



# PUBLIC ATTACHMENTS

Ordinary Council  
Meeting

24 June 2020

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
EFT8912	01/05/2020	Australian Services Union	Payroll deductions		77.70
EFT8913	01/05/2020	Child Support Agency	Payroll deductions		368.88
EFT8914	01/05/2020	Fletcher Family Trust T/A Strategic Teams	Governance support for week end 24 April 2020 - emails and advice on shire vehicles, meeting attendance, legal fees, tender, audit committee, OCM meeting and COVID 19; attendance to Audit committee meeting, April OCM, COVID 19 workshop, LRCG meeting, and review Compliance Audit report, and policy Facebook disclaimer.		3,300.00
EFT8915	01/05/2020	GH Purser and Son	Gravel supplied for Toodyay Bindi Bindi roadworks		5,935.05
EFT8916	01/05/2020	Glenda Teede	Reimbursement: Purchases for Consultants' accommodation - linens, kitchen utensils, and for Chambers - wall clock.		577.00
EFT8917	01/05/2020	HWL Ebsworth Lawyers	Legal advice re Termination of Expired agreement and negotiation replacement agreement.		5,380.65
EFT8918	01/05/2020	KA Tyres & Battery's	Purchased UHF arial for Ranger's ute and 40 channel UHF for Hino 700 truck.		448.00
EFT8919	01/05/2020	Thomas Culverwell	Cleaning services - Gillingarra Hall toilets and emptied bins from 23 March /20 to 17 April /20		700.00
EFT8920	01/05/2020	Vern Mitchell	Website document management - April 2020		177.50
EFT8921	01/05/2020	Wallis Computer Solutions	Provision of Group Conference Cam (Logitech Group Conference Cam) - Meeting Participants for official meetings		1,895.00
EFT8922	01/05/2020	Wheatbelt Furniture and Homewares	Purchased large ANZAC wreath for ANZAC day		249.00
EFT8923	07/05/2020	Australia Post	Postage charges for April 2020		108.49
EFT8924	07/05/2020	BOC Limited	Monthly gas cylinder service and charges - April 2020		24.31
EFT8925	07/05/2020	Bowra O'Dea Pty Ltd	Refund of duplicate payment - invoice #2581		1,275.00
EFT8926	07/05/2020	Castledine Gregory Law & Mediation	Legal advice re Mogumber reserve		4,928.00
EFT8927	07/05/2020	E Fire & Safety	Six monthly service of Fire Equipment - various Shire's facilities		2,030.60
EFT8928	07/05/2020	EAG Electrical Air-conditioning & Gas	Carried out test on the three wall mounted EXIT lights at Bolgart Hall		363.00
EFT8929	07/05/2020	EMERG Solutions Pty Ltd	Fire preventions - BART additional 50 licenses for subscription region		750.00
EFT8930	07/05/2020	Erich's Mechanical Services	Drum Roller - repaired hydraulic hose including travel cost		445.84
EFT8931	07/05/2020	Fletcher Family Trust T/A Strategic Teams	Governance support for week ending 1 May 2020- Review consultant quotes, Covid 19 framework, facebook matters, LRCG meeting.		1,925.00
EFT8932	07/05/2020	GH Purser and Son	Gravel delivered for Woods Road		14,114.65
EFT8933	07/05/2020	Jennifer Anne Glass	Rent at 6 Lambert Cres (consultants' accommodation) for week ending 11 May 2020 and 18 May 2020.		500.00

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
EFT8934	07/05/2020	Linsey Cotter	Contract cleaning of various Shire's facilities from 24 April 2020 to 7 May 2020.		1,098.95
EFT8935	07/05/2020	Mayday Services	Dry hire padfoot roller and demobilisation for SFN Mogumber Yarrawindah roads project.		932.25
EFT8936	07/05/2020	Pattons Panel & Paint	Excess payment for insurance claim (hailstorm damage) - Nissan Navarra VP73		300.00
EFT8937	07/05/2020	RSM Australia Pty Ltd	Fees for preparation of report relating to Significant Matters identified for year ended 30 June 2019 Audit report		2,205.50
EFT8939	07/05/2020	Truckline	Purchased spring brake booster for Boggie Dolly		227.70
EFT8940	07/05/2020	WA Hino Sales & Services	Purchased water hose for Hino 700 truck		163.05
EFT8941	07/05/2020	Walkers Diesel Services	Maintenance - change out brake booster of Boggie Dolly		245.30
EFT8942	07/05/2020	Wallis Computer Solutions	IT Support and services:		4,426.80
			<i>Set up computer for trainee at Administration office</i>	630.25	
			<i>Purchased/ installed printer for Admin Office</i>	1,417.98	
			<i>Set up CEO's working laptop</i>	1,619.35	
			<i>Monthly renewal - Office 365 Software</i>	66.22	
			<i>NBN wireless charges - May 2020</i>	693.00	
EFT8943	14/05/2020	AFGRI Equipment Australia Pty Ltd	Purchased flat washers for hydraulic fitting on root bucket of Bobcat Track Loader		19.49
EFT8944	14/05/2020	CFC Holdings Pty Ltd	Purchased turn signals, window lock, fan belts, service cover, and vacuator valve for Drum Roller.		904.55
EFT8945	14/05/2020	Fletcher Family Trust T/A Strategic Teams	Governance support for week end 8 May 2020 - review May newsletter, staff update, Covid newsletter, advice on Mogumber Emergency Water supply, native title claim, policy uploads, tenders, procurement procedures, and executive policies		2,640.00
EFT8946	14/05/2020	Landgate	Revaluations 2019/20 and request charges:		6,487.48
			<i>&gt;Rural UV General revaluations 2019/20 charges</i>	6,461.28	
			<i>&gt;Landgate charges - request for certificate of title</i>	26.20	
EFT8947	14/05/2020	Rajaford Pty Ltd	Fuel charges - New Norcia Fire Truck		48.41
EFT8948	14/05/2020	Rajaford Pty Ltd	Monthly charges - April 2020 Depot		1,893.09
EFT8949	14/05/2020	Ramsay Construction Pty Ltd	Health and Building services for the month of April 2020		7,799.00

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
EFT8950	14/05/2020	SMEC Australia Pty Ltd	Traffic engineering consultant to asses and prepare reports on suitability of the proposed heavy vehicles access arrangements to/from proposed new gravel quarry - Lots 1806 & 6 Cocking Road and on going road maintenance - with Roadswest Engineering Group Pty Ltd.		8,276.40
EFT8951	14/05/2020	State Library of WA	State Library - received Better Beginings Program 2019/20"		49.50
EFT8952	21/05/2020	Abbott Auto Electrics	Repairs and maintenance of plant and vehicles:		4,752.84
			>Repairs of plant - Hino 300 truck, Hino 700 truck, Hino 9t tip truck, Multi loader, Bobcat track loader, Multi tyred roller, water tanker,	2,294.99	
			>Repairs of light fault of Hino 300 long crew service truck	404.20	
			>Repairs of various plant and vehicles	2,053.65	
EFT8953	21/05/2020	Advanced Traffic Management WA Pty Ltd	Traffic management at worksite Mogumber-Yarrawindah Roads SFN project:		15,958.80
			>Traffic controllers with signs and cones from 4/5/20 to 6/5/20	6,217.20	
			>Traffic controllers with signs and cones from 07/05/20 to 13/05/20	9,741.60	
EFT8954	21/05/2020	Avon Waste	Rubbish collections:		11,109.19
			>for the month of April 2020	6,395.68	
			>for the month of August 2019	4,713.51	
EFT8955	21/05/2020	BigMate Monitoring Services Pty Ltd	Monthly GPS monitoring of fleet vehicles - May 2020		374.00
EFT8956	21/05/2020	Bolgart Rural Merchandise	Monthly purchases April - Cyclone super rake for Depot and Lamp spiral for Aged Person Units-Bolgart.		40.10
EFT8957	21/05/2020	Brianna Jade Wilson-Pike	Staff training: Dept of Transport Trelis training - mileage and meal allowance.		420.07
EFT8958	21/05/2020	Carroll & Richardson Flagworld Pty Ltd	Purchased Australian National Flag - Admin		194.45
EFT8959	21/05/2020	Country Copiers Northam	Coloured copier monthly meter reading and services - April 2020		1,427.54
EFT8960	21/05/2020	D.E.C Contracting Pty Ltd	Excavator and grapple saw hire for roadside tree lopping and track loader & broom dry hire for SFN001 road projects:		26,411.00
			>from 04 May 2020 to 08 May 2020	12,386.00	
			>from 11 May 2020 to 15 May 2020	14,025.00	
EFT8961	21/05/2020	Dun Direct Pty Ltd	Demobilisation and purchases:		998.00
			>Demobilisation of Tank - SFN001 Mogumber project	759.00	
			>Purchased AdBlue 200 ltres - Depot	239.00	
EFT8962	21/05/2020	Exurban Rural & Regional Planning	Town planning consultancy services for month of April 2020		9,874.81

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
EFT8963	21/05/2020	Fulton Hogan Industries Pty Ltd	Roads sealing to new primerseal, and purchases:		47,524.88
			>Purchased cold mix for bitumen road maintenance	2,035.00	
			>Single coat reseal to 718 wide seal of Gillingarra-Glentromie Road - Council funded project	13,039.88	
			>Final 10mm seal to new primerseal at 6.2m width - Bolgart East Road project SLK 11.4 - 12.55	32,450.00	
EFT8964	21/05/2020	Fletcher Family Trust T/A Strategic Teams	Governance support for week end 15 May 2020-advice on legal accounts, LGIS Covid 19 response, preparation of briefing notes and status report, LRCG meeting, update Covid 19 safety plans, advice on FOI matter		1,650.00
EFT8965	21/05/2020	Jennifer Anne Glass	Rent @ 6 Lambert Crescent for week 25 May 2020 and 1 June 2020		500.00
EFT8966	21/05/2020	KA Tyres & Battery's	Trailer (gardener) - installed new tyres		212.00
EFT8967	21/05/2020	LR & NJ McInnes	Calingiri Hockey - installed top and bottom rail chainmesh fence to suit existing fence with 4 meter gate for entry.		6,250.00
EFT8968	21/05/2020	Landmark - Wongan Hills	Purchased 20LT Drum of Nufa- Gladiator CT - Noxious weeds & Pest Control.		123.20
EFT8969	21/05/2020	Linsey Cotter	Contract cleaning of various Shire's facilities from 8 May 2020 to 21 May 2020.		1,098.95
EFT8970	21/05/2020	Morris Pest and Weed Control Pty Ltd	Ants and spider treatments to various Shire's properties		3,487.00
EFT8971	21/05/2020	Navsdrone Pty LTD	Finance assistance for April 2020 - handover with Finance Manager, site visits, meeting with Auditor, and mileage.		3,432.00
EFT8972	21/05/2020	Officeworks	Purchased office supplies - tape, battery, facial tissues, clips, eraser, copier paper.		785.06
EFT8973	21/05/2020	Pattons Panel & Paint	Payment for excess - vehicle insurance claim		300.00
EFT8974	21/05/2020	Rajaford Pty Ltd	Admin monthly charges - April 2020 - newspaper, milk, stamps		83.60
EFT8975	21/05/2020	Shire of Moora	FESA Grant - purchases for fire preventions:		786.13
			>Hazard Reductions Burns	187.13	
			>Auto Pro Northarm Dash Cam	599.00	
EFT8976	21/05/2020	Totally Workwear	Depot staff uniform		163.31
EFT8977	21/05/2020	Toodyay Tyres & Exhaust	Purchased 2 tyres, tech balance and disposal - Mitsubishi Canter		715.00
EFT8978	21/05/2020	Visimax Safety Produces	Infringement Notice Dog Act plus postage		56.35
EFT8979	21/05/2020	WA Reticulation Supplies	Purchased black top air valve - Depot		363.00
EFT8980	21/05/2020	Western Australia Treasury Corporation	Loan 82 ( Calingiri Sports Pavilion) semi annualy repayment - 14/05/20		10,638.99
EFT8981	21/05/2020	Wongan Hills Hardware	Purchased wheelie bin plastic for Gillingarra hall		79.00

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
EFT8982	28/05/2020	Australian Services Union	Payroll deductions		51.80
EFT8983	28/05/2020	Avon Valley Plant & Equipment	Digging of two graves at Calingiri - mobilisation/demobilisation 05/02/20		1,100.00
EFT8984	28/05/2020	Child Support Agency	Payroll deductions		245.92
EFT8985	28/05/2020	D.E.C Contracting Pty Ltd	Hire of excavator and grapple saw for roadside tree lopping and dry hire of track loader and broom at Mogumber Yarrowinday roads SFN project		11,220.00
EFT8986	28/05/2020	EAG Electrical Air-conditioning & Gas	Installed/replaced exit lights at Piawanning Hall		1,320.00
EFT8987	28/05/2020	Fletcher Family Trust T/A Strategic Teams	Governance support for week end 22 May 2020 - advice on COVID, briefing session, interim budget workshop, agenda items, EBA matter, and other governance matters.		4,180.00
EFT8988	28/05/2020	Jennifer Anne Glass	Shire's share for electricity and water charges from 31 March 2020 to 5 May 2020(water) at rented house 6 Lambert Crescent		186.13
EFT8989	28/05/2020	Morris Pest and Weed Control Pty Ltd	Termit inspections at various Shire's properties		3,663.00
EFT8990	28/05/2020	Roadswest Engineering Group Pty Ltd	Aglime Project - provision of consulting services:		6,130.17
			>Provision of environmental consulting services for DWER clearing permit, and environmental impact assessment and reporting for the month of March 2020	5,676.42	
			>Provision of project management and engineering services for the month of April 2020	453.75	
EFT8991	28/05/2020	Thomas Culverwell	Contract cleaning of Gillingarra hall - 20/04/20 to 15/5/20		700.00
			<b>Total EFT payments</b>		261,897.43
12263	28/05/2020	Australian Communications & Media Authority	License renewal 20/21		46.00
			<b>Total Cheque payments</b>		46.00
DD11776.1	14/05/2020	Shire of Victoria Plains	Credit card charges - monthly subscription, accommodation-staff DOT training, admin/housing supplies, plant repairs items		2,380.85
DD11776.2	14/05/2020	Wright Express Australia Pty Ltd	Fuel card charges - April 2020		263.53
			<b>Total Credit and Fuel Card payments</b>		2,644.38

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
DD11760.1	04/05/2020	Department Of Transport	Transport Licensing Transactions 30/4/20		216.95
DD11760.2	05/05/2020	Department Of Transport	Transport Licensing Transactions 1/5/20		106.95
DD11761.1	07/05/2020	Department Of Transport	Transport Licensing Transactions 05/05/20		1,606.05
DD11763.1	11/05/2020	Department Of Transport	Transport Licensing Transactions 07/5/20		165.60
DD11763.2	12/05/2020	Department Of Transport	Transport Licensing Transactions 8/5/20		616.75
DD11773.1	13/05/2020	WA Super	Payroll deductions		2,897.58
DD11773.2	13/05/2020	North Superannuation	Superannuation contributions		586.95
DD11773.3	13/05/2020	Lgia Super	Superannuation contributions		842.99
DD11773.4	13/05/2020	BT Super For Life	Superannuation contributions		213.33
DD11773.5	13/05/2020	GESB Superannuation	Superannuation contributions		170.85
DD11773.6	13/05/2020	Australian Super Pty Ltd	Superannuation contributions		196.68
DD11773.7	13/05/2020	Prime Super	Superannuation contributions		187.64
DD11773.8	13/05/2020	Cbus Super Australia	Superannuation contributions		162.77
DD11775.1	14/05/2020	Department Of Transport	Transport Licensing Transactions 14/5/20		219.40
DD11779.1	19/05/2020	Department Of Transport	Transport Licensing Transactions 18/05/20		1,020.75
DD11786.1	27/05/2020	WA Super	Payroll deductions		2,852.50
DD11786.2	27/05/2020	North Superannuation	Superannuation contributions		586.95
DD11786.3	27/05/2020	Lgia Super	Superannuation contributions		842.99
DD11786.4	27/05/2020	BT Super For Life	Superannuation contributions		213.33
DD11786.5	27/05/2020	GESB Superannuation	Superannuation contributions		170.85
DD11786.6	27/05/2020	Australian Super Pty Ltd	Superannuation contributions		196.68
DD11786.7	27/05/2020	Prime Super	Superannuation contributions		214.44
DD11786.8	27/05/2020	Cbus Super Australia	Superannuation contributions		147.42
DD11790.1	15/05/2020	inet Limited	Internet charges - Mogumber / Bolgart Libraries		79.98
DD11790.2	22/05/2020	Water Corporation	Water charges from 3 March 2020 to 5 May 2020:		7,545.70
			>Aged person unit Calingiri	1,929.77	
			>Staff housing	4,530.04	
			>Aged person unit Bolgart	1,085.89	
DD11790.3	11/05/2020	Telstra Corporation Ltd	Fire Prevention - Phone charges from 23 March 2020 to 22 April 2020		265.76
DD11790.4	06/05/2020	Telstra Corporation Ltd	Phone charges from 16 March 2020 to 17 April 2020 - Ranger, FM, Depot, Works Supervisor, CEO, Works Manager.		1,367.62
DD11790.5	18/05/2020	Telstra Corporation Ltd	Phone charges from 23 April 2020 to 22 May 2020 - Admin, Depot, Libraries, Gym, and Officers' housing.		1,102.10

Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
DD11790.6	13/05/2020	Synergy	Electricity charges from 15 Feb 2020 to 14 April 2020:		2,183.57
			>Waterpump Calingiri Sports Ground	1,290.43	
			>Piawaning water supply	629.38	
			>Mogumber library	137.37	
			>Gillingarra fire station	126.39	
DD11796.1	21/05/2020	Department Of Transport	Transport Licensing Transactions 19/05/20		1,452.30
DD11796.2	28/05/2020	Department Of Transport	Transport Licensing Transactions 26/05/20		445.75
DD11800.1	27/05/2020	Water Corporation	Water charges from 3 March to 5 May 2020:		6,047.88
			>Calingiri Sports ground	373.97	
			>Restrooms Calingiri	77.91	
			>Park Calingiri	340.21	
			>Depot	1,627.63	
			>Calingiri Hall	77.91	
			>Depot	197.37	
			>Cemetery	57.13	
			>Yerecoin standpipe	291.96	
			>Ambulance depot New Norcia	5.20	
			>Admin Office	98.69	
			>Bolgart standpipe	1,096.79	
			>Sports Ground Bolgart	199.97	
			>Bolgart Hall	38.96	
			>Home units Bolgart	605.02	
			>Aged person units Bolgart	487.91	
			>Bolgart caravan park	405.13	
			>Toilets Calingiri	66.12	
DD11800.2	25/05/2020	Synergy	Electricity charges from 28 February 2020 to 30 April 2020:		6,474.03
			>Staff housing	2,247.97	
			>Calingiri Caravan Park	166.32	
			>CWA Building	495.32	
			>Calingiri Hall	284.68	
			>Calingiri Emergency Services	340.73	
			>Aged person units Calingiri	167.38	
			>Calingiri Memorial park	112.89	



Shire of Victoria Plains					
Creditor & Payroll Payments for the Month of May 2020					
Chq/EFT	Date	Name	Description	Invoice amount	Total Amount
			>Admin office	540.31	
			>Depot	744.61	
			>Streetlights	1,373.82	
DD11801.1	14/05/2020	Bendigo Bank	Loan 83 repayment for May 2020 - Calingiri Football Club		13,641.02
Bank fees	30/05/2020	Bendigo Bank	Bank fees and charges		231.20
			<b>Total Direct debits</b>		55,273.31
EFT	14/05/2020	Employees	Payroll Ending 13 May 2020		39,576.71
EFT	28/05/2020	Employees	Payroll Ending 27 May 2020		39,958.70
			<b>Total Payroll</b>		79,535.41
			<b>Total Municipal Account</b>		399,396.53
			<b>Total Trust payments</b>		-
			<b>TOTAL ACCOUNTS PAID FOR THE MONTH OF MAY 2020</b>		<b>399,396.53</b>



Shire of Victoria Plains  
28 Cavell Street  
Calingiri WA 6569  
T +61 (0) 8 9628 7004  
[www.victoriaplains.wa.gov.au](http://www.victoriaplains.wa.gov.au)

# **SHIRE OF VICTORIA PLAINS**

## **MONTHLY FINANCIAL REPORT**

### **For the Period Ending 31 May 2020**

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

Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ending 31 May 2020**  
**CONTENTS PAGE**

**General**

**Note**

Compilation Report  
Executive Summary

**Financial Statements**

Statement of Comprehensive Income by Nature or Type  
Statement of Comprehensive Income 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



**RSM Australia Pty Ltd**

Level 1, 12 Bayly Street Geraldton WA 6530  
PO Box 61 Geraldton WA 6531

T +61 (0) 8 9920 7400

F +61 (0) 8 9920 7450

[www.rsm.com.au](http://www.rsm.com.au)

## **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 17<sup>th</sup> June 2020

RSM 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  
**SHIRE OF VICTORIA PLAINS**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ending 31 May 2020**  
**EXECUTIVE SUMMARY**

**Statement of Financial Activity**

Statements are presented on pages 5 and 6 showing a surplus/(deficit) as at 31 May 2020 of \$684,715

**Significant Revenue and Expenditure**

**Significant Projects**

	Collected / Completed %	Annual Budget \$	YTD Budget \$	YTD Actual \$
Bolgart East Road Final Seal (RRG)	91%	259,400	237,765	237,238
Bolgart East Road Final Seal (RTR)	100%	29,500	27,027	29,500
Toodyay-Bindi Bindi Road 19/20	96%	262,000	240,141	251,580
New Norcia-Gillingara Road 19/20	67%	114,000	104,478	75,967
AG Lime - Calingiri / Toodyay Intersection	157%	65,408	65,408	102,381
Glentromie-Yerecoin Road Bridge	0%	100,000	91,674	-
	84%	830,308	766,493	696,665

**Grants, Subsidies and Contributions**

Operating Grants, Subsidies and Contributions	181%	742,156	729,311	1,342,335
Non-operating Grants, Subsidies and Contributions	85%	1,623,565	1,390,225	1,386,442
	115%	2,365,721	2,119,536	2,728,777

**Rates Levied**

	100%	2,594,784	2,594,784	2,591,359
--	------	-----------	-----------	-----------

% - Compares current YTD actuals to the Annual Budget

**Financial Position**

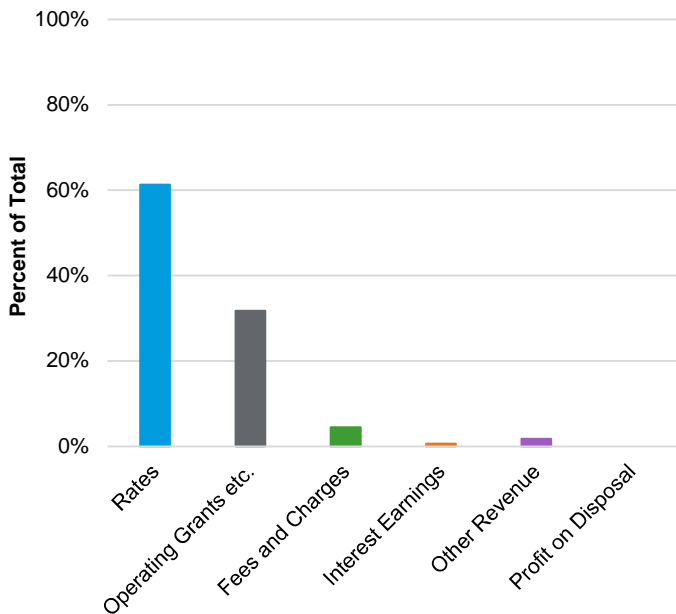
**Account**

	Difference to Prior Year %	Current Year 31 May 20 \$	Prior Year 31 May 19 \$
Adjusted Net Current Assets	432%	684,715	158,607
Cash and Equivalent - Unrestricted	190%	1,228,159	645,880
Cash and Equivalent - Restricted	170%	911,735	534,847
Receivables - Rates	136%	25,560	18,732
Receivables - Other	2%	13,336	869,864
Payables	42%	538,679	1,284,041

