire. These decisions have not helped improve community engagement with the Shire.</p> <p>22. Many voices of locals go unheard in matters such as fire mitigation work, desalination unit use, access to adequate power and water within the town, signage, roadside maintenance, recycling, or lack thereof, and rubbish tip access. The community of Piawaning is frustrated it is not being heard in decisions being made at Council and Shire Administration level. Please work with the local community as the President of the Piawaning Progress Association Inc. Robert Buscumb requested to Council on June 23rd, 2021; and</p> <p>23. Is it possible for Council to have more community consultation with the community of Piawaning?</p>	<p>management of the Reserves. Separate processes will follow at a later date, including community consultation, if Council decides to change the designated purpose/s and/or lease all or portion of the Reserves. A vote of all ratepayers as suggested is not however supported as it will add considerable time, effort and cost to the process which is considered unnecessary. Council also needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves throughout the municipal district in a consistent and equitable manner for the benefit of the local community, including ongoing consultation where required or deemed necessary.</p> <p>xxi) Duly noted and acknowledged. Council needs to consider allocating sufficient resources in yearly budgets and appointing a suitably qualified and experienced person to manage the future use and management of all Crown Reserves, including ongoing community consultation and funding applications when required.</p> <p>xxii) Duly noted and acknowledged. See the additional comment in point xxi) above (i.e. need for allocation of sufficient resources)</p> <p>xxiii) It must be recognised that community consultation is legally required in certain circumstances and will be undertaken by the Shire to satisfy all statutory obligations. Council also needs to consider allocating sufficient resources, establishing clear processes and appointing a suitably qualified and experienced person to manage all Crown reserves and improvements thereon in a consistent and equitable manner for the benefit of, and in consultation with, the local community.</p>