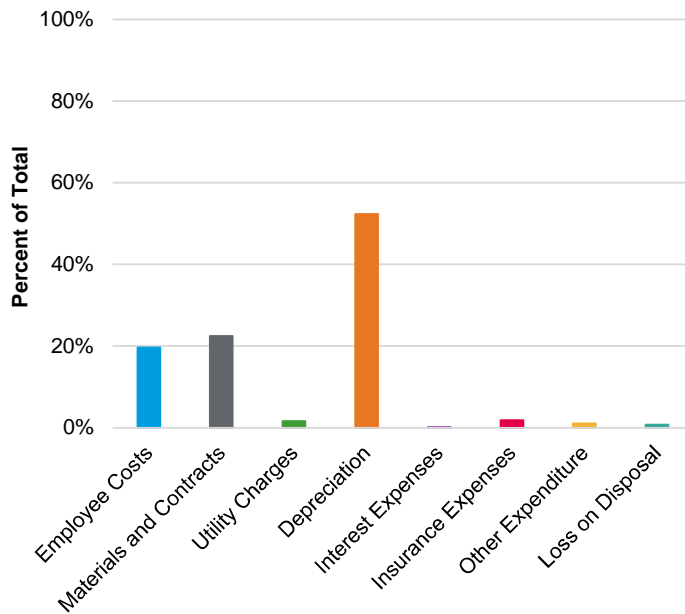
% - Compares current YTD actuals to prior year actuals

Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ending 31 May 2020**  
**SUMMARY GRAPHS**

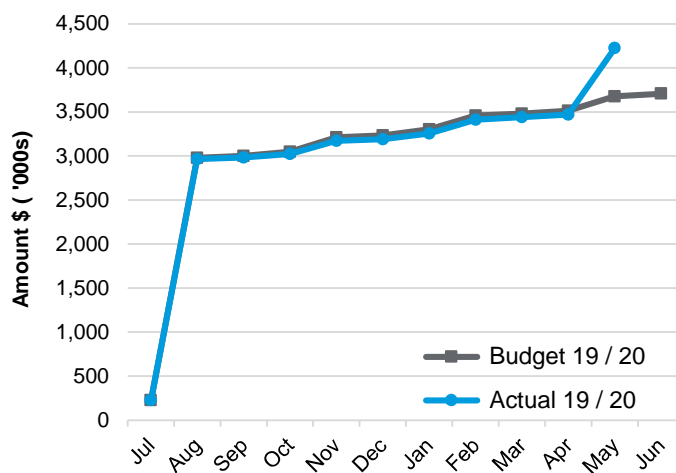
**Operating Income**



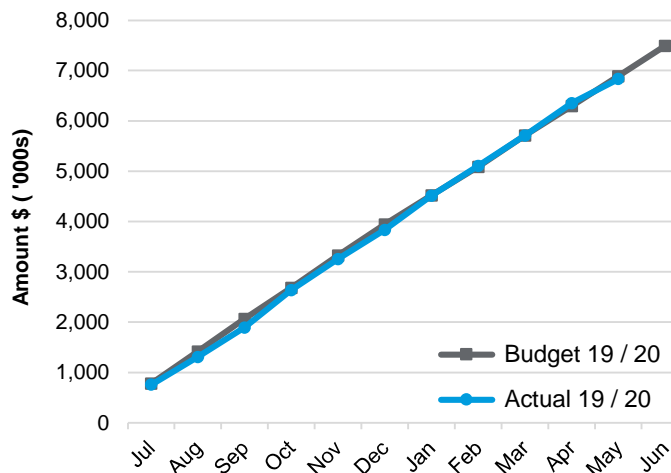
**Operating Expenditure**



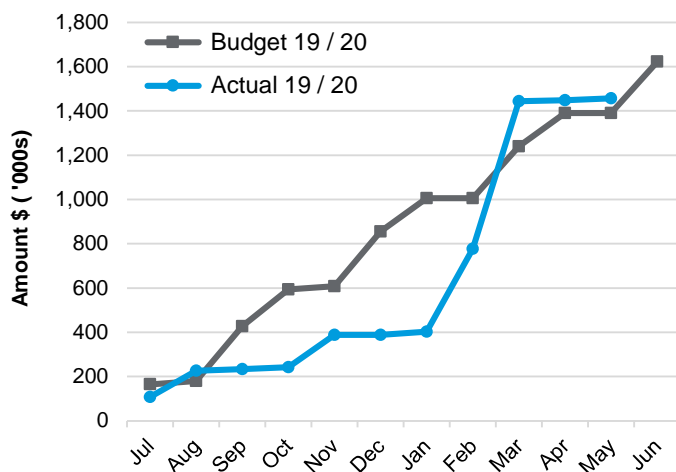
**Operating Revenues**



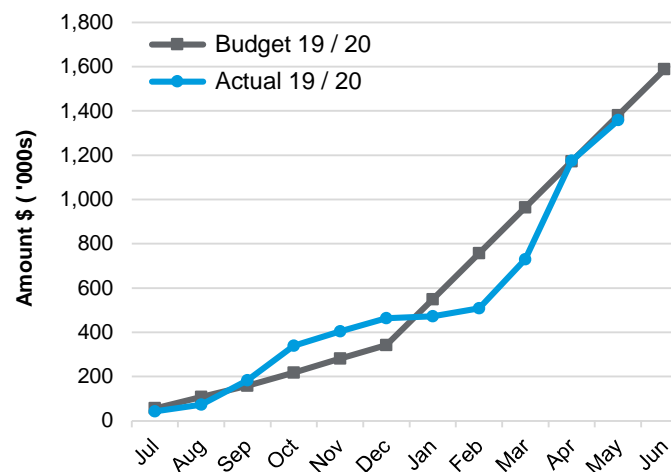
**Operating Expenses**



**Capital Revenues - Investing**



**Capital Expenses**



**SHIRE OF VICTORIA PLAINS**

**STATEMENT OF COMPREHENSIVE INCOME**

**For the Period Ending 31 May 2020**

**NATURE OR TYPE**

	Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var* \$	Var* %
<b>Opening Funding Surplus / (Deficit)</b>	3	29,877	29,877	29,877		
<b>Revenue from Operating Activities</b>						
Rates	10	2,594,784	2,594,784	2,591,359	(3,425)	(0%)
Grants, Subsidies and Contributions	12(a)	742,156	729,311	1,342,335	613,024	84%
Fees and Charges		230,486	218,509	189,528	(28,981)	(13%)
Interest Earnings		46,403	43,490	26,998	(16,492)	(38%)
Other Revenue		87,291	82,065	76,270	(5,795)	(7%)
Profit on Disposal of Assets	8	8,013	7,348	-	(7,348)	(100%)
		<b>3,709,133</b>	<b>3,675,507</b>	<b>4,226,490</b>		
<b>Expenditure from Operating Activities</b>						
Employee Costs		(1,434,411)	(1,323,236)	(1,345,001)	(21,765)	(2%)
Materials and Contracts		(1,657,453)	(1,520,262)	(1,535,310)	(15,048)	(1%)
Utility Charges		(109,630)	(104,743)	(111,508)	(6,765)	(6%)
Depreciation on Non-current Assets		(3,953,089)	(3,623,631)	(3,577,150)	46,481	1%
Interest Expenses		(20,826)	(18,424)	(12,025)	6,399	35%
Insurance Expenses		(151,086)	(149,050)	(128,102)	20,948	14%
Other Expenditure		(149,498)	(129,981)	(71,098)	58,883	45%
Loss on Disposal of Assets	8	(18,336)	(16,808)	(53,760)	(36,952)	(220%)
		<b>(7,494,329)</b>	<b>(6,886,135)</b>	<b>(6,833,952)</b>		
<b>Excluded Non-cash Operating Activities</b>						
Depreciation and Amortisation		3,953,089	3,623,631	3,577,150		
(Profit) / Loss on Asset Disposal		10,323	9,460	53,760		
<b>Net Amount from Operating Activities</b>		<b>178,216</b>	<b>422,463</b>	<b>1,023,446</b>		
<b>Investing Activities</b>						
Grants, Subsidies and Contributions	12(b)	1,623,565	1,390,225	1,386,442	(3,783)	(0%)
Proceeds from Disposal of Assets	8	96,100	88,092	70,909	(17,183)	(20%)
Land and Buildings	9(a)	(33,590)	(33,590)	(33,829)	(239)	(1%)
Plant and Equipment		-	-	-	-	
Furniture and Equipment		-	-	-	-	
Infrastructure - Roads	9(b)	(1,454,394)	(1,254,854)	(1,324,384)	(69,530)	(6%)
Infrastructure - Bridges	9(c)	(100,000)	(91,674)	-	91,674	100%
<b>Net Amount from Investing Activities</b>		<b>131,681</b>	<b>98,199</b>	<b>99,138</b>		
<b>Financing Activities</b>						
Proceeds from New Loans	11(c)	70,000	-	-	-	
Proceeds from Self Supporting Loans	11(b)	16,777	16,777	8,997	(7,780)	(46%)
Repayment of Debentures	11(a)	(52,228)	(52,228)	(53,972)	(1,744)	(3%)
Transfer from Reserves	7	165,123	112,609	20,946	(91,663)	(81%)
Transfer to Reserves	7	(539,446)	(88,229)	(443,717)	(355,488)	(403%)
<b>Net Amount from Financing Activities</b>		<b>(339,774)</b>	<b>(11,071)</b>	<b>(467,746)</b>		
<b>Closing Funding Surplus / (Deficit)</b>	3	<b>-</b>	<b>539,468</b>	<b>684,715</b>		

\* - 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 COMPREHENSIVE INCOME**

**For the Period Ending 31 May 2020**

**REPORTING PROGRAM**

	Note	Annual Budget \$	YTD Budget \$	YTD Actual \$	Var* \$	Var* %
<b>Opening Funding Surplus / (Deficit)</b>	3	29,877	29,877	29,877		
<b>Revenue from Operating Activities</b>						
Governance		32,889	32,662	45,524	12,862	39%
General Purpose Funding - Rates	10	2,594,784	2,594,784	2,591,359	(3,425)	(0%)
General Purpose Funding - Other		579,462	575,352	1,170,450	595,098	103%
Law, Order and Public Safety		59,818	47,362	48,130	768	2%
Health		3,150	2,882	2,942	60	2%
Education and Welfare		8,500	7,766	628	(7,138)	(92%)
Housing		92,732	85,085	77,411	(7,674)	(9%)
Community Amenities		91,142	90,209	89,297	(912)	(1%)
Recreation and Culture		27,687	26,330	13,097	(13,233)	(50%)
Transport		135,854	134,794	134,494	(300)	(0%)
Economic Services		39,355	36,047	24,438	(11,609)	(32%)
Other Property and Services		43,760	42,234	28,722	(13,512)	(32%)
		<b>3,709,133</b>	<b>3,675,507</b>	<b>4,226,490</b>		
<b>Expenditure from Operating Activities</b>						
Governance		(503,146)	(462,117)	(457,981)	4,136	1%
General Purpose Funding		(362,341)	(332,123)	(317,130)	14,993	5%
Law, Order and Public Safety		(319,967)	(292,567)	(272,825)	19,742	7%
Health		(150,015)	(137,500)	(127,523)	9,977	7%
Education and Welfare		(47,828)	(45,176)	(32,704)	12,472	28%
Housing		(209,523)	(194,875)	(240,535)	(45,660)	(23%)
Community Amenities		(510,572)	(468,485)	(448,343)	20,142	4%
Recreation and Culture		(693,797)	(639,020)	(720,174)	(81,154)	(13%)
Transport		(4,510,419)	(4,136,918)	(4,125,664)	11,254	0%
Economic Services		(176,721)	(161,904)	(146,739)	15,165	9%
Other Property and Services		(10,000)	(15,450)	55,667	71,117	460%
		<b>(7,494,329)</b>	<b>(6,886,135)</b>	<b>(6,833,952)</b>		
<b>Excluded Non-cash Operating Activities</b>						
Depreciation and Amortisation		3,953,089	3,623,631	3,577,150		
(Profit) / Loss on Asset Disposal	8	10,323	9,460	53,760		
<b>Net Amount from Operating Activities</b>		<b>178,216</b>	<b>422,463</b>	<b>1,023,446</b>		
<b>Investing Activities</b>						
Grants, Subsidies and Contributions	12(b)	1,623,565	1,390,225	1,386,442	(3,783)	(0%)
Proceeds from Disposal of Assets	8	96,100	88,092	70,909	(17,183)	(20%)
Land and Buildings	9(a)	(33,590)	(33,590)	(33,829)	(239)	(1%)
Plant and Equipment		-	-	-	-	
Furniture and Equipment		-	-	-	-	
Infrastructure - Roads	9(b)	(1,454,394)	(1,254,854)	(1,324,384)	(69,530)	(6%)
Infrastructure - Bridges	9(c)	(100,000)	(91,674)	-	91,674	100%
<b>Net Amount from Investing Activities</b>		<b>131,681</b>	<b>98,199</b>	<b>99,138</b>		
<b>Financing Activities</b>						
Proceeds from New Loans	11(c)	70,000	-	-	-	
Proceeds from New Debentures	11(b)	16,777	16,777	8,997	(7,780)	(46%)
Repayment of Debentures	11(a)	(52,228)	(52,228)	(53,972)	(1,744)	(3%)
Transfer from Reserves	7	165,123	112,609	20,946	(91,663)	(81%)
Transfer to Reserves	7	(539,446)	(88,229)	(443,717)	(355,488)	(403%)
<b>Net Amount from Financing Activities</b>		<b>(339,774)</b>	<b>(11,071)</b>	<b>(467,746)</b>		
<b>Closing Funding Surplus / (Deficit)</b>	3	<b>-</b>	<b>539,468</b>	<b>684,715</b>		

\* - 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 2020**

**CAPITAL ACQUISITIONS AND FUNDING**

<b>Asset Group</b>	<b>Note</b>	<b>Annual Budget \$</b>	<b>YTD Actual Total \$</b>
Land and Buildings	9(a)	33,590	33,829
Infrastructure - Roads	9(b)	1,454,394	1,324,384
Infrastructure - Bridges	9(c)	100,000	-
<b>Total Capital Expenditure</b>		<b>1,587,984</b>	<b>1,358,213</b>
<b>Capital Acquisitions Funded by:</b>			
Capital Grants and Contributions		1,238,565	1,151,858
Borrowings		70,000	-
Other (Disposals and C/Fwd)		96,100	70,909
Council Contribution - From Reserves		165,123	20,946
Council Contribution - Operations		18,196	114,500
<b>Total Capital Acquisitions Funding</b>		<b>1,587,984</b>	<b>1,358,213</b>

## SHIRE OF VICTORIA PLAINS

### NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2020

#### 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 2019/20 year is \$25,000 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: Glenn Boyes  
Reviewed by: Travis Bate  
Date prepared: 17 Jun 20

#### (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 recognized 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(j).

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 2020

#### 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

##### (d) Rates, Grants, Donations and Other Contributions

Revenue from rates, grants, donations and other contributions are recognised when; the Shire gains control over the related assets, the assets can be measured reliably, it is probable that economic benefits associated with the transaction will flow to Shire, and specific criteria relating to the type of revenue, as noted below, have been satisfied.

##### Conditional Grants, Subsidies and Contributions

Revenue subject to conditions or obligations are recognised as above unless the conditions or obligations were not fully performed as at the reporting date. Revenue held at reporting date by the Shire, and are subject to discharging the required conditions or obligations, are recognised as liabilities.

##### Rate Revenue

The Shire gains control over rate revenue at the earlier of the rating period or the receipt of rates.

##### (e) 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.

Cash flows in the statement of cash flows are included on a gross basis and the GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

##### (f) 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(g)(ii).

##### (g) Financial Instruments

###### Initial Recognition and Measurement

On initial recognition, all financial instruments are measured at fair value plus transaction costs (except for instruments measured at fair value through profit or loss where transaction costs are expensed as incurred).

###### Financial Assets

Financial assets are divided into the following categories which are described in further detail below:

- (i) Loans and Receivables;
- (ii) Financial Assets at Fair Value Through Profit or Loss;
- (iii) Available-for-sale Financial Assets; and
- (iv) Held-to-maturity Investments.

Financial assets are assigned to the different categories on initial recognition, depending on the characteristics of the instrument and its purpose. A financial instrument's category is relevant to the way it is measured and whether any resulting income and expenses are recognised in profit or loss or in other comprehensive income.

All income and expenses relating to financial assets are recognised in the statement of comprehensive income under the heading 'Comprehensive Income / Expense'.

###### (i) 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 2020

#### 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

##### (g) Financial Instruments (Continued)

###### (ii) Financial Assets at Fair Value Through Profit or Loss (FVTPL)

Financial assets at fair value through profit or loss include financial assets:

- acquired principally for the purpose of selling in the near future;
- designated by the entity to be carried at fair value through profit or loss upon initial recognition; or
- which are derivatives not qualifying for hedge accounting.

Term deposits with maturities greater than three months from initial recognition are classified as FVTPL instruments.

###### (iii) Available-for-sale Financial Assets

Available-for-sale financial assets are non-derivative financial assets that do not qualify for inclusion in any of the other categories of financial assets or which have been designated in this category.

###### (iv) Held-to-maturity Investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturity. Investments are classified as held-to-maturity if it is the intention of the Shire's management to hold them until maturity.

Held-to-maturity investments are subsequently measured at amortised cost using the effective interest method, with revenue recognised on an effective yield basis. In addition, if there is objective evidence that the investment has been impaired, the financial asset is measured at the present value of estimated cash flows. Any changes to the carrying amount of the investment are recognised in the statement of comprehensive income.

#### Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities depending on the purpose for which the liability was acquired.

The Shire's financial liabilities include borrowings, trade and other payables (including finance lease liabilities), which are measured at amortised cost using the effective interest rate method. Further information is provided in Note 1(k).

#### 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. Further information is provided in Note 1(n).

#### De-recognition of Financial Instruments

Financial assets are de-recognised when the Shire no longer holds the rights to receive cash flows from the asset, or no longer has any significant involvement in the risks and benefits associated with it.

Financial liabilities are de-recognised when the related obligations are discharged, expired, or cancelled. Any difference between the carrying value of the liability and the consideration paid, including non-cash amounts, is recognised in the

##### (h) 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.

## SHIRE OF VICTORIA PLAINS

### NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2020

#### 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

##### (i) Fixed Assets

Initial recognition of an asset is recognised at cost where the fair value of the asset, at the date of acquisition, is equal to or greater than \$5,000.

##### Subsequent Measurement

All asset classes are measured using the revaluation model. All asset classes are revalued at least every three years and no more than five years.

##### Impairment of Non-financial Assets

At the end of each annual reporting period the Shire determines whether there is an evidence of an impairment indicator for non-financial assets.

Where an indicator exists the recoverable amount of the asset is estimated. Where assets do not operate independently of other assets, the recoverable amount of the relevant cash-generating unit (CGU) is estimated.

The recoverable amount of an asset or CGU is the higher of the fair value less costs of disposal and the value in use. Value in use is the present value of the future cash flows expected to be derived from an asset or cash-generating unit.

Where the recoverable amount is less than the carrying amount, an impairment loss is recognised in the statement of comprehensive income.

Reversal indicators are considered in subsequent periods for all assets which have suffered an impairment loss.

##### (j) Depreciation of Non-current Assets

Fixed assets, excluding freehold land, are depreciated on a straight-line basis over the asset's useful life to 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* prohibit 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 Equipment* (p.7)

## SHIRE OF VICTORIA PLAINS

### NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ending 31 May 2020

#### 1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

##### (i) Fixed Assets (Continued)

###### Land Under Local Government Control (Continued)

Asset not to be included in the financial report include Crown Land managed by the Shire which is a public thoroughfare, and Crown land or land owned by another person which is managed or controlled by the Shire, except if it is a golf course, showground, racecourse, or any other sporting or recreational facility of State or regional significance. Therefore assets, such as land under roads, purchased after 01 July 2008 do not form part of the financial statements.

Assets required to be included under Regulation 16 include a structure or any other improvement on the land referred to above, and an easement granted to the Shire over any land.

##### (k) Trade and Other Payables

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

##### (l) 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.

##### (m) 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.

##### (n) Provisions

Provisions are recognised when: The council 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.

##### (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 2020

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

###### **Materials and Contracts**

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, 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 2020

#### 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 relate 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.



## 2. EXPLANATION OF MATERIAL VARIANCES

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

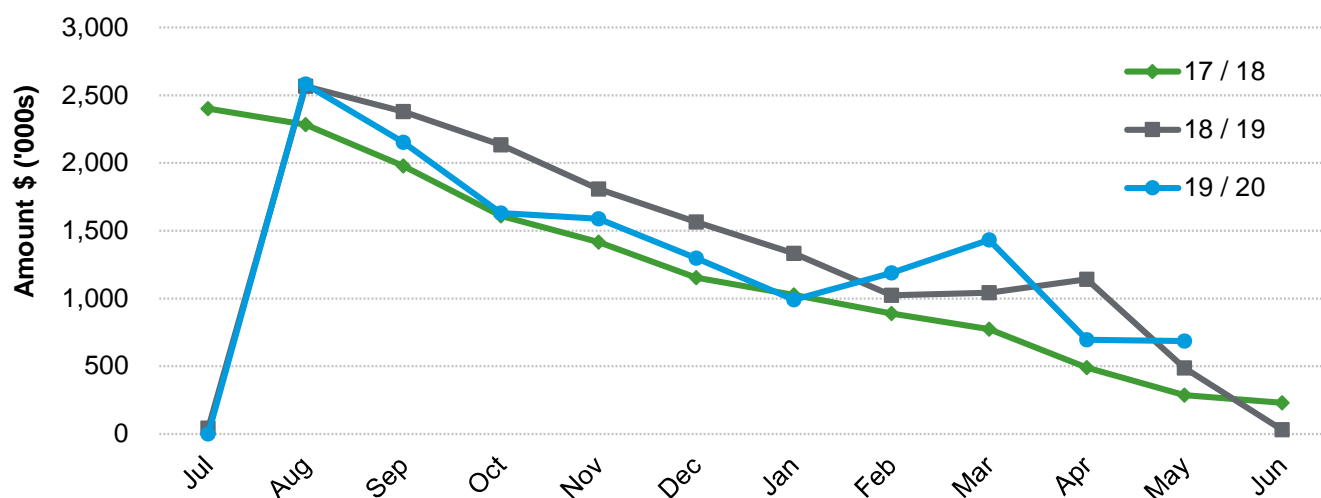
The material variance adopted by Council for the 2019/20 year is \$10,000 and 10%.

Reporting Program	Var \$	Var %	Var	Timing / Permanent	Explanation of Variance
<b>Operating Revenues</b>					
Governance	12,862	39%	▲	Permanent	Additional use of community vehicle and insurance reimbursement for storm damage over budget.
General Purpose Funding - Other	595,098	103%	▲	Permanent	Federal grants received in advance
Recreation and Culture	(13,233)	(50%)	▼	Timing	Interest not received on Loan 83 Football Club. Football Oval fees under budget.
Economic Services	(11,609)	(32%)	▼	Permanent	Caravan Park fees, building applications and Bendigo commissions under budget.
Other Property and Services	(13,512)	(32%)	▼	Timing	Private Works under budget. Timing of Fuel Rebate
<b>Operating Expense</b>					
Education and Welfare	12,472	28%	▲	Timing	Community Development grants and community vehicle expenses under budget. Maintenance of Bolgart playgroup under budget.
Housing	(45,660)	(23%)	▼	Permanent	Loss on Disposal over budget (Land portion).
Recreation and Culture	(81,154)	(13%)	▼	Timing	Town Garden maintenance, Calingiri Football Ground maintenance over budget.
Other Property and Services	71,117	460%	▲	Timing	Salaries, fuel and tyres under budget. Legal fees and Overheads over budget. Expenses over allocated.
<b>Capital Revenues</b>					
Proceeds from Disposal of Assets	(17,183)	(20%)	▼	Permanent	Budget profile of disposed assets.
<b>Capital Expenses</b>					
Infrastructure - Bridges	91,674	100%	▲	Timing	Project not started yet.
<b>Financing</b>					
Transfer from Reserves	(91,663)	(81%)	▼	Timing	Timing of Reserve transfers.
Transfer to Reserves	(355,488)	(403%)	▼	Timing	Timing of Reserve transfers.
Nature or Type	Var \$	Var %	Var	Timing / Permanent	Explanation of Variance
<b>Operating Revenues</b>					
Grants, Subsidies and Contributions	613,024	84%	▲	Permanent	Federal grants received in advance
Fees and Charges	(28,981)	(13%)	▼	Timing	Private Works, Pet Licencing, Effluent Scheme, Caravan Park, Building Application fees under budget. Planning Applications over budget.
Interest Earnings	(16,492)	(38%)	▼	Timing	Interest on Muni Fund and Reserves under budget. Interest not received on Loan 83 Football Club.
<b>Operating Expense</b>					
Insurance Expenses	20,948	14%	▲	Timing	Administration and Bridge insurance under budget.
Other Expenditure	58,883	45%	▲	Timing	Public Relations and write-offs under budget.
Loss on Disposal of Assets	(36,952)	(220%)	▼	Permanent	Loss on Disposal over budget (Land portion).

### 3. NET CURRENT FUNDING POSITION

	Note	Current Month 31 May 20	Prior Year Closing 30 Jun 19	This Time Last Year 31 May 19
<b>Current Assets</b>				
Cash Unrestricted	4	\$ 1,228,159	\$ 352,718	\$ 645,880
Cash Restricted	4	892,889	470,117	534,847
Cash Bonds and Deposits	4	18,846	15,123	-
Receivables - Rates	6(a)	25,560	22,201	18,732
Receivables - Sundry	6(b)	13,336	173,231	869,864
Receivables - Other		67,766	300,243	-
Receivables - Loans	11(b)	8,681	17,678	-
Provision for Doubtful Debts		(1,763)	(32,195)	-
Inventories		34,812	33,416	52,113
<b>Total Current Assets</b>		<b>2,288,286</b>	<b>1,352,532</b>	<b>2,121,436</b>
<b>Current Liabilities</b>				
Payables - Sundry		(495,848)	(367,074)	(1,284,307)
Payables - Other		(3,945)	(250,185)	-
Rates Received in Advance		(10,784)	(35,434)	-
Deposits and Bonds		(28,103)	(15,123)	-
Loan Liabilities	11(a)	-	(53,129)	266
<b>Total Payables</b>		<b>(538,679)</b>	<b>(720,945)</b>	<b>(1,284,041)</b>
Provisions		(163,322)	(167,044)	(136,945)
<b>Total Current Liabilities</b>		<b>(702,002)</b>	<b>(887,989)</b>	<b>(1,420,986)</b>
Less: Cash Reserves	7	(892,889)	(470,117)	(534,847)
Add: Loan Principal (Current)		(8,681)	35,451	(266)
Add: Trust Transactions to Municipal		-	-	(6,730)
<b>Net Funding Position - Surplus / (Deficit)</b>		<b>684,715</b>	<b>29,877</b>	<b>158,607</b>

Liquidity over the Year



Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ending 31 May 2020**

**4. CASH AND FINANCIAL ASSETS**

	Unrestricted	Restricted	Total	Institution	Interest	Maturity
	\$	\$	\$		Rate	Date
					%	
<b>Cash</b>						
Cash on Hand	590		590	N/A	0.00	N/A
Municipal Fund	640,107		640,107	Bendigo	0.00	N/A
Municipal Savings	203,596		203,596	Bendigo	0.25	N/A
Municipal 3 Months	83,867		83,867	Bendigo	1.20	03 Jul 20
Municipal 3 Months	300,000		300,000	Bendigo	1.20	03 Jul 20
Reserve Funds		362,950	362,950	Bendigo	0.25	N/A
Bonds and Deposits		18,846	18,846	Bendigo	0.00	N/A
<b>Financial Assets at Amortised Cost</b>						
Reserve Funds		529,938	529,938	Bendigo	1.20	05 Sep 20
<b>Total Cash and Financial Assets</b>	<b>1,228,159</b>	<b>911,735</b>	<b>2,139,894</b>			

**5. TRUST FUND**

Funds held at balance date over which the Shire has no control, and which are not included in this statement, are as follows:

Description	Opening Balance 01 Jul 19 \$	Amount Received \$	Amount Paid \$	Closing Balance 31 May 20 \$
	-	-	-	-
<b>Total Funds in Trust</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Comments / Notes**

No funds were held in Trust at reporting date.

Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**

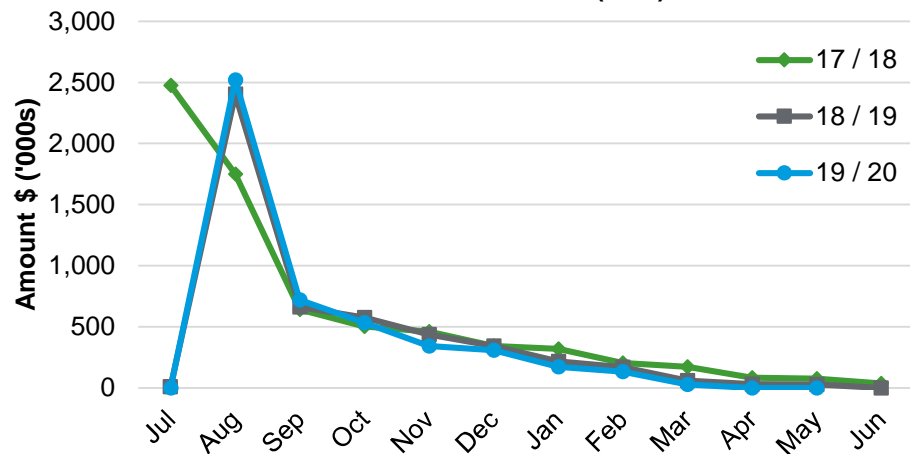
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ending 31 May 2020**

**6. RECEIVABLES**

**(a) Rates Receivable**

	31 May 20
	\$
Rates Receivables	25,560
Rates Received in Advance	(10,784)
<b>Total Rates Receivable Outstanding</b>	<b>14,776</b>
Closing Balances - Prior Year	22,201
Rates Levied this Year	2,591,359
Closing Balances - Current Month	(25,560)
<b>Total Rates Collected to Date</b>	<b>2,588,000</b>
Percentage Collected	99%

**Rates Receivable (YTD)**



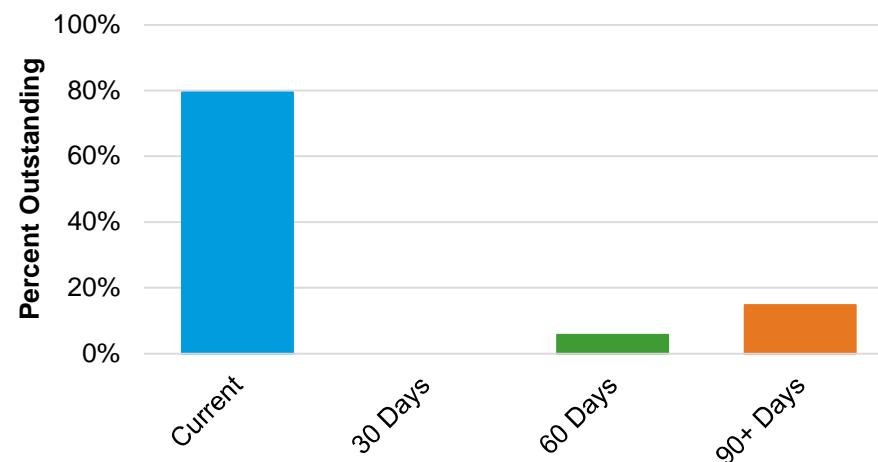
**Comments / Notes**

Rubbish fees included in YTD graph

**(b) General Receivables**

	31 May 20
	\$
Current	10,600
30 Days	-
60 Days	767
90+ Days	1,970
<b>Total General Receivables Outstanding</b>	<b>13,336</b>

**General Receivables**



**Comments / Notes**

Amounts shown above include GST (where applicable)

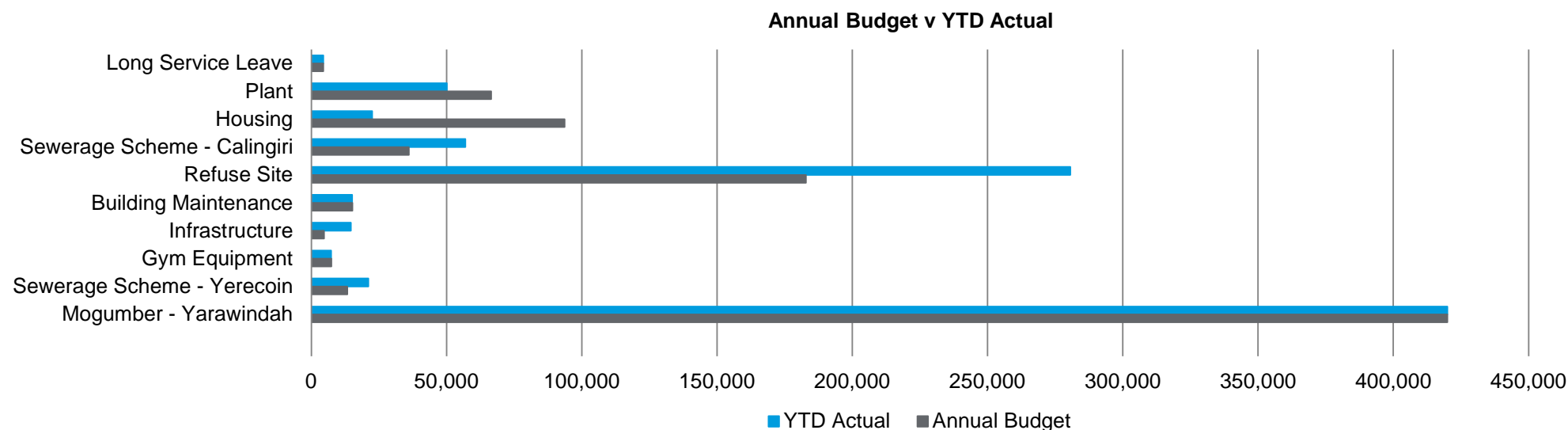
Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

For the Period Ending 31 May 2020

**7. CASH BACKED RESERVES**

Reserve Name	Annual Budget				YTD Actual				
	Balance	Transfers	Interest	Transfer	Balance	Transfers	Interest	Transfer	Balance
	01 Jul 19	from	Received	to	30 Jun 20	from	Received	to	31 May 20
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Long Service Leave	4,437	-	61	-	4,498	-	26	-	4,463
Plant	49,808	-	689	16,000	66,497	-	294	-	50,102
Housing	22,400	(5,000)	310	76,000	93,710	-	132	-	22,532
Sewerage Scheme - Calingiri	77,578	(42,249)	783	-	36,112	(20,946)	334	-	56,966
Refuse Site	278,983	(100,000)	3,857	-	182,840	-	1,645	-	280,628
Building Maintenance	15,032	-	208	-	15,240	-	89	-	15,121
Infrastructure	14,535	(10,000)	201	-	4,736	-	86	-	14,621
Gym Equipment	7,344	-	101	-	7,445	-	43	-	7,387
Sewerage Scheme - Yerecoin	-	(7,874)	290	20,946	13,362	-	123	20,946	21,069
Mogumber - Yarawindah	-	-	-	420,000	420,000	-	-	420,000	420,000
Total Cash Backed Reserves	470,117	(165,123)	6,500	532,946	844,440	(20,946)	2,771	440,946	892,888



**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

**For the Period Ending 31 May 2020**

**8. DISPOSAL OF ASSETS**

**Annual Budget**

	<b>WDV</b>	<b>Proceeds</b>	<b>Profit</b>	<b>(Loss)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Transport</b>				
<b>Plant and Equipment</b>				
PE097 Toro Z580D 25hp Ride On Mower	-	4,100	4,100	-
Community Vehicle	12,087	16,000	3,913	-
<b>Housing</b>				
<b>Land and Buildings</b>				
44 Edmonds Street	94,336	76,000	-	(18,336)
<b>Total Disposal of Assets</b>	<b>106,423</b>	<b>96,100</b>	<b>8,013</b>	<b>(18,336)</b>
<b>Total Profit or (Loss)</b>				<b>(10,323)</b>

**YTD Actual**

	<b>WDV</b>	<b>Proceeds</b>	<b>Profit</b>	<b>(Loss)</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Transport</b>				
<b>Plant and Equipment</b>				
PE097 Toro Z580D 25hp Ride On Mower	-	-	-	-
Community Vehicle	-	-	-	-
<b>Housing</b>				
<b>Land and Buildings</b>				
44 Edmonds Street	124,669	70,909	-	(53,760)
<b>Total Disposal of Assets</b>	<b>124,669</b>	<b>70,909</b>	<b>-</b>	<b>(53,760)</b>
<b>Total Profit or (Loss)</b>				<b>(53,760)</b>

**9. CAPITAL ACQUISITIONS**

**(a) Land and Buildings**

	Funding Source	Annual Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$
<b>Governance</b>					
Admin Office Upgrade		12,000	12,000	11,161	839
		<b>12,000</b>	<b>12,000</b>	<b>11,161</b>	<b>839</b>
<b>Housing</b>					
44 Edmonds Street Upgrade		2,000	2,000	-	2,000
		<b>2,000</b>	<b>2,000</b>	<b>-</b>	<b>2,000</b>
<b>Other Property and Services</b>					
Depot Office Upgrade		19,590	19,590	22,669	(3,079)
		<b>19,590</b>	<b>19,590</b>	<b>22,669</b>	<b>(3,079)</b>
<b>Total Land and Buildings</b>		<b>33,590</b>	<b>33,590</b>	<b>33,829</b>	<b>(239)</b>

**(b) Infrastructure - Roads**

	Funding Source	Annual Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$
<b>Transport</b>					
AG Lime - Calingiri / Toodyay Intersection		65,408	65,408	102,381	(36,973)
Bolgart East Road Final Seal	RRG	259,400	237,765	237,238	527
Bolgart East Road Final Seal	RTR	29,500	27,027	29,500	(2,473)
Bolgart West Road	Council	20,746	19,030	-	19,030
Gillingarra Glentromie Road	Council	18,000	16,478	11,854	4,624
New Norcia-Gillingarra Road 19/20	RTR	114,000	104,478	75,967	28,511
Mogumber-Yarawindah Road		580,000	448,335	512,082	(63,747)
Toodyay-Bindi Bindi Road 19/20	RTR	262,000	240,141	251,580	(11,439)
Toodyay-Bindi Bindi Road 18/19	RRG	7,000	5,830	-	5,830
Woods Road	Council	95,340	87,362	96,806	(9,444)
Yerecoin SE Road 18/19	RTR	3,000	3,000	6,975	(3,975)
		<b>1,454,394</b>	<b>1,254,854</b>	<b>1,324,384</b>	<b>(69,530)</b>
<b>Total Infrastructure - Roads</b>		<b>1,454,394</b>	<b>1,254,854</b>	<b>1,324,384</b>	<b>(69,530)</b>

**(c) Infrastructure - Bridges**

	Funding Source	Annual Budget \$	YTD Budget \$	YTD Actual \$	YTD Variance \$
<b>Transport</b>					
Glentromie-Yerecoin Road Bridge	RTR	100,000	91,674	-	91,674
		<b>100,000</b>	<b>91,674</b>	<b>-</b>	<b>91,674</b>
<b>Total Infrastructure - Bridges</b>		<b>100,000</b>	<b>91,674</b>	<b>-</b>	<b>91,674</b>
<b>Total Capital Expenditure</b>		<b>1,587,984</b>	<b>1,380,118</b>	<b>1,358,213</b>	<b>21,905</b>

**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

For the Period Ending 31 May 2020

**10. RATING INFORMATION**

	Rateable Value \$	Valuation \$	Number of Properties #	Annual Budget Revenue \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	YTD Actual Revenue \$
<b>General Rates</b>								
GRV	1,794,146	0.105810	162	189,839	189,839	-	-	189,839
UV	321,973,750	0.007051	302	2,270,237	2,270,237	(2,383)	(785)	2,267,069
<b>Total General Rates</b>				<b>2,460,076</b>	<b>2,460,076</b>	<b>(2,383)</b>	<b>(785)</b>	<b>2,456,907</b>
<b>Minimum Rates</b>								
GRV	81,774	436.80	65	28,392	28,392	-	-	28,392
UV	1,726,321	572.00	53	30,316	30,316	-	-	30,316
<b>Total Minimum Rates</b>				<b>58,708</b>	<b>58,708</b>	<b>-</b>	<b>-</b>	<b>58,708</b>
<b>Total General and Minimum Rates</b>				<b>2,518,784</b>	<b>2,518,784</b>	<b>(2,383)</b>	<b>(785)</b>	<b>2,515,615</b>
<b>Other Rate Revenue</b>								
Facilities Fees (Ex Gratia)				76,000				75,744
<b>Total Rate Revenue</b>				<b>2,594,784</b>				<b>2,591,359</b>



**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

**For the Period Ending 31 May 2020**

**11. INFORMATION ON BORROWINGS**

**(a) Debenture Repayments**

**(i) Loan 82 Calingiri Sports Pavilion**

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
<b>Housing</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Opening Balance	59,114	59,114	59,114
Principal Payment	(18,838)	(18,838)	(18,838)
<b>Principal Outstanding</b>	<b>40,276</b>	<b>40,276</b>	<b>40,276</b>
Interest Payment	(2,440)	(2,440)	(1,851)
Guarantee Fee	(463)	(462)	(463)
<b>Total Principal, Interest and Fees Paid</b>	<b>(21,741)</b>	<b>(21,740)</b>	<b>(21,152)</b>

**(ii) Loan 84 Piawaning Water Supply**

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
<b>Economic Services</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Opening Balance	135,222	135,222	135,222
Principal Payment	(16,613)	(16,613)	(16,613)
<b>Principal Outstanding</b>	<b>118,609</b>	<b>118,609</b>	<b>118,609</b>
Interest Payment	(3,264)	(2,992)	(1,648)
Guarantee Fee	(936)	(858)	(936)
<b>Total Principal, Interest and Fees Paid</b>	<b>(20,813)</b>	<b>(20,463)</b>	<b>(19,197)</b>

**(iii) Loan 83 Calingiri Football Club**

	<b>Annual Budget</b>	<b>YTD Budget</b>	<b>YTD Actual</b>
<b>Recreation and Culture</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Opening Balance	222,074	222,074	222,074
Principal Payment	(16,777)	(16,777)	(18,521)
<b>Principal Outstanding</b>	<b>205,297</b>	<b>205,297</b>	<b>203,553</b>
Interest Payment	(11,123)	(11,122)	(6,527)
Service Fee	(600)	(550)	(600)
<b>Total Principal, Interest and Fees Paid</b>	<b>(28,500)</b>	<b>(28,449)</b>	<b>(25,648)</b>
<b>Total Principal Outstanding</b>	<b>364,182</b>	<b>364,182</b>	<b>362,438</b>
<b>Total Principal Repayments</b>	<b>(52,228)</b>	<b>(52,228)</b>	<b>(53,972)</b>

SHIRE OF VICTORIA PLAINS

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ending 31 May 2020

11. INFORMATION ON BORROWINGS

(b) Self Supporting Loans

(i) Loan 83 Calingiri Football Club

	Annual Budget	YTD Budget	YTD Actual
<b>Recreation and Culture</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Opening Balance	222,074	222,074	222,074
Principal Payment Received	(16,777)	(16,777)	(8,997)
<b>Principal Outstanding</b>	<b>205,297</b>	<b>205,297</b>	<b>213,077</b>
Interest Received	(11,123)	(11,122)	(3,310)
Service Fee Received	(600)	(600)	(300)
<b>Total Principal, Interest and Fees Received</b>	<b>(28,500)</b>	<b>(28,499)</b>	<b>(12,607)</b>
<b>Total Principal Outstanding</b>	<b>205,297</b>	<b>205,297</b>	<b>213,077</b>
<b>Total Principal Received</b>	<b>(16,777)</b>	<b>(16,777)</b>	<b>(8,997)</b>

(c) New Loans

	Annual Budget	YTD Budget	YTD Actual
<b>Transport</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Mogumber - Yarawindah Project	70,000	-	-

Comments / Notes

No loan application submitted at reporting date

Shire of Victoria Plains  
**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

**For the Period Ending 31 May 2020**

**12. GRANTS, SUBSIDIES AND CONTRIBUTIONS**

**(a) Operating Grants, Subsidies and Contributions**

Program / Details	Grant Provider	Annual Budget \$	YTD Budget \$	YTD Actual \$
<b>Governance</b>				
Traineeship Grant	DPIRD	30,000	30,000	30,000
Donations		-	-	193
<b>General Purpose Funding</b>				
General Commission Grants	WALGGC	279,811	279,808	574,160
<b>Law, Order and Public Safety</b>				
ESL BFB Operating Grant	DFES	45,116	33,385	39,961
DFES Commission on ESL Levy	DFES	4,000	3,663	4,000
<b>Education and Welfare</b>				
Seniors Week/TAVD Community	DLGC	2,000	1,826	528
WA Youth Week Grant	DLGC	1,000	913	-
Community Development Programs		5,000	4,576	-
<b>Transport</b>				
Roads Commission Grants	WALGGC	251,018	251,016	562,356
Street Lighting	MRWA	1,000	913	-
Direct Road	MRWA	123,211	123,211	131,137
<b>Total Operating Grants, Subsidies and Contributions</b>		<b>742,156</b>	<b>729,311</b>	<b>1,342,335</b>

**(b) Non-operating Grants, Subsidies and Contributions**

<b>Transport</b>				
Regional Road Group - Road Projects	Main Roads WA	257,921	257,920	176,938
Roads to Recovery	Dept of Infrastructure	344,595	344,592	344,595
Mogumber - Yarawindah Road	Main Roads WA	933,333	699,999	746,666
Ag-Lime Project	Main Roads WA	87,716	87,714	118,242
<b>Total Non-Operating Grants, Subsidies and Contributions</b>		<b>1,623,565</b>	<b>1,390,225</b>	<b>1,386,442</b>

<b>Total Grants, Subsidies and Contributions</b>		<b>2,365,721</b>	<b>2,119,536</b>	<b>2,728,777</b>
--	--	------------------	------------------	------------------

**13. BUDGET AMENDMENTS**

GL	Description	Classification	Increase in Cash \$	Decrease in Cash \$	Running Balance \$
	Opening Surplus Adjustment (Non-cash)				(155,449)
	<b>Operating Revenue</b>				
10431	Commissions	Budget Review		(4,200)	(159,649)
10433	Sundry Income	Budget Review	2,856		(156,793)
10436	Grant - Traineeship (DPIRD)	Budget Review	30,000		(126,793)
10923	Calingiri Aged Person Unit 4 - 11 Harrington Street	Budget Review		(5,760)	(132,553)
11020	Effluent Scheme Income - Calingiri	Budget Review	5,404		(127,149)
11103	Calingiri Gymnasium	Budget Review	741		(126,408)
11410	Sundry Income	Budget Review	630		(125,778)
11411	Diesel Fuel Rebate	Budget Review	25,470		(100,308)
	<b>Operating Expenses</b>				
20403	Election Expenses	Budget Review	1,915		(98,393)
20404	Conferences & Seminars - Local Government Week	Budget Review	681		(97,712)
20405	Conferences & Seminars - Councillor Training	Budget Review	15,000		(82,712)
20406	Meeting Costs	Budget Review		(1,190)	(83,902)
20408	Sundry	Budget Review	3,000		(80,902)
20414	Subscriptions - Members	Budget Review		(5,500)	(86,402)
20430	Salaries & Wages	Budget Review	18,377		(68,025)
20432	Finance and Administration Manager Package	Budget Review	9,000		(59,025)
20435	Computing/IT Support	Budget Review		(15,043)	(74,068)
20437	Staff Recruitment	Budget Review	7,500		(66,568)
20438	Staff Training	Budget Review	8,000		(58,568)
20442	Subscriptions - Admin	Budget Review		(1,603)	(60,171)
20444	Postage	Budget Review	2,500		(57,671)
20451	Consultancy/Contractors	Budget Review	2,000		(55,671)
20452	Legal Fees - Administration	Budget Review		(65,000)	(120,671)
20500	Fire Prevention	Budget Review		(497)	(121,168)
20510	Mtce of Plant & Equip (FESA Fire Trucks)	Budget Review		(4,387)	(125,555)
20520	Animal Control	Budget Review		(545)	(126,100)
20534	Ranger Services	Budget Review		(994)	(127,094)
20710	Mosquito Control	Budget Review	729		(126,365)
20804	Community Development Expenditure	Budget Review		(2,295)	(128,660)
20809	Grants Officer - External	Budget Review	11,000		(117,660)
20901	Staff Housing Building & Surrounds Maintenance	Budget Review	25,000		(92,660)
20903	Calingiri Aged Person Units Maintenance	Budget Review	2,000		(90,660)
20905	Bolgart Aged Person Units - Maintenance	Budget Review	6,000		(84,660)
21005	Landfill Site Maintenance	Budget Review	201,000		116,340
21033	Jet Cleaning & CCTV of Sewer Mains - Calingiri	Budget Review	23,835		140,175
21037	Jet Cleaning & CCTV of Sewer Mains - Yerecoin	Budget Review	8,816		148,991
21102	Piawaning Hall	Budget Review		(1,064)	147,927
21103	Mogumber Hall	Budget Review	7,209		155,136
21104	Gillingarra Hall	Budget Review	800		155,936
21105	Yerecoin Hall	Budget Review	1,000		156,936

**SHIRE OF VICTORIA PLAINS**

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**

**For the Period Ending 31 May 2020**

**13. BUDGET AMENDMENTS (Continued)**

GL	Description	Classification	Increase in Cash \$	Decrease in Cash \$	Running Balance \$
<b>Operating Expenses (Continued)</b>					
21110	Town & Gardens Maintenance	Budget Review		(20,000)	136,936
21130	Library - Salaries & Wages	Budget Review		(88)	136,848
21200	Maintenance Grading	Budget Review		(121,507)	15,341
21202	Bitumen Maintenance	Budget Review	35,000		50,341
21203	Signage & Guideposts	Budget Review		(40,427)	9,914
21204	Tree Lopping/Verge Maintenance	Budget Review	40,000		49,914
21206	Town Streets Maintenance	Budget Review	16,000		65,914
21207	Roads Stormwater Damage (includes call-outs)	Budget Review		(28,105)	37,809
21209	Bridge & Culvert Maintenance	Budget Review		(18,443)	19,366
21212	Traffic Signs & Control Equipment	Budget Review		(3,764)	15,602
21218	Minor Plant/Equipment Purchases	Budget Review		(4,100)	11,502
21420	Depot Maintenance	Budget Review	8,000		19,502
21300	Noxious Weeds & Pest Control	Budget Review	18,680		38,182
21321	Caravan Parks and Camping Grounds Operating	Budget Review		(75)	38,107
21410	Salaries & Wages	Budget Review		(115,828)	(77,721)
21411	Works Manager Package	Budget Review		(3,033)	(80,754)
21412	Superannuation	Budget Review		(3,453)	(84,207)
21413	Insurance	Budget Review		(20,327)	(104,534)
21415	Conferences & Seminars	Budget Review	863		(103,671)
21416	Engineering Services	Budget Review		(4,000)	(107,671)
21422	Staff Training	Budget Review	7,703		(99,968)
21433	Insurance & Licences	Budget Review		(3,510)	(103,478)
21445	Legal Fees - Cessation of EBA	Budget Review		(3,327)	(106,805)
21490	Workshop Overheads Recovered	Budget Review	214,088		107,283
21495	Plant Recovery	Budget Review		(28,630)	78,653
21496	Gross Salaries & Wages	Budget Review		(185,598)	(106,945)
21497	Salaries & Wages Allocated	Budget Review	114,591		7,646
<b>Capital Revenue</b>					
16018	AG Lime Route 2 - Other Contributions	Budget Review		(680,000)	(672,354)
16054	R4R CLGF Grants - Road Projects	Budget Review		(592,284)	(1,264,638)
16091	MRWA Mogumber - Yarawindah Rd	Budget Review	933,333		(331,305)
95111	Transfers from Plant Reserves	Budget Review	100,000		(231,305)
95111	Transfers to Plant Reserves	Budget Review		(16,000)	(247,305)
95121	Transfers to Housing Reserves	Budget Review		(76,000)	(323,305)
16088	Proceeds from Sale of Plant	Budget Review	16,000		(307,305)
16090	Proceeds - 44 Edmonds Street	Budget Review	76,000		(231,305)
94000	Proceeds from New Loan	Budget Review	70,000		(161,305)
95172	Mogumber - Yarawindah Project	2004-04		(420,000)	(581,305)
<b>Capital Expenditure</b>					
40110	44 Edmonds Street - Housing upgrade	Budget Review	3,000		(578,305)
40021	Roadworks - Council & Direct Road Funding	Budget Review	100,500		(477,805)
40024	RTR Funded Infrastructure	Budget Review			(477,805)
40025	AG Lime Route Capital Expenditure	Budget Review	1,046,395		568,590
40322	Roadworks - State Freight Network	Budget Review		(1,000,000)	(431,410)
40063	Depot Office Upgrade	Budget Review	11,410		(420,000)
40322	Roadworks - State Freight Network	2004-04	420,000		-
<b>Amended Budget Totals</b>			<b>3,652,026</b>	<b>(3,496,577)</b>	<b>-</b>

## REGISTER OF DELEGATIONS

COUNCIL TO CEO  
&  
CEO TO OFFICERS

~~ADOPTED — 18 JULY 2018~~  
REVIEW & ADOPTION ~~-24~~ \_\_\_\_\_ JUNE 2020

## 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 - 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 Acting CEO – Appointment

#### Section 2 - Administration / Organisation

- 2.1 Common Seal – Execution of documents
- 2.2 Deleted
- 2.3 Confidential records – Inspection

#### 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 - Occupational Safety & Health



Section 9 - Building / Development

- 9.1 Building permits
- 9.2 Illegal development
- 9.3 Control of planning matters
- 9.4 Applications for subdivision and amalgamations
- 9.5 Fencing Local Law 2018

Section 10 - Public Facilities

- 10.1 Liquor Control Act
- 10.2 Discount/waiver/subsidy of facility hire fees
- 10.3 Public Places and Local Government Property Local Law 2018

Section 11 - Tourism

Section 12 - Works & Services

- 12.1 Reserves under control of the local government
- 12.2 Things to be done on land not local government property
- 12.3 Works on land outside the district
- 12.4 Materials from land not under local government control
- 12.5 Notices requiring certain things to be done
- 12.6 Notice of local government works
- 12.7 Private works/infrastructure on, over or under public land
- 12.8 Events on roads
- 12.9 Temporary road closures

Section 13 - Plant / Equipment

Section 14 - Natural Resource Management

- 14.1 Control of Vehicles (Off-road Areas) Act 1978
- 14.2 Native flora and fauna

Section 15 - Unclassified

- 15.1 Restricted Access Vehicles on Shire Roads

PART B – PRIMARY DELEGATIONS – to other persons

Section 16 - Fire Control

- 16.1 Issue of burning permits – Fire Control Officers
- 16.2 Issue of clover burning permits – Clover Burning Permit Officers
- 16.3 Prohibited burning periods – Variations

Section 17 - Deleted

- 17.1 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

### Error! Hyperlink reference not valid.PART A – PRIMARY DELEGATIONS – to CEO

#### Error! Hyperlink reference not valid.Section 1 – Council / Governance

Error! Hyperlink reference not valid.1.1..... Appointment of authorised persons

Error! Hyperlink reference not valid.1.2..... Acting CEO – Appointment

#### Error! Hyperlink reference not valid.Section 2 – Administration / Organisation

Error! Hyperlink reference not valid.2.1..... Common Seal – Execution of documents

Error! Hyperlink reference not valid.2.2..... Deleted

Error! Hyperlink reference not valid.2.3..... Confidential records – Inspection

#### Error! Hyperlink reference not valid.Section 3 – Financial Management

Error! Hyperlink reference not valid.3.1..... Deleted

Error! Hyperlink reference not valid.3.2Municipal Fund and Trust Fund – Payments from Bank Accounts

Error! Hyperlink reference not valid.3.3..... Investments

Error! Hyperlink reference not valid.3.4..... Rates record, extensions and objections

Error! Hyperlink reference not valid.3.5.Sundry and rate debtors – Recovery and agreements

Error! Hyperlink reference not valid.3.6..... Write off of rate and sundry debts

Error! Hyperlink reference not valid.3.7Tenders – power to set specifications, criteria, call, accept, vary

Error! Hyperlink reference not valid.3.8..... Contracts – Variations

Error! Hyperlink reference not valid.3.9Disposing of property, and impounded, confiscated or uncollected goods

Error! Hyperlink reference not valid.3.10..... Disposing of land – leases, rentals etc

Error! Hyperlink reference not valid.3.11..... Donations – Financial and In-kind Works / Services

Error! Hyperlink reference not valid.3.12..... Ex-Gratia Payments

#### Error! Hyperlink reference not valid.Section 4 – Order / public safety

Error! Hyperlink reference not valid.4.1..... Disposal of sick or injured animals

Error! Hyperlink reference not valid.4.2..... Cat Act 2011

Error! Hyperlink reference not valid.4.3..... Dog Act 1976

Error! Hyperlink reference not valid.4.4..... Dogs Local Law 2018

Error! Hyperlink reference not valid.4.5..... Impounding of vehicles and goods

Error! Hyperlink reference not valid.4.6..... Impounding of cattle etc

#### Error! Hyperlink reference not valid.Section 5 – Fire Control

Error! Hyperlink reference not valid.5.1..... Issue of burning permits – CEO

Error! Hyperlink reference not valid.5.2..... Deleted

Error! Hyperlink reference not valid.5.3..... Restricted burning periods – Variations

#### Error! Hyperlink reference not valid.Section 6 – Environmental Health / Food

Error! Hyperlink reference not valid.6.1..... Control of environmental health matters

Error! Hyperlink reference not valid.6.2.....Health Local Law 2004

Error! Hyperlink reference not valid.6.3.....Amenity Local Law 2018

Error! Hyperlink reference not valid.6.4.....Control of food matters

#### Error! Hyperlink reference not valid.Section 7 – Community Services

Error! Hyperlink reference not valid.7.1.....Cemetery Local Law 2018

#### Error! Hyperlink reference not valid.Section 8 – Personnel

Error! Hyperlink reference not valid.8.1.....Designated senior employee – Vacancy

Error! Hyperlink reference not valid.8.2.....Long service leave

#### Error! Hyperlink reference not valid.Section 9 – Occupational Safety & Health

#### Error! Hyperlink reference not valid.Section 10 – Building / Development

Error! Hyperlink reference not valid.10.1.....Building permits

Error! Hyperlink reference not valid.10.2.....Illegal development

Error! Hyperlink reference not valid.10.3.....Control of planning matters

Error! Hyperlink reference not valid.10.4.....Applications for subdivision and amalgamations

Error! Hyperlink reference not valid.10.5.....Fencing Local Law 2018

#### Error! Hyperlink reference not valid.Section 11 – Public Facilities

Error! Hyperlink reference not valid.11.1.....Liquor Control Act

Error! Hyperlink reference not valid.11.2.....Discount/waiver/subsidy of facility hire fees

Error! Hyperlink reference not valid.11.3Public Places and Local Government Property Local Law 2018

#### Error! Hyperlink reference not valid.Section 12 – Tourism

#### Error! Hyperlink reference not valid.Section 13 – Works & Services

Error! Hyperlink reference not valid.13.1.....Reserves under control of the local government

Error! Hyperlink reference not valid.13.2Things to be done on land not local government property

Error! Hyperlink reference not valid.13.3.....Works on land outside the district

Error! Hyperlink reference not valid.13.4Materials from land not under local government control

Error! Hyperlink reference not valid.13.5.....Notices requiring certain things to be done

Error! Hyperlink reference not valid.13.6.....Notice of local government works

Error! Hyperlink reference not valid.13.7Private works/infrastructure on, over or under public land

Error! Hyperlink reference not valid.13.8.....Events on roads

Error! Hyperlink reference not valid.13.9.....Temporary road closures

#### Error! Hyperlink reference not valid.Section 14 – Plant / Equipment

#### Error! Hyperlink reference not valid.Section 15 – Natural Resource Management

Error! Hyperlink reference not valid.15.1.....Control of Vehicles (Off-road Areas) Act 1978

Error! Hyperlink reference not valid.15.2.....Native flora and fauna

#### Error! Hyperlink reference not valid.Section 16 – Unclassified

Error! Hyperlink reference not valid.16.1.....Restricted Access Vehicles on Shire Roads

#### Error! Hyperlink reference not valid.PART B – PRIMARY DELEGATIONS – to other persons

#### Error! Hyperlink reference not valid.Section 17 – Fire Control

Error! Hyperlink reference not valid.17.1.....Issue of burning permits – Fire Control Officers

Error! Hyperlink reference not valid.17.2Issue of clover burning permits – Clover Burning Permit Officers

Error! Hyperlink reference not valid.17.3.....Prohibited burning periods – Variations

#### Error! Hyperlink reference not valid.Section 18 – Deleted

Error! Hyperlink reference not valid.18.1.....Deleted

Error! Hyperlink reference not valid.~~HISTORY SUMMARY~~

Error! Hyperlink reference not valid.~~APPENDIX~~

Error! Hyperlink reference not valid.~~Definitions~~

Error! Hyperlink reference not valid.~~Statutory Context~~

Error! Hyperlink reference not valid.~~Corporate context~~

Error! Hyperlink reference not valid.~~Guidelines No.17 — Delegations (Department of Local Government)~~

Error! Hyperlink reference not valid.~~Making, amending and revoking delegations~~

Error! Hyperlink reference not valid.~~Use of delegations~~

Error! Hyperlink reference not valid.~~Record of use of delegations~~

Error! Hyperlink reference not valid.~~Review of delegations~~

Error! Hyperlink reference not valid.~~Primary delegation~~

Error! Hyperlink reference not valid.~~Secondary delegation by CEO~~

## 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)

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

~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~~~Not permitted 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

**Commented [SF1]:** This delegation is split into its component parts by legislation as the head of power to allow the appointment of authorised persons are different in each of the Acts/Regulations that are applicable. In other words, the LG Act authority cannot be used to enact a delegation unless another Act says otherwise.

**Formatted:** English (Australia)

**Commented [SF2]:** This section not quoted previously

**Formatted:** Font: Italic

**Formatted:** Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Font: Italic

**Commented [SF3]:**

**Formatted:** Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Font: Italic

**Formatted:** Font: Italic

**Commented [SF4]:** Not previously included. Local Government has the responsibility to remove and infringe graffiti vandalism in certain situations

**Commented [SF5]:** Correct form included

**Commented [SF6]:** Legislation removed and put into other delegations based on the appropriate legislation

- 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) Public Health Act 2016 Graffiti Vandalism Act 2016
- d) Health (Miscellaneous Provisions) Act 1911
- e) d) Building Act 2011 Regulations 2012 (The specific details are confirmed in Delegation 1.1.7)
- f) Bush Fires Act 1954
- g) Cat Act 2008
- h) Cemeteries Act 1986
- i) Dog Act 1976
- j) Animal Welfare Act 2
- k) Environmental Protection Act & Regulations 1986
- l) Food Act 2008
- m) Litter Act 1979
- n) Planning and Development Act 2005
- o) Control of Vehicles (Off-road Areas) Act 1978
- p) Caravan Parks & Camping Grounds Act 1995

**Commented [SF7]:** Under the Cemeteries Act, an employee of the Board (Local Government) may be authorised to issue infringements. The CEO would conduct this appointment.

**Commented [SF8]:** Only applicable if the CEO of the RSPCA appoints a local government officer as a general inspector to issue infringements

**Commented [SF9]:** This is not applicable as the CEO of DWER delegates directly to the CEO of the local government matters regarding noise.

**Commented [SF10]:** An authorised person under the Litter Act refers to any person who is an employee of the local government. The CEO would authorise an officer for such purposes.

**Commented [SF11]:** The CoV (OR) Act says that a local government may appoint by resolution i.e. Council. **Cannot be sub-delegated**

**Commented [SF12]:** The CP&CG Act names the CEO of a Local Government to as a function to appoint authorised persons directly

**Commented [SF13]:** Local Laws made under other legislation removed from this section

**Formatted:** Font: Italic

## 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) Cemetery Local Law 2018,
- b) Dogs Local Law 2018,
- c) Extractive Industries Local Law 2018 Extractive Industries Local Law 2018,
- d) a) Fencing Local Law 2018 Fencing Local Law 2018,
- e) b) Public Places and Local Government Property Local Law 2018;
- f) c) Health Local Law 2004.

**Commented [SF14]:** Separate delegation developed

## 6. 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.

## 7.6. 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.

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Formatted:** Font color: Red

**Commented [SF15]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Font color: Red

**Formatted:** Font color: Red

## APPLICATION

8.7. Appointments made by the CEO are limited to employees or other suitable persons of the Shire, and are to state the appointment is for 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.

**Formatted:** Font color: Red

**Formatted:** Font color: Red

- 9.8. 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.

10.9. 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 ~~xx-24 September-June 2019~~2020

#### REFERENCES

No delegated power for –

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

Formatted: Font color: Red

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.

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.

~~Appointments of persons other than employees, are to be referred to Council for determination.~~

Formatted: Font color: Red

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 ~~Council~~the Shire,
- as an officer of ~~Council~~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.

Commented [SF16]: Correct legal entity

Commented [SF17]: Correct legal entity

As these appointments mean that the person is an officer of ~~Council~~the Shire for that specific purpose, they have the statutory power to commit ~~Council~~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 23-24 June 2018-2020 –

- Amenity
- ~~Meeting Procedures~~
- Waste
- Health (replacement)

Commented [SF18]: Local Law in place

### 1.1.2 Building Act 2011

#### STATUTORY CONTEXT

Building Act 2011

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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Building Regulations 2012

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

Commented [SF19]:

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)

Commented [SF20]: Correct form included

#### FUNCTION DELEGATED

##### 1. 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).

Commented [SF21]: Correct function included

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

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".

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm

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).

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm



NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).

## 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    24 June 2020

## REFERENCES

- See Delegation 1.1.1

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.15 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Commented [SF22]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**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 DELEGATED****1. 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;

**Formatted:** Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF23]:** Correct form included

**Commented [SF24]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Left: 0 cm, Hanging: 0.75 cm, Tab stops: 1 cm, Left + Not at: 0.75 cm

**Formatted:** Indent: Left: 0.75 cm, Hanging: 0.75 cm

**Formatted:** Indent: Left: 0 cm, Hanging: 0.75 cm, Tab stops: 1 cm, Left

**Formatted:** Indent: Left: 0 cm, Hanging: 0.75 cm, Tab stops: 1 cm, Left

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.15 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Commented [SF25]:** Separate delegation developed

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.15 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.15 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Commented [SF26]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

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 24 June 2020

#### **1.1.4 Cat Act 2011**

#### **STATUTORY CONTEXT**

Cat Act 2011 –  
- s.44 Delegation by local government  
1. s. 48 Authorised persons

#### **CORPORATE CONTEXT**

None

#### **PRIMARY DELEGATION**

CEO

#### **SUB-DELEGATION**

CEO has discretion in this matter: s.45 Delegation by CEO of local government

#### **FUNCTION DELEGATED**

1. Legislation

1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].

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.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF27]:** Correct form included

**Commented [SF28]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Left: 0.75 cm, Hanging: 0.75 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Commented [SF29]:** Separate delegation developed

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.15 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF30]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

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 –
- any limitations specified in the relevant general delegation to the person or position;
  - 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**

- Authorised person's certificate of authorisation
- File copy of authorisation
- Personnel file
- Relevant subject file

#### **HISTORY**

Former Delegation 2.6, 2.64  
Adopted 18 July 2018  
Review / adoption 24 June 2020

#### **REFERENCES**

See Delegation 1.1.1

#### **1.1.5 Dog Act 1976**

#### **STATUTORY CONTEXT**

Dog Act 1976 –

- s.10AA Delegation of local government powers and duties
- s.11(1) Staff and Services
- s.29(1) Power to seize dogs (appoint authorised persons for purposes under this Act)

#### **CORPORATE CONTEXT**

None

#### **PRIMARY DELEGATION**

CEO

#### **CONDITIONS/LIMITATIONS**

The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].

#### **SUB-DELEGATION**

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

#### **FUNCTION DELEGATED**

1. Legislation

- Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].
- Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1) and s.29(1)].

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF31]:** This is a specific condition listed in the Dog Act

**Formatted:** Font: Bold

**Formatted:** Font: Bold

**Commented [SF32]:** Correct form included

**Commented [SF33]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Left: 0 cm, Hanging: 1 cm

## 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 *Dog Act 1976* –

- a. Dogs Local Law 2018

## 3. Infringement Notices

- Local Law?

## 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 –

- (c) any limitations specified in the relevant general delegation to the person or position;
- (d) 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	24 June 2020

## REFERENCES

See Delegation 1.1.1

## 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

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Hanging: 1.79 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm

**Commented [SF34]:** Separate delegation developed

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF35]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**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

**Commented [SF36]:** This is a specific condition listed in the Food Act

**SUB-DELEGATION**

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

**Commented [SF37]:** Correct form included

**FUNCTION DELEGATED**1. 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)].

**Commented [SF38]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Indent: Left: 0 cm, Hanging: 1 cm

2. Local Laws

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

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** English (United Kingdom)

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm

**Commented [SF39]:** Separate delegation developed

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF40]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

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

#### HISTORY

Former Delegation 2.6, 2.64  
Adopted 18 July 2018  
Review / adoption 24 June 2020

#### 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 –  
- .15D(7) Infringement Notices

#### CORPORATE CONTEXT

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

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Bulleted + Level: 1 + Aligned at: 1.19 cm + Indent at: 1.83 cm

**Commented [SF41]:** This is a specific condition listed in the Food Act

**Commented [SF42]:** Correct form included

**Commented [SF43]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Bulleted + Level: 2 + Aligned at: 1.9 cm + Indent at: 2.54 cm

**Commented [SF44]:** Separate delegation developed

3. Infringement Notices

- Refer Legislation and Local Laws

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

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:

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

(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.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

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 –

Commented [SF45]: By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

(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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

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.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

FORMAL RECORD OF USE

i) Authorised person's certificate of authorisation

ii) File copy of authorisation

iii) Personnel file

iv) Relevant subject file

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

HISTORY

Former Delegation 2.6, 2.64

Adopted 18 July 2018

Review / adoption 24 June 2020

REFERENCES

See Delegation 1.1.1

1.1.7 Public Health Act 20161.1.7.2 Designate Authorised OfficersSTATUTORY CONTEXT

Public health Act 2016 –

- s.21 Enforcement agency may delegate

- s.24(1) and (3) Designation of authorised officers

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Hanging: 1.79 cm, Bulleted + Level: 2 + Aligned at: 1.9 cm + Indent at: 2.54 cm

CORPORATE CONTEXT

None

PRIMARY DELEGATION

CEO

.Or

Formatted: Font: Bold, Italic



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.

**Commented [SF46]:** This is a specific condition listed in the Food Act

#### **SUB-DELEGATION**

Nil

**Commented [SF47]:** Correct form included

#### **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 other specified Act
  - iii. Provisions of the Public Health Act 2016 or another specified Act, 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)].

**Commented [SF48]:** Legislation removed and put into other delegations based on the appropriate legislation

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

##### **2. Local Laws**

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

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm

##### **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

**Commented [SF49]:** Separate delegation developed

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

##### **4. Infringement Notices**

- Refer Legislation, Local Laws, Planning

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

#### **APPLICATION**

5. 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.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF50]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

6. 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.

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

#### **FORMAL RECORD OF USE**

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

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

#### **HISTORY**

Former Delegation 2.6, 2.64  
Adopted 18 July 2018  
Review / adoption 24 June 2020

#### **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.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Land Development Act 2005 –

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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: English (United States)

#### **CORPORATE CONTEXT**

None

#### **PRIMARY DELEGATION**

CEO

#### **CONDITIONS/LIMITATIONS**

Formatted: Font: Bold

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.

#### **SUB-DELEGATION**

Permitted as per the Conditions/Limitations

Commented [SF51]: Correct form included

#### **FUNCTION DELEGATED**

1. Legislation

Part 10 - Enforcement and administration  
Division 1 - Powers of local government

Commented [SF52]: Legislation removed and put into other delegations based on the appropriate legislation

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: No bullets or numbering

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.

**Formatted:** Indent: Left: 0 cm, Hanging: 2.25 cm, No bullets or numbering

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.

**Formatted:** No bullets or numbering

**Formatted:** Indent: Left: 0 cm, Hanging: 2.25 cm, No bullets or numbering

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's 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.

**Formatted:** No bullets or numbering

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** No bullets or numbering

**Formatted:** Indent: Left: 0 cm, Hanging: 2.25 cm, No bullets or numbering

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.

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** No bullets or numbering

**Formatted:** Indent: Left: 0 cm, Hanging: 1.25 cm, No bullets or numbering

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.27 cm + Indent at: 1.9 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Commented [SF53]:** By allocating a delegation to an office, this means the delegation can be issued to a person that moves into a position without the need for it to be referred to somewhere else for approval and so lessens the burden of red tape.

2. Local Laws

b. 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**

<u>Former Delegation</u>	<u>2.6, 2.64</u>
<u>Adopted</u>	<u>18 July 2018</u>
<u>Review / adoption</u>	<u>24 June 2020</u>

#### **REFERENCES**

See Delegation 1.1.1

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Indent: Hanging: 1.79 cm, Numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.9 cm + Indent at: 2.54 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 4 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

## 1.2 Acting CEO – Appointment

### STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.35 – Appointment of CEO requires absolute majority
- s.5.37 – Designation as senior employee to have Council consent
- s.5.42 – Council may delegate functions to CEO

### CORPORATE CONTEXT

Policy Manual –

- 2.1 – Designated Senior Officers
- 2.2 – Acting/Relieving Staff Authority

### PRIMARY DELEGATION

CEO

### ~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~

~~Not permitted N/A~~

### FUNCTION DELEGATED

1. The CEO is delegated power to appoint as Acting CEO when the CEO is on periods of leave, up to a maximum period of 20 working days –
  - an employee designated under the Local Government Act 1995 s.5.37, or
  - a person appointed by Council as CEO or Acting CEO within the previous 5 years.

### APPLICATION

2. In the case of the unavailability of the CEO due to emergency, the Manager Finance and Administration is automatically appointed as Acting CEO for up to 2 weeks from commencement, and continuation is then subject to confirmation by President/Council.

### FORMAL RECORD OF USE

- i) Written record on personnel file

### HISTORY

Former Delegation	2.1
Adopted	18 July 2018
Review / adoption	<del>xx-24 September-June 2019</del> 2020

### REFERENCES

Council may only delegate power to a CEO under the Local Government Act s.5.42 who is appointed in accordance with s.5.35(1)&(2) requiring an absolute majority. Accordingly, a person who is to exercise the responsibilities and delegations of CEO while acting in that position must also have specific Council approval.

Designation as a senior employee under s.5.37 complies with this requirement, as it specifies that Council must consent to the employment of a designated senior employee.

Generally, employees designated under the Act s.5.37 will only be –

- Manager Works and Services

A senior employee in the organisation is not automatically a designated employee under s.5.37.

|

Stipulation that no substantial redirection of activities or processes during term as Acting CEO is in Policy 2.2.

## 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~Not permitted~~ 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**

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

**HISTORY**

Former Delegation	2.24
Adopted	18 July 2018
Review / adoption	<del>xx 24 September June 2019</del> 2020

**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 Confidential records – Inspection

### STATUTORY CONTEXT

#### *Local Government Act 1995 –*

- s.5.92 – Council or committee members may access confidential information only if, and to the extent necessary, to fulfil their function
- s.5.93 – penalties if Council or committee member, or employee misuses information
- 5.94 – public inspection of information permitted, with some restrictions
- s.5.94 (1) to (3) – information that is required to remain confidential
- s.5.95 (1) to (6) and (8) – exclusions from public inspection
- s.5.95 (7) – some previously confidential information may be made available in some circumstances

#### *Administration Regulations 1996 –*

- r.29A – limits on confidential information that may be inspected

#### *Rules of Conduct Regulations 2007 –*

- r.6 – use of information, including confidential information, by council members
- r.7 – prohibition on improper use, for personal advantage or to someone's detriment
- r.8 – misuse of local government resources

### CORPORATE CONTEXT

Record Keeping Plan

### PRIMARY DELEGATION

CEO

### **SECONDARY DELEGATIONS**SUB-DELEGATION

Permitted

### **PERMITTED TO**

Manager Finance and Administration

### FUNCTION DELEGATED

The CEO is delegated power to make available information determined by Council or the CEO to be confidential, and not available for public inspection.

### APPLICATION

Prior to making a decision, the CEO is to determine –

- (a) whether or not the information should remain confidential or public inspection permitted;
- (b) the extent of information that may be released.

The CEO is to use discretion in exercising the power, taking note that –

- (a) there is no compulsion to release confidential information,
- (b) some information is required to remain confidential.

### FORMAL RECORD OF USE

- i) File copy of written request and decision by CEO.

### HISTORY

Adopted 18 July 2018

Review / adoption ~~xx-24 September-June 2019~~2020

#### REFERENCES

Examples of information that is required to remain confidential includes –

- (a) employee details, conditions, negotiations etc
- (b) supplier's bank information;
- (c) details required by legislation to be omitted from electoral roll;
- (d) information regarding debts owed to the Shire

CEO may consider some information to remain confidential, due to –

- (a) commercial in confidence;
- (b) potential for misuse;
- (c) insufficient reasons/justification to access the information.

Note – refusal of access does not prevent application being made under the Freedom of Information Act.

|

## 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

**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**

2. The CEO is to ensure –
  - 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
MFA	All	All
MWS	All	All
Payroll	Payroll	<del>None</del> None
Creditors	Creditors	None

<u>Rates</u>	<u>None</u>	<u>All</u>
--------------	-------------	------------

**Commented [SF54]:** CEO recently authorised the Rates Officer as a secondary signatory for when other officers are not available

**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 ~~xx-24 September-June 2019~~2020

**REFERENCES**

This delegation is not for the issue of purchase orders, use of credit cards, store cards or fuel cards, or procedures for the processing of creditors invoice.

### 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

#### **SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

#### FUNCTION DELEGATED

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

#### APPLICATION

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 and Administration

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 ~~xx 24 September June 2019~~ 2020

#### 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

#### SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION

~~Not permitted~~ CEO has discretion to sub-delegate

Commented [SF55]: CEO can sub-delegate these matters

#### 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	<del>xx 24 September June 2019</del> 2020

#### 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**

None

**PRIMARY DELEGATION**

CEO

**~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION**

Manager Finance and Administration

**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	<del>xx 24 September June 2019</del> 2020

**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

#### ~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~

~~Not permitted~~ CEO has discretion to sub-delegate

Commented [SF56]: CEO has discretion to sub-delegate these matters

#### FUNCTION DELEGATED

1. The CEO is delegated power to write off small amounts to a maximum of \$100.00 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	<del>xx 24 September June 2019</del> 2020

#### 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

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	<del>xx-24 September-June 2019</del> 2020

**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

#### ~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION

Manager Finance and Administration

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 ~~xx-24 September-June 2019~~ 2020

#### 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

#### ~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~

Manager Finance and Administration

Manager Works and Services

#### FUNCTION DELEGATED

1. The CEO is delegated power to dispose of a vehicle considered to be an abandoned vehicle wreck under section 3.40A(3).
2. The CEO is delegated power to dispose of goods confiscated under section 3.43.
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

**FORMAL RECORD OF USE**

- i) Acceptance of offer on disposal file

**HISTORY**

Adopted 18 July 2018

Review / adoption ~~xx-24 September-June 2019~~2020

**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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~Not permitted~~ CEO has discretion to sub-delegate

Commented [SF57]: CEO has discretion to sub-delegate these matters

**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 ~~xx 24 September June 2019~~ 2020**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

#### SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION

~~Not permitted~~ CEO has discretion to sub-delegate

**Commented [SF58]:** CEO has discretion to sub-delegate these matters. However, this matter is not really a delegation as it:

- Is covered by the delegation re payment from the Municipal Fund; and
- It may be more appropriate to have this matter in a policy

#### 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.

##### 2. In-kind

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 ~~xx 24 September June 2019~~2020

**REFERENCES**

### 3.12 Ex-Gratia Payments

#### STATUTORY CONTEXT

None

#### CORPORATE CONTEXT

Delegations Register –

- ~~3.46.8~~ – Municipal Fund – Incurring expenditure

Commented [SF59]: Correct section of LG Act quoted

#### PRIMARY DELEGATION

CEO

#### ~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~

~~Not permitted CEO has discretion to sub-delegate~~

Commented [SF60]: CEO has discretion to sub-delegate these matters. However, this matter is not really a delegation as it:

- Is covered by the delegation re payment from the Municipal Fund; and
- It may be more appropriate to have this matter in a policy

#### 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 ~~xx 24 September June 2019~~ 2020

|

## 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

**~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION**

Manager Finance and Administration

Manager Works and Services

**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

**HISTORY**

Adopted 18 July 2018

Review / adoption ~~xx 24 September June 2019~~ 2020**REFERENCES**

## 4.2 Cat Act 2011

### STATUTORY CONTEXT

Cat Act 2011 –

- s.44 – Council may delegate to CEO
- s.45 – CEO may delegate to any employee
- s.48 – an authorised person may perform functions under the Act
- s.70 – dealing with objections – to be by Council
- s.73(1) – Prosecutions under the Act

### CORPORATE CONTEXT

None

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION

Manager Finance and Administration

Manager Works and Services

Rangers

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 ~~xx 24 September June 2019~~ 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

#### ~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION

Manager Finance and Administration

Manager Works and Services

Rangers

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.

The CEO has power to waive the registration fee for a maximum of 12 months where a dog is rescued from impoundment by a new owner.

#### FORMAL RECORD OF USE

File copy of notice

#### HISTORY

Adopted

18 July 2018

Review / adoption

~~xx-24 September-June 2019~~ 2020

#### 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

Manager Works and Services

Rangers

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
  - b) an infringement notice remains unpaid after reasonable attempts to obtain payment.

**FORMAL RECORD OF USE**

File copy of approval of discretionary use

**HISTORY**

Former Delegation 2.1

Adopted 18 July 2018

Review / adoption ~~xx-24 September-June 2019~~2020



|

#### **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

##### ~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION

Manager Finance and Administration

Manager Works and Services

Rangers

##### 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 ~~xx 24 September June 2019~~ 2020

##### 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**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

Manager Works and Services

Rangers

**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**

3. 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
4. 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 ~~xx-24 September-June~~ 2019**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

I

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
  - (11) – if fire escapes etc expenses up to \$10,000 may be recouped
  - (12) – penalty on first breach \$4,500, subsequent breaches \$10,000
- 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

**SECONDARY DELEGATION PERMITTED TO 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 ~~xx-24 September June 2019~~2020**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.18(5C) – compliance requirements as per s.17(8),(9),(10),(11)
- s.48(1) – power to delegate to CEO

#### CORPORATE CONTEXT

None

#### PRIMARY DELEGATION

CEO

#### ~~SECONDARY DELEGATION PERMITTED TO 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	<del>xx 24 September June 2019</del> 2020

#### 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

**SECONDARY DELEGATION PERMITTED TO 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	<del>xx-24 September-June 2019</del> 2020

**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
- s.24 – authorised person must be qualified
- s.25 – authorised person must have acceptable qualifications or be an EHO

*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

### ~~SECONDARY DELEGATION PERMITTED TO~~ 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	<del>xx 24 September June 2019</del> 2020

#### 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***Cemeteries Act 1976**Shire of Victoria Plains Cemeteries Local Law 2018***CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION**

Manager Finance and Administration

Manager Works and Services

Rangers

**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 ~~xx-24 September-June 2019~~ 2020**REFERENCES**

**Section 8 – Personnel**

**Commented [SF61]:** The delegations listed in this section are performed by "Acting Through" or as a function of the CEO as the employer

Applying to all matters in relation to personnel and employment –

Local Government Act 1995 –

**s.5.41 Functions of CEO**

The CEO's functions are to –

....

(a) manage the day to day operations of the local government; 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

....

Local Government (Rules of Conduct) Regulations 2007 –

**r.10 Relations with local government employees**

(1) A person who is a council member must not –

(a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

....

Policy 1.1 – Code of Conduct

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	<u>Required</u> – May authorise selection and interview by a Committee. Appointment must be by Council resolution.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Designated employee LG Act s.3.57	<u>Required</u> – to consent to appointment or dismissal. <u>Permitted</u> – Interview & recommendation can be done by CEO alone or with elected member input. <u>Prohibited</u> – management or direction.	<u>Permitted at CEO invitation</u> – to interview and recommend an appointment to Council. (CEO required to be present) <u>Prohibited</u> – to appoint, manage or direct.	<u>Required</u> to initiate appointment or dismissal.  <u>Statutory function</u> – to manage and direct.
EHO	<u>If designated senior employee</u> – as above, otherwise as for Other Employee <u>In all cases</u> – qualification must comply with Public Health Act 2016 s.17.		
Other employee (non-designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.



**8.1 Designated senior employee – Vacancy**

Commented [SF62]: This matter can be conducted by the CEO on the basis of "Acting Through"

**STATUTORY CONTEXT**

Local Government Act 1995 –

- s.5.37 (3) – advertising of designated senior positions

**CORPORATE CONTEXT**

Policy Manual –

- 2.1 – Designated Senior Employees
- 2.2 – Acting/Relieving Staff Authority

**PRIMARY DELEGATION**

CEO

Commented [SF63]: Note this matter can be performed by "Acting Through" or by Delegation

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Not permitted

**FUNCTION DELEGATED**

1. The CEO is delegated power to determine an appropriate employment package for designated senior employee other than CEO, with consideration to include but not limited to –
  - a) salary,
  - b) salary sacrifice options;
  - c) removal expenses,
  - d) accommodation arrangements,
  - e) private use of vehicle etc, and
  - f) any associated FBT implications.
2. The CEO is delegated power to advertise the vacancy when, as and for an appropriate period.

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Report to Council recommending appointment  
File copy of finalised Information Package

**HISTORY**

Adopted 18 July 2018  
Review / adoption ~~xx 24 September June 2019~~ 2020

**REFERENCES**

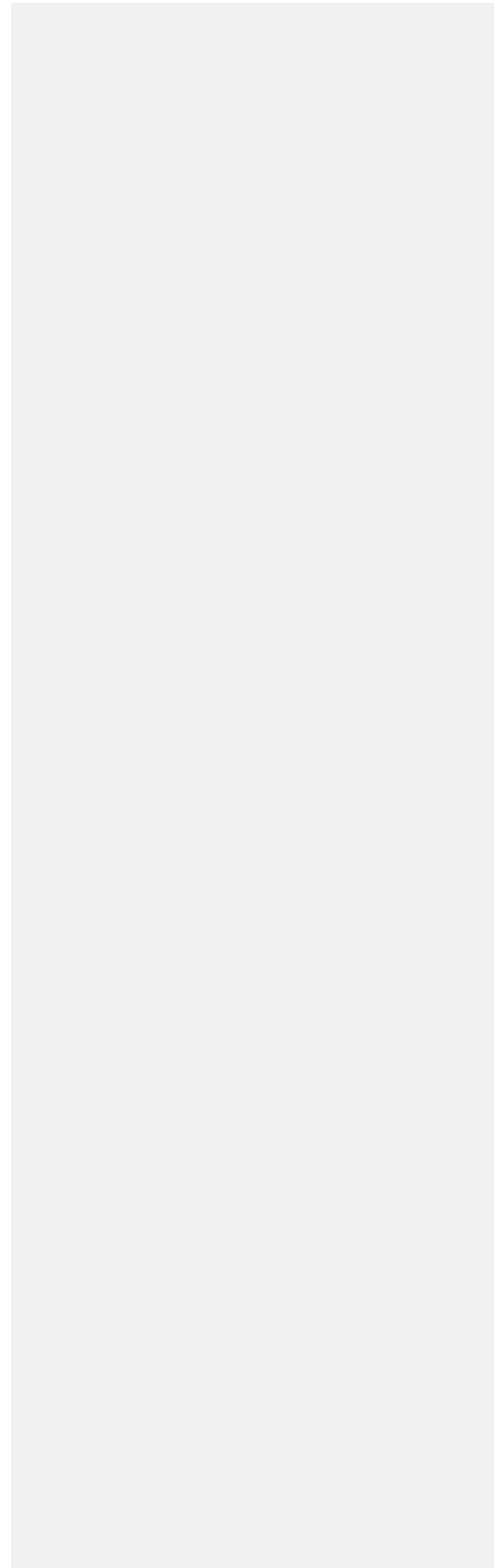
This delegation does not extend to –

- the appointment of a person to the vacancy without Council consent.
- determining the remuneration package for a CEO.

Information Package for a vacancy to include –

- remuneration range;
- other benefits available;
- selection criteria or key position requirements
- closing date and application submission requirements
- any additional information appropriate.

I



**8.2 Long service leave****STATUTORY CONTEXT***Local Government Act 1995 –*

- s.5.48 – Long service leave benefits for employees

*Local Government (Long Service Leave Regulations) –*

- r.6A – long service leave on half pay
- r.6B – long service leave on double pay
- r.7 – taking of long service leave
- r.8(2) – Payment for or in lieu of leave

**CORPORATE CONTEXT**

N/A

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

**FUNCTION DELEGATED**

1. The CEO is delegated power to approve –
  - a) applications for long service leave at half pay;
  - b) applications for long service leave at double pay;
  - c) appropriate timing, period or period for taking of long service leave;
  - d) on application of the employee, to defer taking of long service leave beyond 6 months of becoming entitled subject, subject to the employee's agreement to –
    - i) deferral being for not more than 2 years, and
    - ii) rate of pay shall not exceed that applicable to the employee at the end of 6 months of becoming entitled.

**APPLICATION**

2. On application, the CEO is to advise the employee that deferral of long service leave beyond six months of becoming due may be approved however when the leave is taken it will be paid at the hourly rate earned by the employee at the anniversary of the 10<sup>th</sup> year plus six months.
3. In exceptional circumstances, the CEO may approve taking of long service leave prior to 10 years continuous service –
  - a) provided that the employee has a minimum of 7 years continuous service,
  - b) a request from an employee with less than 7 years continuous service will not be considered,
  - c) leave may only be approved to the extent of the accrual at the time of taking leave.
4. Taking long service leave may be deferred –
  - a) with the written approval of the CEO, an employee may delay the taking of part or all of their long service leave entitlement beyond 10 years and six months –
    - The rate of pay during their long service leave when taken, will be the ordinary time rate which applied to the employee at the 10 year and six month mark.
  - b) with the written approval of the CEO, a request to delay for more than 2 years will only be considered in exceptional circumstances –

**Commented [SF64]:** This is not a delegation. Matters are applied as required by the CEO in accordance with the Act and the Regulations

**Formatted:** Normal

- The rate of pay during their long service leave when taken, will be the ordinary time rate which applied to the employee at the 10 year and six month mark.
  - c) at the written request of the CEO –
    - The rate of pay during their long service leave when taken, will be the ordinary time rate applicable to the employee at the completion of the deferment requested by the CEO.
5. Long service leave cannot be cashed out, other than as provided for in the Regulations.
6. Applications that are to be referred to Council –
- (a) deferment of long service leave for more than 2 years;
  - (b) request for payment at a rate greater than the rate applicable at 6 months after becoming entitled;
  - (c) payment at the higher rate, where long service leave has been deferred at the request of the CEO.

**FORMAL RECORD OF USE**

Personnel file copy of letter to employee advising of decision

**HISTORY**

Former Delegation	2.37
Adopted	18 July 2018
Review / adoption	<del>xx</del> <u>24 September-June 2019/2020</u>

**REFERENCES**

Applications that are to be referred to Council –

- a) deferment of long service leave for more than 2 years;
- b) request for payment at a rate greater than the rate applicable at 6 months after becoming entitled;
- c) payment at the higher rate, where long service leave has been deferred at the request of the CEO.

If an employee transfers their employment to an applicable organisation, as provided for under Local Government (Long Service Leave) Regulations, the employee may be eligible to transfer their service to maintain continuity of service for the purposes of long service leave accrual.

However, where an employee has an untaken long service leave entitlement and the employee's employment ends before the employee has taken the long service leave, the employee must be paid out their long service leave entitlement on termination. To be clear, a 10 year entitlement cannot transfer but any additional accrued entitlement to long service leave can transfer to a new Local Government employer.

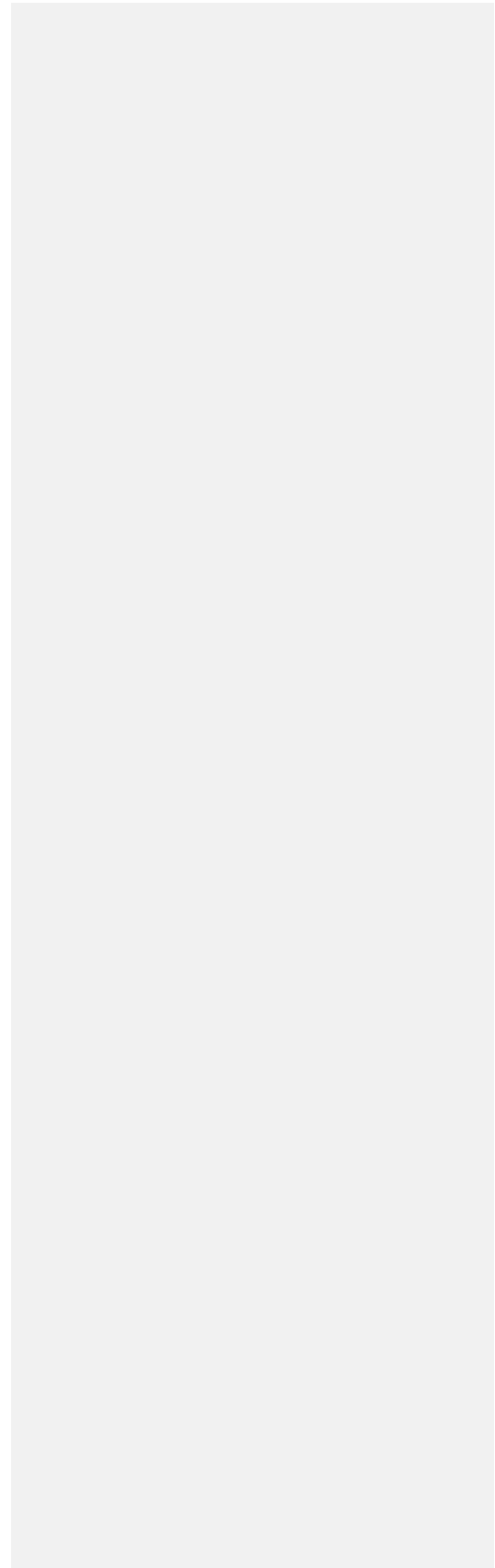
Further, pro-rata long service leave becomes due after seven years of service. If an employee is not eligible to transfer their leave to another applicable organisation any long service leave accrued to this point will be paid out on termination.

An employee with less than 7 years continuous service does not qualify for pro-rata long service leave.

|

~~Section 9~~ Section 8 - Occupational Safety & Health

This section is currently empty



## ~~Section 10~~ Section 9 - Building / Development

### ~~40.49.1~~ 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

#### PRIMARY DELEGATION

##### CEO

#### ~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~

~~Not permitted~~ CEO has ~~discretion~~ to sub-delegate

Commented [SF65]: CEO has discretion to sub-delegate these matters.

#### FUNCTION DELEGATED

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

#### APPLICATION

- 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	<del>xx 24 September June 2019</del> 2020

#### 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 lodgement 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 –

|

- who is registered as per the Act and Regulations and holding appropriate qualifications
- to provide a building certification service



**40-29.2 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

Formatted: English (Australia)

Commented [SF66]: Scope of power for CEO to delegate was not included previously

*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
  - (5) – if delay interferes with scheme operation, power to order work to be undertaken

*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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~Not permitted~~ CEO has discretion to sub-delegate

Commented [SF67]: CEO has discretion to sub-delegate these matters.

**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 ~~xx-24 September-June 2019~~2020

**REFERENCES**

**40.39.3 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 –*

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

These Regulations override any provisions of the Planning Scheme.

*Local Planning Scheme No. –*

Part 9 – Applications for Planning Approval

**CORPORATE CONTEXT**

Local Planning Policies

**PRIMARY DELEGATION**

CEO

**~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~**~~Not permitted CEO has discretion to sub-delegate~~

**Commented [SF68]:** CEO has discretion to sub-delegate these matters. This delegation re the Shire's Planning Scheme may need further review in terms of its applicability

**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	<del>xx</del> <u>24 September June 2019</u> <u>2020</u>

**REFERENCES**

**40.49.4 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~Not permitted~~ To be further reviewed to see if CEO has discretion to sub-delegate

**Commented [SF69]:** CEO has discretion to sub-delegate these matters. This delegation re the Shire's Planning Scheme may need further review in terms of its applicability regarding planning policies

**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      xx September 2019

**REFERENCES**

Refer Planning Policy

**40.59.5 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~Surveyor~~Ranger

Commented [SF70]: Minor correction to title of position

**FUNCTION DELEGATED**

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

**APPLICATION**

- The delegation excludes –
  - determination of any fee or charge
  - dealing with an objection.
- Commencement of prosecution is restricted to the CEO, who may instigate action where the offence –
  - is of such severity that the action is appropriate or
  - 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	<del>xx 24 September June 2019</del> 2020

**REFERENCES**

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

~~Section 11~~ Section 10 - Public Facilities~~44.410.1~~ 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

~~**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**~~~~Not permitted To be further reviewed to see if CEO has discretion to sub-delegate~~

**Commented [SF71]:** CEO has discretion to sub-delegate these matters. This delegation re the Shire's Planning Scheme may need further review in terms of its applicability regarding planning policies

**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	<del>xx 24 September June 2019</del> <u>2020</u>

**REFERENCES**

**44.210.2 Discount/waiver/subsidy of facility hire fees**

Commented [SF72]: Should form part of Delegation 3.6

**STATUTORY CONTEXT**

Local Government Act 1995 –

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

**CORPORATE CONTEXT**

Delegations Register –

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

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

**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 ~~xx 24 September June 2019~~2020**REFERENCES**



**44.310.3 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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

Manager Works and Services

Rangers

**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.
4. Every permit issued for consumption/sale of alcohol is to be advised to the relevant Police Station.
5. 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 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	<del>xx-24 September-June 2019</del> 2020

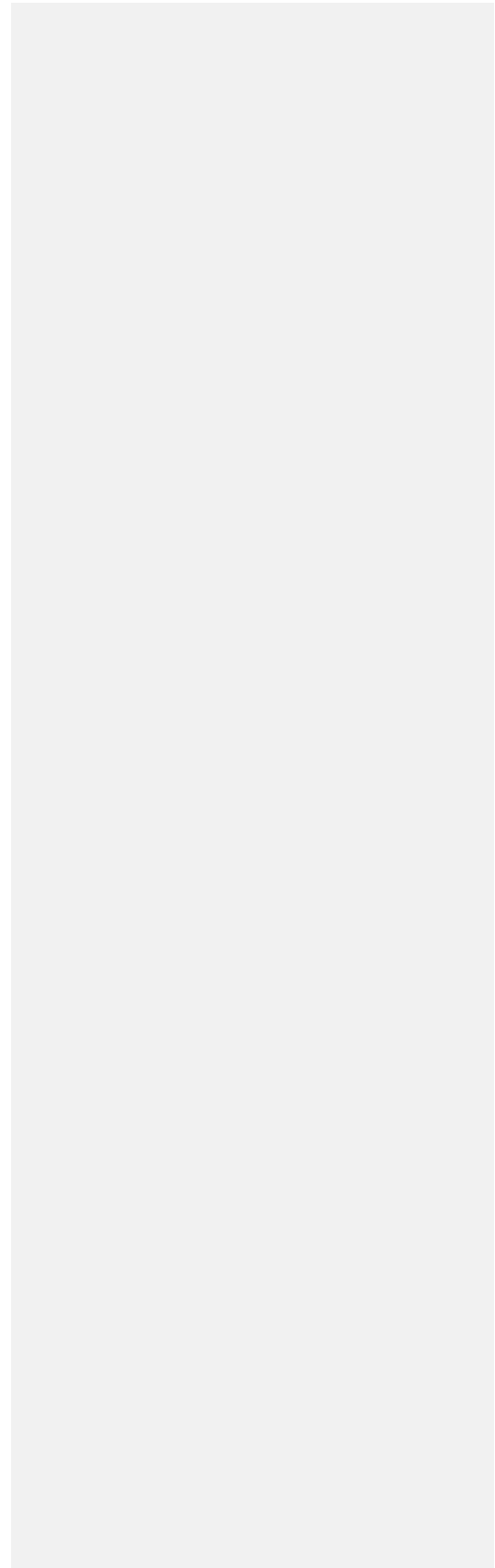
**REFERENCES**

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

|

~~Section 12~~ Section 11 - Tourism

This section is currently empty



~~Section 13~~ Section 12 - Works & Services~~13.412.1~~ 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

~~SECONDARY DELEGATION PERMITTED TO~~ 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	<del>xx 24 September June 2019</del> <u>2020</u>

**REFERENCES**

Formatted: English (Australia)

Commented [SF73]: This is a matter that can be on-delegated by the CEO. Next review to determine if "Certain Unvested Facilities" are included

**43.212.2 Things to be done on land not local government property**

Commented [SF74]: This function can be conducted either as "Acting Through" or as a delegation to the CEO

**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**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO 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	<del>xx 24 September June 2019</del> 2020

**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.

**43.312.3 Works on land outside the district**

Commented [SF75]: This should be deleted as it is not a delegation. The CEO can perform this function on the basis of "Acting Through" i.e. as a day to day duty

**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

**~~SECONDARY DELEGATION PERMITTED TO 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 ~~xx 24 September June 2019~~2020

**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.

**43.412.4 Materials from land not under local government control**

**Commented [SF76]:** This is not a delegation and should be removed. The CEO can do this as an executive function i.e. on a day to day basis.

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO 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 ~~xx 24 September June 2019~~ 2020

**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.

**43.512.5 Notices requiring certain things to be done**

**Commented [SF77]:** This is not a delegation and should be removed. The CEO can do this as an executive function i.e. on a day to day basis.

**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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Works &amp; 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.
2. The CEO is delegated power to take any necessary action to achieve the purpose for which the notice was given in the event of non-compliance of the notice recipient.
3. The CEO is delegated power to seek a warrant for entry to carry out the works of a notice where the owner or occupier of land has not complied with the notice in the time specified.

**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	<del>xx</del> <u>24 September-June 2019/2020</u>

**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.

**43.612.6 Notice of local government works**

**Commented [SF78]:** This action can either be conducted using "Acting Through" or as a delegation to the CEO.

**STATUTORY CONTEXT**

*Local Government Act 1995 –*

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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO 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

**FORMAL RECORD OF USE**

- i) File copy of notice
- ii) Advertisement records
- iii) Property file

**HISTORY**

Former Delegation	2.17
Adopted	18 July 2018
Review / adoption	<del>xx 24 September June 2019</del> 2020

**REFERENCES**

**43.712.7 Private works/infrastructure on, over or under public land****STATUTORY CONTEXT***Local Government Act 1995 –*

- s.3.37 – Contraventions that can lead to impounding
- 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

**SECONDARY DELEGATION PERMITTED TO 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	<del>xx-24 September-June 2019</del> 2020

**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.

**43.812.8 Events on roads****STATUTORY CONTEXT***Road Traffic Act 1974 –*

- s.81C(2) – Making order for road closure for event
- 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

**SECONDARY DELEGATION PERMITTED TO 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 ~~xx-24 September-June 2019~~2020

**Commented [SF79]:** This delegation should be replaced with the **WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION RELATING TO TRAFFIC MANAGEMENT FOR EVENTS**

The Shire of Victoria Plains is listed as an authorised body regarding events. The Shire should locate this agreement and insert a copy here.

**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"

**43.912.9 Temporary road closures**

Commented [SF80]: This can be conducted either as "Acting Through or as a delegation to the CEO

**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

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Manager Finance and Administration

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	<del>xx</del> <u>24 September-June 2019/2020</u>

|

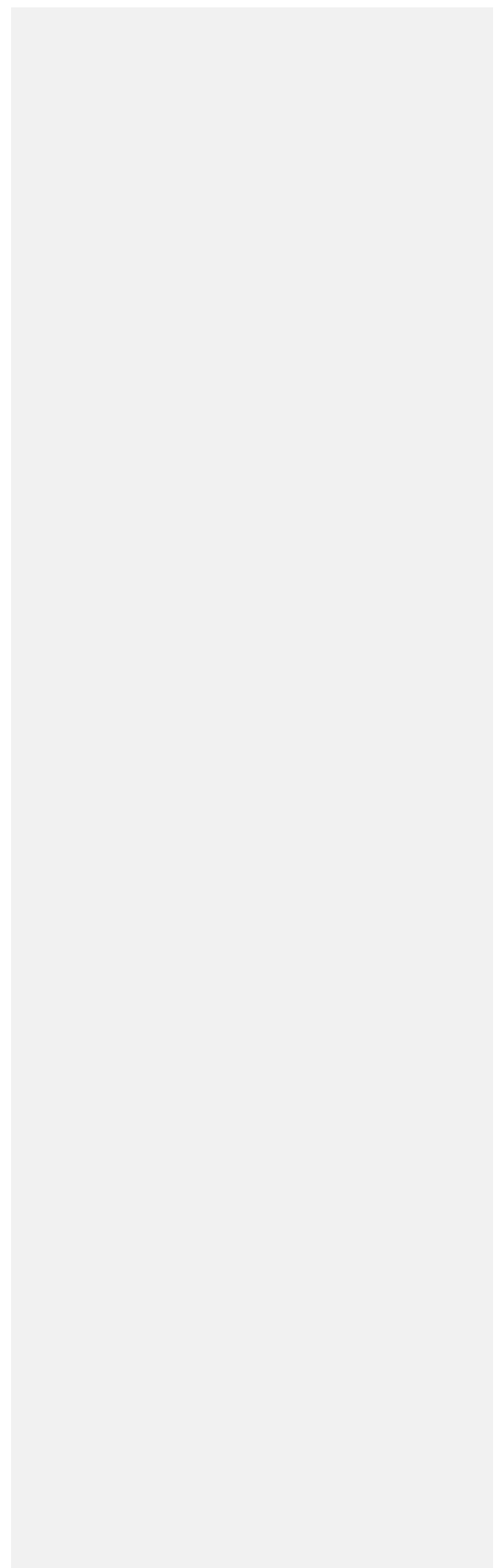
## REFERENCES



|

~~Section 14~~ Section 13 - Plant / Equipment

This Section is currently empty



~~Section 15~~ Section 14 - Natural Resource Management~~45.414.1~~ 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

~~SECONDARY DELEGATION PERMITTED TO~~ SUB-DELEGATION

Manager Finance and Administration

Manager Works and Services

Rangers

**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 ~~xx 24 September June 2019~~ 2020**REFERENCES**

**Commented [SF81]:** This is not a delegation and should be removed. The CEO carries out the functions of this Act as it says: "it shall be the duty of a local government to administer and enforce the provisions of this Act within its district."

**45.214.2 Native flora and fauna**

**Commented [SF82]:** Technically this is the function of an "authorised person" as opposed to a delegation. Further consideration required in the next review

**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

**SECONDARY DELEGATION PERMITTED TO 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 ~~xx 24 September June 2019~~2020

#### 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~~ Section 15 - Unclassified46.415.1 **Restricted Access Vehicles on Shire Roads**

**Commented [SF83]:** Technically, this is not a delegation. The matter is resolved by the CEO in accordance with Council Policy 16.1. Note that the applicability of CA07 is under review

**STATUTORY CONTEXT***Local Government Act 1995**Land Administration Act 1997 –*

- s.56(2) – road reserves under the control of the local government

*Public Works Act 1902 –*

- s.86(2) – Governor may declare roads to be under the control of the local government

*Road Traffic (Vehicle Standards) Regulations 2002**Public Places and Local Government Property Local Law 2018***CORPORATE CONTEXT**

Policy Manual –

- 16.1 – Restricted Access Vehicles on Shire Roads

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

1. The CEO is delegated power to determine any application referred from Main Roads WA to use heavy haulage vehicles (Restricted Access Vehicles) on any local road within the district, recommending approval or refusal –
  - a) in accordance with Council Policy 16.1 Restricted Access Vehicles on Shire Roads;
  - b) where the estimated volume is 50,000 tonnes per year or less,
  - c) if the road has already been assessed by Main Roads WA as being suitable for the configuration proposed by the applicant,
  - d) recommending CA07 conditions on roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avoid heavy vehicle damage
  - e) written agreement of the applicant accepting liability for damage to the roads that exceeds fair use.

**APPLICATION**

2. All other applications are to be referred to Council.
3. Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.

**FORMAL RECORD OF USE**

File copy of decision on written application

**HISTORY**

Adopted 18 July 2018

|

|

Review / adoption      ~~xx 24 September June 2019~~2020

**REFERENCES**

## PART B – PRIMARY DELEGATIONS – to other persons

~~Section 17~~ Section 16 - Fire Control17.116.1 **Issue of burning permits – Fire Control Officers**

**Commented [SF84]:** This matter is a delegation which may be carried out by an authorised person. It would be appropriate to construct it in the correct form in due course

**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
  - (11) – if fire escapes etc expenses up to \$10,000 may be recouped
  - (12) – penalty on first breach \$4,500, subsequent breaches \$10,000
- s.23(2)(a)(iv) – road verge burning between constructed portion of road and established fire break only

*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 – only CEO or specifically authorised person may permit burning of clover in prohibited period
- r.21B – FCO may postpone clover burn

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

Fire Control Officers

**SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION**

Not permitted

**FUNCTION DELEGATED**

1. Fire Control Officers are 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. Fire Control Officers are delegated power, in consultation with the Chief Bush Fire Control Officer, to issue instructions, restrictions or conditions relating to individual burning permits.

3. Fire Control Officers are delegated power to approve an applications to burn a road verge vested in the care, control and management of the Shire, subject to –
- a) compliance with the Bush Fires Act 1954 s.18(9),
  - b) prior consultation with the CEO, and
  - c) the applicant obtaining the approval of the Dept of Parks and Wildlife.

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Duplicate copy of permit issued

**HISTORY**

Adopted 18 July 2018

Review / adoption ~~xx-24 September-June 2019~~2020

**REFERENCES**

This delegation does not extend to clover burning permits.

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 5.1 and specific matters restricted to CEO, and to Delegation 17.2.

Should be shifted to Policy in time, as it is not a delegation, but a framework for authorised persons.



**47.216.2 Issue of clover burning permits – Clover Burning Permit Officers**

Commented [SF85]: This is a function of an authorised person and not a delegation

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

- s.24 – clover may be burnt during prohibited burning times

*Bush Fire Regulations 1954 –*

- 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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

Chief Fire Control Officer

Deputy Chief Fire Control Officer

**~~SECONDARY DELEGATION PERMITTED TO SUB-DELEGATION~~**~~Not permitted~~N/A**FUNCTION DELEGATED**

1. The following Bush Fire Control Officers are delegated power to issue permits to burn clover in accordance with Bush Fires Act s.18 and Regulations r.16 and to apply such conditions or requirements as is considered appropriate –
  - a) Chief Bush Fire Control Officer
  - b) Deputy Chief Bush Fire Control Officer

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Duplicate copy of permit issued

**HISTORY**

Adopted 18 July 2018

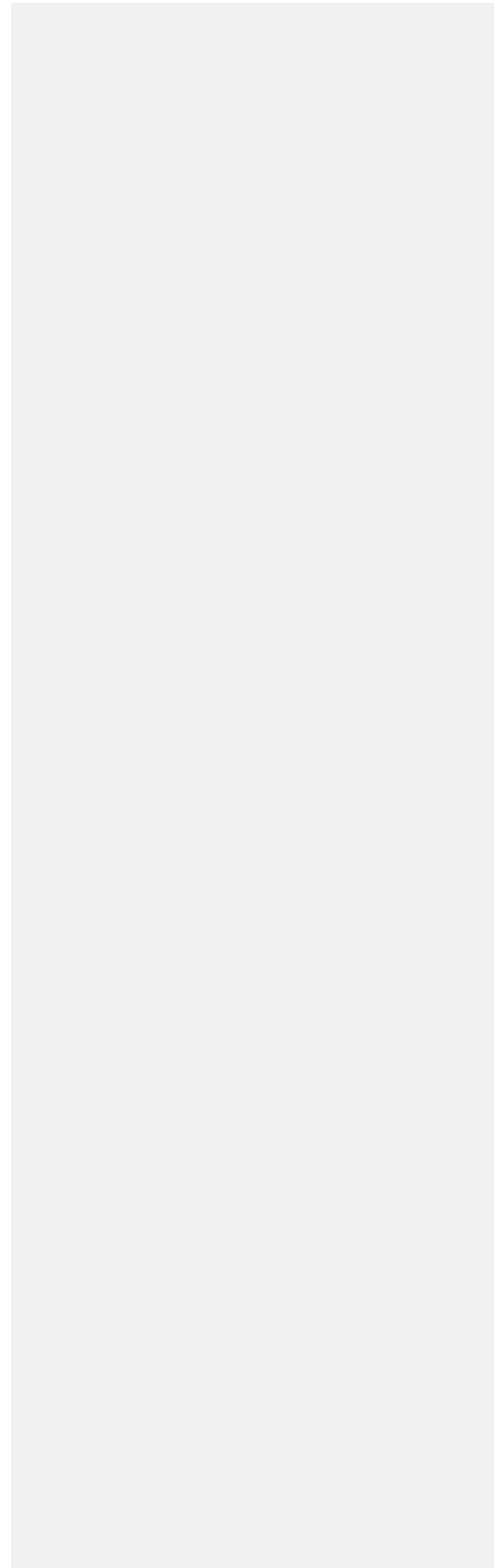
Review / adoption ~~xx 24 September June 2019~~2020**REFERENCES**

Specified officers may be delegated power to issue clover burning permits in accordance with Bush Fires Act s.24 and Bush Fires Regulations r.16, and to apply such conditions or requirements as is considered appropriate.

Refer also Delegation 5.1 and specific matters restricted to CEO.

Should be shifted to Policy in time, as it is not a delegation, but a framework for authorised persons.

I



**17.316.3 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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

Shire President and Chief Fire Control Officer, jointly

**~~SECONDARY DELEGATION PERMITTED TO~~ 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 ~~xx 24 September June 2019~~ 2020

**REFERENCES**

|

~~Section 18~~ Section 17 - Deleted

~~18.117.1~~ Deleted

---

## HISTORY SUMMARY

Item	Meeting	Purpose	Applies	Delegations affected
1	18 July 2018	Revocation	19 July 2018	All previous delegations
2	18 July 2018	Adoption	19 July 2018	All delegation in this Register
3	<del>XX-24 September</del> <del>June 2019</del> <u>2020</u>	Review and adoption	<del>XX-24 September</del> <del>June 2019</del> <u>2020</u>	All delegations in this Register
4				
5				
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, and other legislative instruments as specified 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**

Formatted: Font: 11 pt, Bold

Commented [SF86]: There are two types of delegation: delegation from council to the CEO and from the CEO to another employee

Commented [SF87]: Where other legislation provides for a delegation to occur this list should be kept in a separate delegation register. This because the power to allow delegation is different to that applied in the local government act unless that legislation refers directly to allowing the use of the delegation power referred to in the local government act

Formatted: Font: Italic

Commented [SF88]: The Shire had not used Instruments of Delegation in the past. By doing so in future will mean that the Shire has met the requirement of providing a delegation in writing. Such an instrument is attached to this register.

- Separate document as differing provisions apply
- 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.

Commented [SF89]: For information purposes

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~~The Local Planning Scheme,
3. ~~a~~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.

Commented [SF90]: Tidy up

Commented [SF91]: Tidy up

Commented [SF92]: The CEO can delegate both the delegations by Council to the CEO and those other powers under the Local Government Act, or another Act or their regulations, if allowed

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.

Commented [SF93]: This is the Department's requirements regarding the use of delegations

Commented [SF94]: WALGA now has in place a template for all applicable delegations regarding the Local Government Act, the Planning Act and some Road Matters

Unless specifically resolved that a delegation is to be included in the Delegations Register, it is considered that it is for a specific matter, and is not a general or on-going Delegation.

Commented [SF95]: Comment does not reflect the intent of a delegation and the need to have it "registered."

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.

**Commented [SF96]:** Comment clarifies that most delegations are made under the Local Government Act. However, other legislation may allow a delegation from Council to the CEO

~~Where permitted by Council in the delegation, the CEO may authorise a secondary delegation at any time.~~

**Commented [SF97]:** The correct context is provided in the following paragraphs.

Delegations from the CEO to other employees are at the discretion of the CEO and do not require a Council resolution. ~~The CEO can delegate a power or duty, the exercise or discharge of which has been delegated by a local government to the CEO, subject to any conditions imposed by the local government on its delegation to the CEO (s.5.44 (3)).~~

~~It is a requirement that the use of all delegated power is recorded but it is not a requirement to report the use of delegated power to Council.~~

~~Council may impose limitations on secondary delegation or the functions delegated as they see fit. The CEO is not obligated to delegate the whole or any delegation authorised by Council, but may choose not to or place further limitations on the delegation.~~

~~However, unless specifically resolved that the power is to be included in the Delegations Register, the power to act is for a specific matter, and is not a general or on-going delegation.~~

~~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.

It is a requirement of the Local Government Act s5.18 and s.5.46 (1) that all delegations made under the power of that Act be reviewed by the delegator at least once in each financial year. This means:

- Those delegations made by Council to the CEO:
- Those delegations made by the CEO to an employee. Note the delegations from the CEO to an employee are in two forms:
  - o 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;
  - o 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 ~~and preferably in conjunction with the annual review of Council policies.~~

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.

Formatted: Bulleted + Level: 2 + Aligned at: 1.27 cm +  
Indent at: 1.9 cm

Commented [SF98]: There is no requirement to review policies annually.

### 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.

### ~~Secondary~~ 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
  - o 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

Commented [SF99]: See note below

Commented [SF100]: The correct term is sub delegation. The use of secondary delegation has caused confusion previously. Sub-delegations from the CEO to others should be listed in a separate register. It may be possible to do this for the next review.

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:

Formatted: No bullets or numbering

Formatted: No bullets or numbering

**Schedule 1****POWERS, DISCRETIONS AND FUNCTIONS**

Formatted: No bullets or numbering

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
<u>Section</u>	<u>Description of the powers, discretions and functions delegated</u>	<u>Delegate</u>	<u>Conditions and limitations</u>
<u>50</u>	<u>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</u>		
<u>50A(1)</u>	<u>with the agreement of the applicant and after giving notice to the owner, make any amendments to an application that it thinks necessary</u>		
<u>50A(3)</u>	<u>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</u>		
<u>51</u>	<u>make a copy of every application and the prescribed information supplied in respect of the application available for inspection</u>		

Formatted: No bullets or numbering

Formatted: No bullets or numbering

Formatted: No bullets or numbering

APPENDIX THREE – Suggested Template as the Basis of Future ReviewCouncil to CEOAppoint Authorised Persons

<b><u>Delegator:</u></b> <i>Power / Duty assigned in legislation to:</i>	<u>Local Government</u>
<b><u>Express Power to Delegate:</u></b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b><u>Express Power or Duty Delegated:</u></b>	<u>Local Government Act 1995:</u> 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
<b><u>Delegate:</u></b>	<b><u>Chief Executive Officer</u></b>
<b><u>Function:</u></b> <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"> <li>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <u>Local Government Act 1995</u> and its subsidiary legislation, including <u>Local Government Act Regulations</u>, the <u>Local Government (Miscellaneous Provisions) Act 1960</u> and Local Laws made under the <u>Local Government Act</u>. [s.3.24 and s.9.10].</li> <li>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <u>Local Government Act 1995</u>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the <u>Building Regulations 2012</u> and section 6(b) of the <u>Criminal Procedure Act 2004</u>.</li> <li>(3. Authority to appoint authorised person for the purposes of section 15 the <u>Graffiti Vandalism Act 2016</u>, which prescribes Part 9 of the <u>Local Government Act 1995</u> as the enabling power.</li> </ol>
<b><u>Council Conditions on this Delegation:</u></b>	<b><u><i>GUIDANCE NOTE:</i></u></b> <i>{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.</i> <ol style="list-style-type: none"> <li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>c. &lt;&lt;Council has discretion to determine any conditions / limitations applicable to the use of delegated powers or duties&gt;&gt;</li> </ol>
<b><u>Express Power to Sub-Delegate:</u></b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

<b><u>Sub-Delegate/s:</u></b> <i>Appointed by CEO</i>	<b><u>&lt;&lt;list position titles&gt;&gt;</u></b>
<b><u>CEO Conditions on this Sub-Delegation:</u></b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<b><u>&lt;&lt;The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties&gt;&gt;</u></b>
<b><u>Compliance Links:</u></b>	<b><u>&lt;&lt;insert / list other legislation, Local Laws, policies and procedures&gt;&gt;</u></b>

	which must be considered when making decisions under this delegation>>
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

**Version Control:**

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

**CEO to Employees**

Formatted: Font: 10 pt, Bold, Underline

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	<<insert position title>>
<b>Function:</b> <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)].
<b>CEO Conditions on this Delegation:</b>	a. <<The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties>>
<b>Express Power to Sub-Delegate:</b>	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	



## 2.2 Delegations Register – 2019 Annual review

The Local Government Act and other legislation provides for Council to make delegations to the CEO and in a very few instances, to other people. The LG Act specifies ONLY to CEO, who may then sub-delegate, subject to Council limitations.

The LG Act requires that all delegations under that Act be reviewed at least annually. While not specified in some other legislation, for consistency and good practice, it is recommended that all are reviewed.

All legislation requires that delegations or sub-delegations are made in writing. Not all legislation permits sub-delegation.

### 2019 Review

Attached are –

- schedule of changes made that are significant - corrections etc not noted
  - o as far as possible, minimal changes made
- various delegations are amended so that the delegation can only be made to an employee –
  - o general tightening up through the sector, resulting from some legislative changes
  - o legislation specifies that a delegation can only be made to an employee (with a couple of exceptions)
  - o a non-employee can still be appointed as an authorised person – eg: EHO, contract ranger, but they cannot exercise delegated power
- in time, a detailed review needs to be done to separate out authorisations from the delegations
  - o these are very different to each other
  - o many of the delegations are to people who should be treated as authorised persons

There have been some legislative changes in the past 12 months which although they only directly affect 1 or 2 pieces of legislation, have consequential effects for delegations and authorisations etc. To maintain consistency means there is a need for some re-thinking, and a detailed review.

If there are no significant issues with Delegations Register at the moment, Council could defer any additional changes and the detailed review to the next annual review, but in time it would be advisable to more clearly separate delegations from authorisations, designated and specified persons and so forth.

### Delegations to committees

The LG Act is the only legislation which allows for delegation to Committees. If delegations to committees were to be made, various legislative obligations are imposed (agendas/minutes, open to the public, public question time etc).

There are no delegations to any committee at this time. If delegations are to be made, the Committee Terms of Reference document needs to be amended to make clear that it is both Delegations to Committees and TOR.

At least one Committee (Suicide Prevention Committee) is very non-compliant with the LG Act, and this should be addressed when considering Committee Terms of Reference and any delegations to be made. It does not have delegated power from Council to make commitments, expend funds etc.

Ideally, it is suggested that Council divest itself of this Committee, that it become a community committee with its own constitution and incorporation etc, even if still supported by Council, and the Shire need to remain the owner of record for any assets. This would provide them with complete discretion and flexibility, and avoid the statutory requirements of the Local Government Act.

Delegation to the Bush Fire Advisory Committee is not permitted by the Bush Fires Act. It is specified by legislation to be an advisory committee and has no operational role whatsoever. Accordingly, while the Committee may make recommendations to Council, it cannot appoint FCOs etc.

Similarly, delegations to the Local Emergency Management Committee are not permitted, and they have no operational roles whatsoever, to avoid conflict with the legislated functions of the Committee in the Emergency Management Act.

Suggested process

1. At the Briefing Forum, Council discuss and make changes as considered appropriate to the draft document attached
  - Changes are tracked for easy identification of proposed amendments
2. The revised draft document presented to a Council meeting as soon as possible
3. Adoption of delegations requires an absolute majority of Council.

Niel Mitchell

29 August 2019

## Delegations Register – Review September 2019 Schedule of Amendments

Generally, will exclude comment on –

- References or Notes
- Spelling or textual corrections

Delegation		Clauses affected	Effect of proposed change
No.	Title		
ALL	Throughout		Where appropriate insert “employee” or replace “officer”
	Throughout		Where appropriate, replace “delegated authority” with the words “delegated power” to better align with legislative usage
1.1	Appointment of Authorised person	Statutory Context 1, 2, 3 & References  1(c)  4	Insert reference to Criminal Procedure Act Delegations may only be made to an employee. Removal of “employees under contract” – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Deletion of reference to Medical Officer of Health – removed from legislation Infringement notices – limits authority to withdraw or extend to CEO. Authority to withdraw infringement notices generally can only be done by a person other than the issuing person. Some legislation specifies “employee”. The proposed limit satisfies all requirements.
2.1	Common Seal – Execution of documents	4	Clarification of effect of common seal, removing a previously implied delegation to President
2.2	Destruction of records	All	Considered to be an authorisation under the State Records Act, and not a delegation
3.1	Municipal Fund – Incurring expenditure	All	Department opinion is that – <ul style="list-style-type: none"> <li>- Adoption of Budget gives the authority to expend (s.6.2)</li> <li>- Emergency expenditure is provided for (s.6.8)</li> <li>- Role of CEO is to implement decisions of Council (s.5.41) and includes the decisions inherent by adoption of the Budget</li> </ul>
3.6	Write off of sundry and rate debts	1(b)	Discretion extended to rate and service charges write-off Note requirement to report in Annual Report
3.7	Tenders power to set specifications, criteria, call, accept, vary	Functions – 1(d)  Application – 2 4	To specify variation prior to acceptance of the tender  Council may give CEO prior delegation to accept Variations of a tender can only be made after acceptance in accordance with the Regulations
3.8	Contracts - Variations	1(b)	Also, additional limitation to value remaining below tender threshold

Delegation		Clauses affected	Effect of proposed change
No.	Title		
4.2	Cat Act 2011	1(c) & (d)	Deletion of authority for a secondary delegation or authorised person to withdraw or extend time to pay an infringement.  Now restricted to CEO under Delegation 1.1
4.3	Dog Act 1976	1(c) & (d)	
4.4	Dogs Local Law 2018	1(c) & (d)	
7.1	Cemetery Local Law 2018	(c) & (d)	
10.5	Fencing Local Law 2018	1(c) & (d)	
11.3	Public Places & Local Government Property Local Law 2018	1(c) & (d)	
15.1	Control of Vehicles (Off-road Areas ) Act 1978	1(c) & (d)	
4.4	Dogs Local Law 2018	References	Delegations may only be made to an employee. Removal of “employees under contract” – recent changes of interpretation indicate that unless on the payroll, a person is not an employee
5.2	Fire-fighting – Emergency plant hire	All	Deleted – to be transferred to Policy Covered by LG Act emergency expenditure or as Budgeted expenditure (even if over Budget) Could be read as making delegation to persons not permitted by legislation
5.3	Restricted burning periods - Variation	2	Clarification
6.1	Control of environmental health matters	Secondary Delegation  1 2	Delegations may only be made to an employee. Removal of EHO – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties Inserts power to administer matters under the Public Health Act 2016 Amends reference to Health (Miscellaneous Provisions) Act
6.4	Control of food matters	Statutory Context  1	Legislation requires appointment of person withdrawing or extending infringement to be other than the person issuing  Delegation now to CEO to administer. Actions may still require a qualified person (EHO etc) to undertake them
8.2	Long Service Leave	6	Limitation on approvals for deferral more than 2 years to be brought to Council for approval
10.1	Building permits	Secondary Delegation  5  References	Delegations may only be made to an employee. Removal of EHO and Building Surveyor – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties Withdrawal and extensions of time to pay infringements limited to CEO as per new Building Act Regs. Delegations may only be made to an employee. Removal of “employees under contract” – recent changes of interpretation indicate that unless on the payroll, a person is not an employee

Delegation		Clauses affected	Effect of proposed change
No.	Title		
10.2	Illegal development	Secondary Delegation4	Delegations may only be made to an employee. Removal of Building Surveyor and Planner – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties
10.3	Control of planning matters	Secondary Delegation  2 4	Delegations may only be made to an employee. Removal of Planner – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties Clarification Clarification
10.4	Applications for subdivision and amalgamations	Secondary Delegation	Delegations may only be made to an employee. Removal of Building Surveyor – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties
10.5	Fencing Local Law 2016	Secondary Delegation	Delegations may only be made to an employee. Removal of Planner – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties
11.1	Liquor Control Act	Secondary Delegation	Delegations may only be made to an employee. Removal of Building Surveyor – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties
11.2	Discount/waiver/subsidy of facility hire fees	1	Clarification
11.3	Public Places & Local Government Property Local Law 2016	Secondary Delegation  2	Delegations may only be made to an employee. Removal of EHO and Building Surveyor – recent changes of interpretation indicate that unless on the payroll, a person is not an employee Appointment as an authorised person to allow exercise of duties Clarifications
13.7	Private works/ infrastructure on, over or under public land	1	Transfer of part to Conditions  Transfer from Functions
17.3	Prohibited Burning Periods - Variation	4	Deletion of implied sub-delegation not provided for in the Bush Fires Act
<b>Former Section 18 now transferred to Section 6</b>			

## REGISTER OF DELEGATIONS

### ~~CEO AND OFFICERS~~

ADOPTED – 18 JULY 2018

REVIEW & ADOPTION -

I

## 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 - 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 Acting CEO – Appointment

#### Section 2 - Administration / Organisation

- 2.1 Common Seal – Execution of documents
- 2.2 Deleted
- 2.3 Confidential records – Inspection

#### 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 - Personnel

- 8.1 Designated senior employee – Vacancy
- 8.2 Long service leave

#### 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 Restricted Access Vehicles on Shire Roads

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

#### Section 17 - Fire Control

- 17.1 Issue of burning permits – Fire Control Officers
- 17.2 Issue of clover burning permits – Clover Burning Permit Officers
- 17.3 Prohibited burning periods – Variations

#### Section 18 - Deleted

- 18.1 Deleted

#### HISTORY SUMMARY

#### APPENDIX

- 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
- Secondary delegation by CEO

## PART A – PRIMARY DELEGATIONS – to CEO

## Section 1 - Council / Governance

## 1.1 Appointment of authorised persons

## 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.9.10(1) – Appointment of authorised persons

*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

## SECONDARY DELEGATION PERMITTED TO

Not permitted

## FUNCTION DELEGATED

1. Legislation

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

- a) Local Government Act 1995, 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
- c) Public Health Act 2016
- d) Health (Miscellaneous Provisions) Act 1911, ~~excluding –~~  
~~—s.27(1)—appointment of a Medical Officer of Health~~
- e) Building Act 2011
- f) Bush Fires Act 1954
- g) Cat Act 2008
- h) Cemeteries Act 1986
- i) Dog Act 1976
- j) Animal Welfare Act?
- k) Environmental Protection Act & Regulations 1986
- l) Food Act 2008
- m) Litter Act 1979
- n) Planning and Development Act 2005
- o) Control of Vehicles (Off-road Areas) Act 1978
- p) Caravan Parks & Camping Grounds Act 1995

2. Local Laws

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

The CEO is delegated authoritypower to appoint employees ~~(including employees under contract)~~ as authorised persons for the purposes of performing functions under the following local laws –

- a) Cemetery Local Law 2018,
- b) Dogs Local Law 2018,
- c) Extractive Industries Local Law 2018,
- d) Fencing Local Law 2018,
- e) Public Places and Local Government Property Local Law 2018;
- f) Health Local Law 2004.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

### 3. Planning

The CEO is delegated authoritypower to appoint employees ~~(including employees under contract)~~ as authorised persons for the purposes of performing functions under –

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

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

### 4. 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 –

- a) 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,
- b) 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.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

## APPLICATION

4.5. Appointments made by the CEO are limited to employees of the Shire, and are to state the appointment is for –

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

5.6. Appointment to a position by Council or CEO, in either a substantive or temporary capacity, includes the authorityresponsibility 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.

6.7. All proposals to commence prosecution are to be referred to Council for decision, unless specifically authorised-provided for under delegated authoritypower 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 xx September 2019

## REFERENCES

No delegated authoritypower for –

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

Authorised persons exercise their authoritypower 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 authoritypower.

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.

Appointments of persons other than employees ~~or employees under contract~~, are to be referred to Council for determination.

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 Council,
- as an officer of Council, 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 authoritypower.

As these appointments mean that the person is an officer of Council for that specific purpose, they have the statutory authoritypower to commit Council 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 23 June 2018 –

- (a) ~~Amenity~~
- (b) ~~Meeting Procedures~~
- (c) ~~Waste~~
- (d) ~~Health (replacement)~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

## 1.2 Acting CEO – Appointment

### STATUTORY CONTEXT

Local Government Act 1995 –

- s.5.35 – Appointment of CEO requires absolute majority
- s.5.37 – Designation as senior employee to have Council consent
- s.5.42 – Council may delegate functions to CEO

### CORPORATE CONTEXT

Policy Manual –

- 2.1 – Designated Senior Officers
- 2.2 – Acting/Relieving Staff Authority

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

Not permitted

### FUNCTION DELEGATED

1. The CEO is delegated **authority/power** to appoint as Acting CEO when the CEO is on periods of leave, up to a maximum period of 20 working days –
  - an employee designated under the Local Government Act 1995 s.5.37, or
  - a person appointed by Council as CEO or Acting CEO within the previous 5 years.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

### APPLICATION

2. In the case of the unavailability of the CEO due to emergency, the Manager Finance and Administration is automatically appointed as Acting CEO for up to 2 weeks from commencement, and continuation is then subject to confirmation by President/Council.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

### FORMAL RECORD OF USE

- i) Written record on personnel file

### HISTORY

Former Delegation 2.1

Adopted 18 July 2018

Review / adoption xx September 2019

### REFERENCES

Council may only delegate **authority/power** to a CEO under the Local Government Act s.5.42 who is appointed in accordance with s.5.35(1)&(2) requiring an absolute majority. Accordingly, a person who is to exercise the responsibilities and delegations of CEO while acting in that position must also have specific Council approval.

Designation as a senior employee under s.5.37 complies with this requirement, as it specifies that Council must consent to the employment of a designated senior employee.

Generally, employees designated under the Act s.5.37 will only be –

- Manager Works and Services

A senior employee in the organisation is not automatically a designated employee under s.5.37.

Stipulation that no substantial redirection of activities or processes during term as Acting CEO is in Policy 2.2.

## 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

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

- 1. Council delegates authoritypower 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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**APPLICATION**

- 2. ~~Subject to~~Notwithstanding the conditions above on use of the Common Seal, the CEO is delegated authoritypower 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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

- 3. The Common Seal is to be kept in the custody of the CEO.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

- 4. ~~The affixing~~Application of the Common Seal ~~is to be co-signed~~has not effect unless countersigned by the President.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**FORMAL RECORD OF USE**

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

**HISTORY**

Former Delegation 2.24  
Adopted 18 July 2018  
Review / adoption xx September 2019

**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 ~~Destruction of records~~Deleted

### ~~STATUTORY CONTEXT~~

~~State Records Act 2000—~~

- ~~— s.16 (2) — mandatory compliance of record keeping plans with principles and standards of the State Records Commission~~
- ~~— s.19 — requirement for a record keeping plan~~
- ~~— Sch.1 cl.12 — local governments are a government organisation~~

~~Local Government General Disposal Authority~~

### ~~CORPORATE CONTEXT~~

~~Record Keeping Plan~~

### ~~PRIMARY DELEGATION~~

~~CEO~~

### ~~SECONDARY DELEGATION PERMITTED TO~~

~~Manager Finance and Administration~~

### ~~FUNCTION DELEGATED~~

- ~~1. The CEO is delegated authority to destroy records subject to compliance to—~~
  - ~~1. the Local Government General Disposal Authority as prepared by the State Records Office, and~~
  - ~~2. Shire of Victoria Plains Record Keeping Plan.~~

### ~~APPLICATION~~

~~N/A~~

### ~~FORMAL RECORD OF USE~~

- ~~i) Signed listing of records authorised for destruction~~

### ~~HISTORY~~

~~Adopted ————— 18 July 2018~~

### ~~REFERENCES~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm



## 2.3 Confidential records – Inspection

### STATUTORY CONTEXT

#### *Local Government Act 1995 –*

- s.5.92 – Council or committee members may access confidential information only if, and to the extent necessary, to fulfil their function
- s.5.93 – penalties if Council or committee member, or employee misuses information
- 5.94 – public inspection of information permitted, with some restrictions
- s.5.94 (1) to (3) – information that is required to remain confidential
- s.5.95 (1) to (6) and (8) – exclusions from public inspection
- s.5.95 (7) – some previously confidential information may be made available in some circumstances

#### *Administration Regulations 1996 –*

- r.29A – limits on confidential information that may be inspected

#### *Rules of Conduct Regulations 2007 –*

- r.6 – use of information, including confidential information, by council members
- r.7 – prohibition on improper use, for personal advantage or to someone's detriment
- r.8 – misuse of local government resources

### CORPORATE CONTEXT

Record Keeping Plan

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION

Permitted

### PERMITTED TO

Manager Finance and Administration

### FUNCTION DELEGATED

The CEO is delegated authority/power to make available information determined by Council or the CEO to be confidential, and not available for public inspection.

### APPLICATION

Prior to making a decision, the CEO is to determine –

- (a) whether or not the information should remain confidential or public inspection permitted;
- (b) the extent of information that may be released.

The CEO is to use discretion in exercising the authority/power, taking note that –

- (a) there is no compulsion to release confidential information,
- (b) some information is required to remain confidential.

### FORMAL RECORD OF USE

- i) File copy of written request and decision by CEO.

### HISTORY

Adopted 18 July 2018

Review / adoption xx September 2019

I

## REFERENCES

Examples of information that is required to remain confidential includes –

- (a) employee details, conditions, negotiations etc
- (b) supplier's bank information;
- (c) details required by legislation to be omitted from electoral roll;
- (d) information regarding debts owed to the Shire

CEO may consider some information to remain confidential, due to –

- (a) commercial in confidence;
- (b) potential for misuse;
- (c) insufficient reasons/justification to access the information.

Note – refusal of access does not prevent application being made under the Freedom of Information Act.

## Section 3 - Financial Management

**3.1 Municipal Fund — Incurring expenditure Deleted****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*

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

**CORPORATE CONTEXT**

## Delegation Register —

- 3.7 — Tenders
- 3.11 — Donations — Financial and in-kind

## Council Policy —

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

**PRIMARY DELEGATION**

## CEO

**SECONDARY DELEGATION PERMITTED TO**

## Manager Finance and Administration

**FUNCTION DELEGATED**

## 1. The CEO is delegated authority to incur expenditure from the Municipal Fund subject to —

- a) being compliant with the Local Government Act and Regulations;
- b) being in accordance with the adopted Budget;
- c) being authorised by a resolution of Council;
- d) and being compliant with —
  - i) Delegation 3.7 Tenders, and
  - ii) Council Policy 3.1 and 3.2;
- e) being authorised emergency expenditure.

**APPLICATION**

## 2. The CEO is to ensure —

- 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;
- e) constant review of procedures in accordance with Audit Reg. r.17

## 3. The CEO may authorise the issue of a second credit card to a senior executive officer.

## 4. The CEO is authorised to approve appropriate employee to issue purchase orders, and use of credit

- cards and store cards —
- a) within limits as considered appropriate;

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab  
after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab  
after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab  
after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab  
after: 0.63 cm + Indent at: 0.63 cm

- b) Use of credit cards to a maximum of \$15,000 in total and store cards to a maximum account value of \$2,000.

**FORMAL RECORD OF USE**

- i) Issue of purchase order.
- ii) Receipt of expenditure
- iii) Reconciled credit card or store card statement signed by the authorised user

**HISTORY**

Former Delegation 2.58  
Adopted 18 July 2018

**REFERENCES**

This delegation is not for authorisation of payments from Municipal Fund Bank Account or Trust Fund Bank Account, or the procedures required for the processing of creditors invoice.

**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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

**FUNCTION DELEGATED**

1. The CEO is delegated ~~authority~~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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**APPLICATION**

2. The CEO is to ensure –
  - 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 ~~authorised~~approved signatures or secure electronic passwords by any two of the following ~~authorised~~approved persons, jointly –

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**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 xx September 2019

**REFERENCES**

This delegation is not for the issue of purchase orders, use of credit cards, store cards or fuel cards, or procedures for the processing of creditors invoice.

### 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

#### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

#### FUNCTION DELEGATED

1. The CEO is delegated authority/power to invest money held in any Council fund that is not required for immediate use, provided that sufficient working funds are retained at all times.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

#### APPLICATION

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 and Administration

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

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 xx September 2019

#### 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

#### SECONDARY DELEGATION PERMITTED TO

Not permitted

#### FUNCTION DELEGATED

a)1. The CEO is delegated authority/power to –

- 1-a) amend rate records for the past five years preceding the current year,
- 2-b) refund of rates overpaid following an adjustment to the rate record if requested,
- 3-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
- 4-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 xx September 2019

#### REFERENCES

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm



### 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

None

#### PRIMARY DELEGATION

CEO

#### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

#### FUNCTION DELEGATED

1. The CEO is delegated **authority/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 **authority/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 **authority/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 xx September 2019

#### REFERENCES

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**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

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

1. The CEO is delegated authority/power to write off small amounts to a maximum of \$100.00 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,
    - ~~(ii)(iii)~~ the value of the debt makes recovery attempts uneconomical.

**APPLICATION**

2. ~~This delegation does not apply to an amount of rates or any service charge levied on the annual rate notice.~~  
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 xx September 2019**REFERENCES**

~~This delegation is not authority for the write-off of rates or service charges, but rate interest and administration charges and sundry debts.~~ Where a write-off is intended for rate interest/charges/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.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**3.7 Tenders – authoritypower 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 –

- a)- 3.1 – Municipal Fund – Incurring expenditure

## Policy Manual –

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

**PRIMARY DELEGATION**

## CEO

**SECONDARY DELEGATION PERMITTED TO**

## Manager Finance and Administration

## Manager Works and Services

**FUNCTION DELEGATED**

a)1. The CEO is delegated authoritypower, subject to prior budget provision having been made or to give effect to a Council decision, to –

- i)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;
- ii)b) determine the criteria for assessment of all tenders, expressions of interest and panels for pre-qualified suppliers;
- iii)c) invite all tenders, expressions of interest and applications for panels of pre-qualified suppliers; or
- iv)d) approve a minor variation to an-accepteda 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 –
- a)i) reduction;

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 1.27 cm, Hanging: 0.48 cm, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.27 cm + Indent at: 2.54 cm

- b)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
- e)iii) reasonable and unforeseen increase in duration of the contract.

## APPLICATION

~~b) All tenders and expressions of interest are to be approved by Council unless disclosed in Budget.~~  
~~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.~~

e)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.~~

d)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 xx September 2019

## 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.

### As clarification—

- Panels of suppliers — (a), (b) and (c) only apply
- Expressions of interest — (a), (b), (c) and (d) only apply

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tab stops: Not at 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tab stops: Not at 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tab stops: Not at 0.63 cm

### 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

#### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

Manager Works and Services

#### FUNCTION DELEGATED

1. The CEO is delegated ~~authority~~~~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;
  - ~~a) b) the cumulative value remains below the tender threshold;~~
  - ~~b) 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~~
  - ~~c) d) reasonable and unforeseen increase in duration of the contract.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

#### APPLICATION

N/A

#### FORMAL RECORD OF USE

- i) File copy of ~~authorised~~~~approved~~ variation

#### HISTORY

Adopted 18 July 2018

Review / adoption xx September 2019

#### 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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration  
Manager Works and Services

**FUNCTION DELEGATED**

**-1.** The CEO is delegated **authoritypower** to dispose of a vehicle considered to be an abandoned vehicle wreck under section 3.40A(3).

**-2.** The CEO is delegated **authoritypower** to dispose of goods confiscated under section 3.43.

**-3.** The CEO is delegated **authoritypower** 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 **authoritypower** to dispose of property under section 3.58.

**APPLICATION**

**-5.** This delegated **authoritypower** –

- 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;

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**-6. Restrictions –**

- 1-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;
- 2-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;
- 3-c)** And price offered is paid

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**FORMAL RECORD OF USE**

- i) Acceptance of offer on disposal file

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019

**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

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

1. The CEO is delegated **authoritypower** 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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm

**FORMAL RECORD OF USE**

- i) File copy of notice

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**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

#### SECONDARY DELEGATION PERMITTED TO

Not permitted

#### FUNCTION DELEGATED

The CEO is delegated ~~authority~~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.

##### 2. In-kind

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 xx September 2019

**REFERENCES**

**3.12 Ex-Gratia Payments****STATUTORY CONTEXT**

None

**CORPORATE CONTEXT**

Delegations Register –

4-3.1 – Municipal Fund – Incurring expenditure

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

1. The CEO is delegated authority/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 xx September 2019**REFERENCES**

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 1.27 cm + Indent at: 1.9 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

## 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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

**FUNCTION DELEGATED**

1. The CEO is delegated authority/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 authority/power to take all appropriate action that may be necessary to recover the costs of destroying the animal.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

File copy of written instruction or record of destruction of animal

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

**4.2 Cat Act 2011****STATUTORY CONTEXT**

Cat Act 2011 –

- s.44 – Council may delegate to CEO
- s.45 – CEO may delegate to any employee
- s.48 – an authorised person may perform functions under the Act
- s.70 – dealing with objections – to be by Council
- s.73(1) – Prosecutions under the Act

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

Customer Service Officers

**FUNCTION DELEGATED**

1. The CEO is delegated ~~authority~~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) extending the time period within which infringement notices may be paid-~~
  - ~~(d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
  - ~~(e)(c)~~ carrying out of works in default of a duly served notice;

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**FORMAL RECORD OF USE**

File copy of notice, approval etc.

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

Customer Service Officers

**FUNCTION DELEGATED**The CEO is delegated ~~authority~~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) extending the time period within which infringement notices may be paid.~~
- ~~(d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
- ~~(e)(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.

The CEO has ~~authority~~power to waive the registration fee for a maximum of 12 months where a dog is rescued from impoundment by a new owner.

**FORMAL RECORD OF USE**

File copy of notice

**HISTORY**

Adopted 18 July 2018

~~Review / adoption xx September 2019~~**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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

Customer Service Officers

**FUNCTION DELEGATED**

a)1. The CEO is delegated authority/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) extending the time period within which infringement notices may be paid.~~

~~d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~

e) c) carrying out of works in default of a duly served notice;

**APPLICATION**

b)2. The delegation excludes –

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

e)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 approval of discretionary use

**HISTORY**

Former Delegation 2.1

Adopted 18 July 2018

Review / adoption xx September 2019

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**REFERENCES**

~~For the purposes of the local law and this delegation, a person under contract is considered to be an employee.~~

Objections and review are those matters refused under delegated authoritypower 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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

**FUNCTION DELEGATED**

1. The CEO is delegated authority/power to the power to remove and impound goods from a public place if –
  - ~~1-a)~~ the goods or vehicle present a hazard to public safety;
  - ~~2-b)~~ the goods or vehicle obstruct the lawful use of any place;
  - ~~3-c)~~ the goods ore vehicle have been, or appear to have been abandoned
2. The CEO is delegated authority/power to take all appropriate action that may be necessary to recover the costs of impounding vehicles and goods.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

File copy of notice

**HISTORY**

Former Delegation 2.30

Adopted 18 July 2018

Review / adoption xx September 2019

**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

None

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

Manager Works and Services

Rangers

### FUNCTION DELEGATED

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

### APPLICATION

3. 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
4. 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 xx September 2019

### 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 the age of 2 years
- (2) Entire horses, mules, asses, camels, bulls or boars under the age of 2 years

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

I

- (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
  - (11) – if fire escapes etc expenses up to \$10,000 may be recouped
  - (12) – penalty on first breach \$4,500, subsequent breaches \$10,000
- 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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*Public Places and Local Government Property Local Law 2018 –*

- activities on land under Council management and control including roads

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

## CORPORATE CONTEXT

None

## PRIMARY DELEGATION

CEO

## SECONDARY DELEGATION PERMITTED TO

Not permitted

## FUNCTION DELEGATED

1. The CEO is delegated ~~authority~~power to issue, vary or prohibit burning permits in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.15(1).

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

2. The CEO is delegated authoritypower, 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 authoritypower 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 authoritypower 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 authoritypower, 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.

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +  
Aligned at: 0.63 cm + Indent at: 1.27 cm

#### APPLICATION

N/A

#### FORMAL RECORD OF USE

Duplicate copy of permit issued

#### HISTORY

Adopted 18 July 2018

Review / adoption xx September 2019

#### 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 Fire fighting – Emergency plant hire**~~Deleted~~**STATUTORY CONTEXT**~~Local Government Act 1995 –~~

- ~~i) s.6.8(1)(c) – authorisation of unbudgeted expenditure in an emergency~~

~~Bush Fires Act 1954 –~~

- ~~ii) s.38(3)(4)(5) – appointed BFCO's may exercise specific authorities given to them~~

**CORPORATE CONTEXT**~~Policy Manual~~**PRIMARY DELEGATION**~~CEO~~**SECONDARY DELEGATION PERMITTED TO**~~Manager Finance and Administration~~~~Manager Works and Services~~**FUNCTION DELEGATED**

- ~~1. The CEO is delegated authority to commit expenditure for the private hire of plant and equipment necessary for the efficient fighting and control of fires.~~

**APPLICATION**~~N/A~~**FORMAL RECORD OF USE**

- ~~— Report to Council via briefing papers  
— Duplicate copy of purchase order issued  
— File copy of notes~~

**HISTORY**~~Former Delegation – 2.59~~~~Adopted – 18 July 2018~~**REFERENCES**~~The approval to be sought is an administrative function for expenditure purposes only, and does not extend to giving of operational instructions.~~~~Where possible, the CEO is to seek advice from the senior FCO at the fire, and approval from the President or Deputy President. However, since this delegation will only be used in emergency situations, it is acknowledged that this may not be possible.~~~~Adequate resources to fight a fire, for the safety of fire fighters, and for the protection of life and property have the highest priority, and are not to be unnecessarily jeopardised by delay.~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii,  
... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

### 5.3 Restricted burning periods – Variations

#### STATUTORY CONTEXT

*Bush Fires Act, 1954 –*

- s.18(5) – authoritypower to vary restricted burning time
- s.18(5B) – time may not be varied by more than 14 days
- s.18(5C) – compliance requirements as per s.17(8),(9),(10),(11)
- s.48(1) – authoritypower to delegate to CEO

#### CORPORATE CONTEXT

None

#### PRIMARY DELEGATION

CEO

#### SECONDARY DELEGATION PERMITTED TO

Not permitted

#### FUNCTION DELEGATED

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

#### APPLICATION

b)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 is if unavailable, 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 xx September 2019

#### REFERENCES

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

## Section 6 - Environmental Health / Food

**6.1 ~~Public Health Act 2016~~Control of environmental health matters****STATUTORY CONTEXT***Public Health Act 2016 –*

- ~~i)~~ s.4(2) – authorised ~~officer~~person
- ~~ii)~~ s.21 – ~~authority~~power to delegate to CEO
- ~~iii)~~ s.24 – authorised person must be qualified
- ~~iv)~~ 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 –

- ~~v)~~ 18.1 – Food Act 2008

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**~~Environmental Health Officer – required, being a qualified person~~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 ~~authority~~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 –

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.74 cm + Indent at: 1.38 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm



- 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 xx September 2019

#### 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 authoritypower 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.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

## 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 ~~18.1 – Food Act 2008~~ 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
- s.24 – authorised person must be qualified
- s.25 – authorised person must have acceptable qualifications or be an EHO

#### 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

### SECONDARY DELEGATION PERMITTED TO

#### 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.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

#### **FORMAL RECORD OF USE**

File copy of notice, record of inspection etc

#### **HISTORY**

Adopted 18 July 2018

Formerly Delegation 18.1

Review / adoption xx September 2019

#### **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***Cemeteries Act 1976**Shire of Victoria Plains Cemeteries Local Law 2018***CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

**FUNCTION DELEGATED**

The CEO is delegated **authority/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) extending the time period within which infringement notices may be paid;~~
- ~~d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
- e) c) carrying out of works in default of a duly served notice;

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**APPLICATION**

The delegation excludes –

- ~~1-a)~~ determination of any fee or charge

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

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.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**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

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**HISTORY**

Former Delegation 2.1

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

## Section 8 - Personnel

Applying to all matters in relation to personnel and employment –

Local Government Act 1995 –

**s.5.41 Functions of CEO**

The CEO's functions are to –

....

(a) manage the day to day operations of the local government; 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

....

Local Government (Rules of Conduct) Regulations 2007 –

**r.10 Relations with local government employees**

(1) A person who is a council member must not –

(a) direct or attempt to direct a person who is a local government employee to do or not to do anything in the person's capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person's capacity as a local government employee.

....

Policy 1.1 – Code of Conduct

For clarification regarding appointment, management and direction of employees –

Employee class	Council involvement	Elected member / Committee involvement	CEO involvement
CEO	<u>Required</u> – May authorise selection and interview by a Committee. Appointment must be by Council resolution.	<u>Permitted</u> – to interview and recommend to Council. <u>Prohibited</u> – to appoint, manage or direct.	As directed by Council, usually limited to process, research and reporting on an applicant.
Designated employee LG Act s.3.57	<u>Required</u> – to consent to appointment or dismissal. <u>Permitted</u> – Interview & recommendation can be done by CEO alone or with elected member input. <u>Prohibited</u> – management or direction.	<u>Permitted at CEO invitation</u> – to interview and recommend an appointment to Council. (CEO required to be present) <u>Prohibited</u> – to appoint, manage or direct.	<u>Required</u> to initiate appointment or dismissal.  <u>Statutory function</u> – to manage and direct.
EHO	<u>If designated senior officer-employee</u> – as above, otherwise as for Other Employee <u>In all cases</u> – qualification must comply with Public Health Act 2016 s.17.		
Other employee (non-designated)	<u>Prohibited</u> – Involvement in appointment, management or direction.	<u>Prohibited</u> – involvement in appointment, management or direction.	<u>Statutory function</u> – to appoint, manage, direct etc.

**8.1 Designated senior employee – Vacancy****STATUTORY CONTEXT**

Local Government Act 1995 –

- s.5.37 (3) – advertising of designated senior positions

**CORPORATE CONTEXT**

Policy Manual –

- 2.1 – Designated Senior Employees
- 2.2 – Acting/Relieving Staff Authority

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

a)1. The CEO is delegated authoritypower to determine an appropriate employment package for designated senior employee other than CEO, with consideration to include but not limited to –

- 1-a) salary,
- 2-b) salary sacrifice options;
- 3-c) removal expenses,
- 4-d) accommodation arrangements,
- 5-e) private use of vehicle etc, and
- 6-f) any associated FBT implications.

b)2. The CEO is delegated authoritypower to advertise the vacancy when, as and for an appropriate period.

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Report to Council recommending appointment

File copy of finalised Information Package

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

This delegation does not extend to –

- the appointment of a person to the vacancy without Council consent.
- determining the remuneration package for a CEO.

Information Package for a vacancy to include –

- remuneration range;
- other benefits available;
- selection criteria or key position requirements
- closing date and application submission requirements
- any additional information appropriate.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm



## 8.2 Long service leave

### STATUTORY CONTEXT

Local Government Act 1995 –

- a) s.5.48 – Long service leave benefits for employees

Local Government (Long Service Leave Regulations) –

- b) r.6A – long service leave on half pay
- c) r.6B – long service leave on double pay
- d) r.7 – taking of long service leave
- e) r.8(2) – Payment for or in lieu of leave

### CORPORATE CONTEXT

N/A

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

### FUNCTION DELEGATED

- 1. The CEO is delegated ~~authority~~power to approve –
  - i) a) applications for long service leave at half pay;
  - ii) b) applications for long service leave at double pay;
  - iii) c) appropriate timing, period or period for taking of long service leave;
  - iv) d) on application of the employee, to defer taking of long service leave beyond 6 months of becoming entitled subject, subject to the employee's agreement to –
    - a) i) deferral being for not more than 2 years, and
    - b) ii) rate of pay shall not exceed that applicable to the employee at the end of 6 months of becoming entitled.

### APPLICATION

- 2. On application, the CEO is to advise the employee that deferral of long service leave beyond six months of becoming due may be approved however when the leave is taken it will be paid at the hourly rate earned by the employee at the anniversary of the 10<sup>th</sup> year plus six months.
- 3. In exceptional circumstances, the CEO may approve taking of long service leave prior to 10 years continuous service –
  - a) provided that the employee has a minimum of 7 years continuous service,
  - b) a request from an employee with less than 7 years continuous service will not be considered,
  - c) leave may only be approved to the extent of the accrual at the time of taking leave.
- 4. Taking long service leave may be deferred –
  - a) with the written approval of the CEO, an employee may delay the taking of part or all of their long service leave entitlement beyond 10 years and six months –
    - The rate of pay during their long service leave when taken, will be the ordinary time rate which applied to the employee at the 10 year and six month mark.
  - b) with the written approval of the CEO, a request to delay for more than 2 years will only be considered in exceptional circumstances –
    - The rate of pay during their long service leave when taken, will be the ordinary time rate which applied to the employee at the 10 year and six month mark.
  - c) at the written request of the CEO –

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 1.27 cm + Indent at: 1.9 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 1.27 cm + Indent at: 1.9 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 1.27 cm + Indent at: 1.9 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

- The rate of pay during their long service leave when taken, will be the ordinary time rate applicable to the employee at the completion of the deferment requested by the CEO.

Formatted: Bulleted + Level: 1 + Aligned at: 1.27 cm + Indent at: 1.9 cm

- 5. Long service leave cannot be cashed out, other than as provided for in the Regulations.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

#### 6. Applications that are to be referred to Council –

- (a) deferment of long service leave for more than 2 years;
- (b) request for payment at a rate greater than the rate applicable at 6 months after becoming entitled;
- (c) payment at the higher rate, where long service leave has been deferred at the request of the CEO.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

#### FORMAL RECORD OF USE

Personnel file copy of letter to employee advising of decision

#### HISTORY

Former Delegation 2.37  
Adopted 18 July 2018  
Review / adoption xx September 2019

#### REFERENCES

Applications that are to be referred to Council –

- a) deferment of long service leave for more than 2 years;
- b) request for payment at a rate greater than the rate applicable at 6 months after becoming entitled;
- c) payment at the higher rate, where long service leave has been deferred at the request of the CEO.

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

If an employee transfers their employment to an applicable organisation, as provided for under Local Government (Long Service Leave) Regulations, the employee may be eligible to transfer their service to maintain continuity of service for the purposes of long service leave accrual.

However, where an employee has an untaken long service leave entitlement and the employee's employment ends before the employee has taken the long service leave, the employee must be paid out their long service leave entitlement on termination. To be clear, a 10 year entitlement cannot transfer but any additional accrued entitlement to long service leave can transfer to a new Local Government employer.

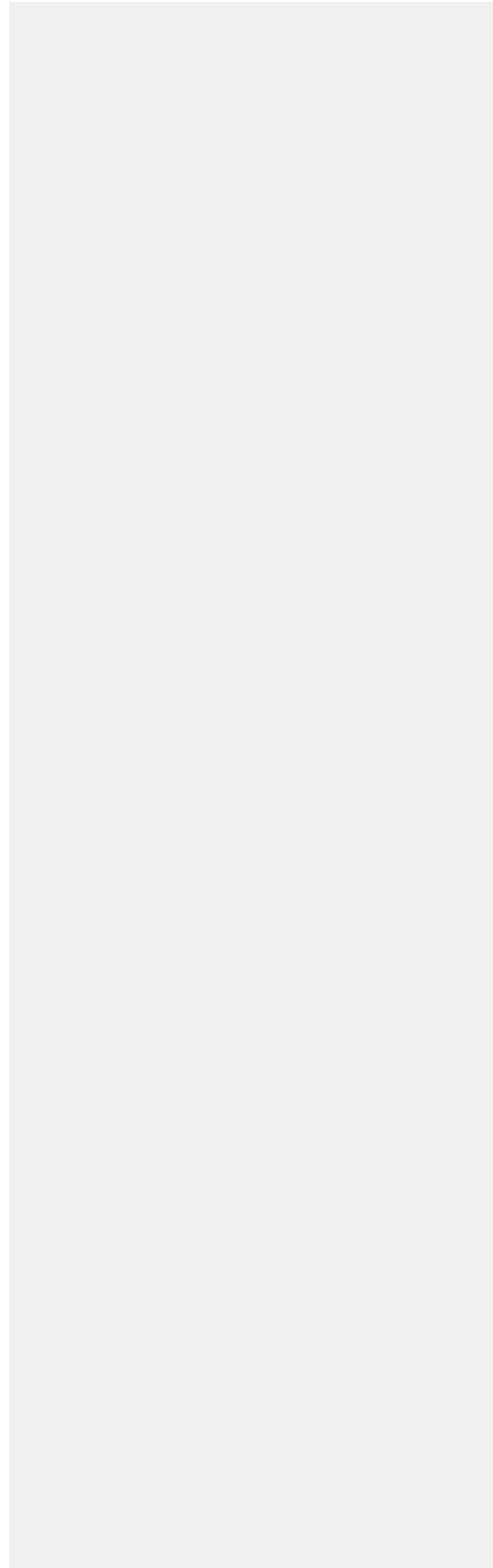
Further, pro-rata long service leave becomes due after seven years of service. If an employee is not eligible to transfer their leave to another applicable organisation any long service leave accrued to this point will be paid out on termination.

An employee with less than 7 years continuous service does not qualify for pro-rata long service leave.

I

## Section 9 - Occupational Safety & Health

This section is currently empty



## Section 10 - Building / Development

**10.1 Building permits (authorised person)****STATUTORY CONTEXT***Local Government Act 1995 –*~~i)~~ s.5.36 – Local government employees*Building Act 2011 –*~~ii)~~ s.3 – authorised person to be designated under s.96~~iii)~~ s.96(3) – the local government may designate a person to be authorised~~iv)~~ s.127(3) – delegation by a local government must be to an employee~~v)~~ s.127(6A) – further delegation of authoritypower given to CEO*Building Regulations 2012 –*~~vi)~~ r.31B – applicable standards for buildings in bush fire prone areas*Building Services (Registration) Act 2011*~~vii)~~ s.17 – registration of building service practitioners*Building Services (Registration) Regulations 2011 –*~~viii)~~ r.4 – prescribed levels for building surveying~~ix)~~ Part 3A – Building surveyors**CORPORATE CONTEXT**~~None~~Delegations Register –1.1 Appointment of Authorised Persons(4) – restrictions on issue, withdrawal and extension of time to pay infringements**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**~~Environmental Health Surveyor~~~~Registered Building Surveyor~~Not permitted**FUNCTION DELEGATED**~~a)1.~~ The CEO is delegated authoritypower 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**~~b)2.~~ The CEO is to be consulted prior to use of any sub-delegation in relation to items (b), (h), (i) and (j).

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~e)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.

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~d)4.~~ A building permit is not to be issued unless payment has been received for –

- ~~1-a)~~ the assessed building permit fees
- ~~2-b)~~ Building Services Levy
- ~~3-c)~~ Building and Construction Industry Training Fund levy, or production of evidence of payment or exemption where applicable

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~e)5.~~ The following matters are to be referred to Council for decision

- ~~1-a)~~ s.192 – Dangerous Buildings
- ~~2-b)~~ s.193 – Removal of Neglected Building

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~f)6.~~ Any prosecution proposed is to be referred to Council for decision to proceed.

**Formatted:** Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Indent: Left: 0.12 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

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 xx September 2019

## 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.

~~For the purposes of this delegation, a Registered Building Surveyor under contract is considered to be an employee.~~

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 –
  - o who is registered as per the Act and Regulations and holding appropriate qualifications

I

- o to provide a building certification service

## 10.2 Illegal development

### STATUTORY CONTEXT

*Local Government Act 1995 –*

- ~~ii)~~ s.5.42(1)(b) – Delegation to CEO of powers under the Planning and Development Act 2005 s.214(2), (3) and (5)

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*Planning and Development Act 2005 –*

- ~~ii)~~ 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
  - (5) – if delay interferes with scheme operation, power to order work to be undertaken

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*Local Planning Scheme No.5 –*

- ~~iii)~~ Part 9 – Applications for Planning Approval

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

### CORPORATE CONTEXT

Local Planning Policies

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

~~Building Surveyor~~

~~Planner~~

~~Not permitted~~

### FUNCTION DELEGATED

- ~~a)1.~~ The CEO is delegated ~~authority~~~~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).

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

### APPLICATION

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

### FORMAL RECORD OF USE

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

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

### HISTORY

Former Delegation 2.11

Adopted 18 July 2018

Review / adoption xx September 2019

### 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 –*

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

These Regulations override any provisions of the Planning Scheme.

*Local Planning Scheme No. –*

Part 9 – Applications for Planning Approval

### CORPORATE CONTEXT

Local Planning Policies

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

Planner

Not permitted

### FUNCTION DELEGATED

a)1. The CEO is delegated authoritypower to administer all planning matters or functions for the Shire of Victoria Plains, subject to compliance with –

- 1-a) Planning and Development Act,
- 2-b) Planning Regulations,
- 3-c) Residential R Codes
- 4-d) Local Planning Scheme, and
- 5-e) Local Planning Policy.

### APPLICATION

b)2. Any proposal that is not compliant, where discretionary approval by Council-the local government may be considered, is to be referred to Council for decision.

e)3. Any proposal requiring a decision but which has been refused is to be notified to Council for information.

d)4. The CEO is delegated authoritypower to respond to –

- 1-a) any appeal against a discretionary decision of Council-the local government in accordance with Council's-the local government's decision on the matter to which the appeal or request for reconsideration relates,
- 2-b) Development Assessment Panel requirements.

e)5. Where a planning approval is not complied with, the CEO is authorised to commence prosecution without reference to Council.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm



**FORMAL RECORD OF USE**

Approvals etc on file

**HISTORY**

Former Delegation 2.11, 2.12, 2.15

Adopted 18 July 2018

Review / adoption xx September 2019

**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

### SECONDARY DELEGATION PERMITTED TO

Planner

Not permitted

### FUNCTION DELEGATED

1. The CEO is delegated authority/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 authority/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 xx September 2019

### REFERENCES

Refer Planning Policy 1.1 – Subdivisions and amalgamations (in development)

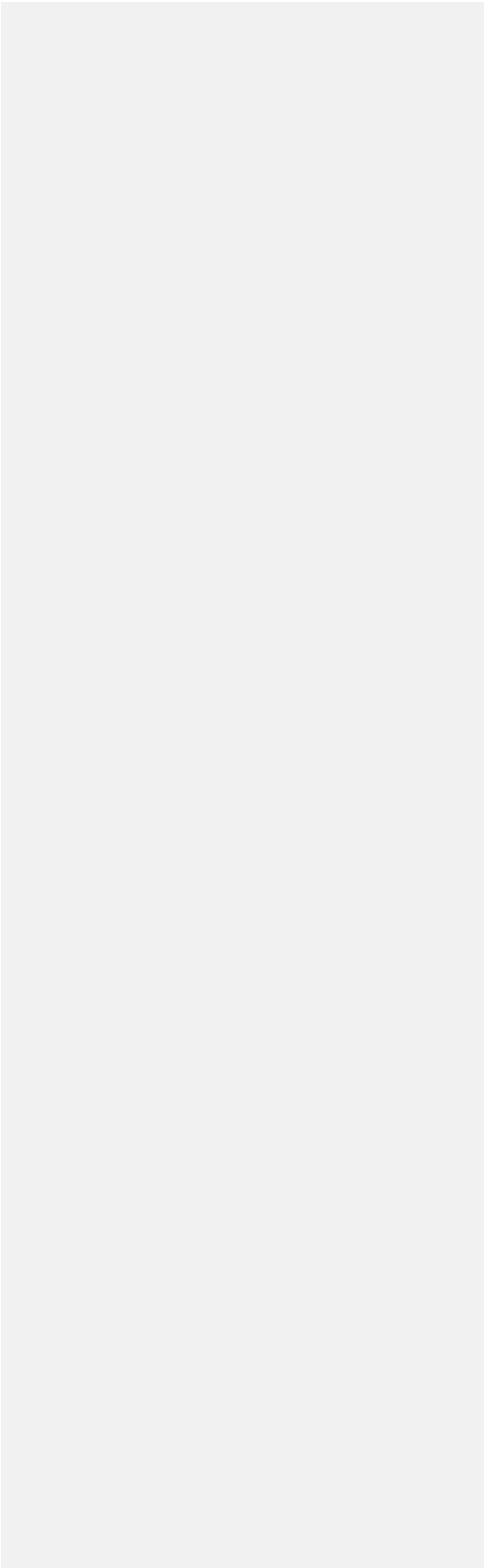
Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

I



**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

**SECONDARY DELEGATION PERMITTED TO**~~Building Surveyor~~  
~~surveyor~~Ranger**FUNCTION DELEGATED**

a)1. The CEO is delegated ~~authority~~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) extending the time period within which infringement notices may be paid;~~
- ~~(d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
- ~~(e)(c)~~ carrying out of works in default of a duly served notice;

**APPLICATION**

b)2. The delegation excludes –

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

e)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~~ xx September 2019**REFERENCES**

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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Outline numbered + Level: 1 + Numbering Style:  
1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm  
+ Indent at: 0.63 cm

Formatted: Outline numbered + Level: 1 + Numbering Style:  
1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm  
+ Indent at: 0.63 cm

Formatted: Outline numbered + Level: 1 + Numbering Style:  
1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm  
+ Indent at: 0.63 cm

## 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

**SECONDARY DELEGATION PERMITTED TO**Building SurveyorNot permitted**FUNCTION DELEGATED**

1. The CEO is delegated authority/power to –
  - 1-a) s.39 – Issue Certificates advising compliance with Food, Health and Local Government laws.
  - 2-b) s.40 – Issue Certificates of the Local Planning Authority
  - 3-c) s.66 (1)(d) and (2) – Respond to applications for Extended Trading Permits;
  - 4-d) s.69 (8) – Make submissions on health grounds regarding a license;
  - 5-e) s.153 (2) – Request copies of reports produced by the Liquor Licensing Authority;
  - 6-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 xx September 2019

**REFERENCES**

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**11.2 Discount/waiver/subsidy of facility hire fees****STATUTORY CONTEXT**

Local Government Act 1995 –

~~i)~~ s.6.12(1)(b) – Power to defer, grant discounts etc.**CORPORATE CONTEXT**

Delegations Register –

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

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

**FUNCTION DELEGATED**

- a) 1. The CEO is delegated ~~authority~~power to approve reduction in fees and charges of ~~Council-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~~ xx September 2019**REFERENCES**Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cmFormatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cmFormatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

**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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

~~Environmental Health Officer~~~~Building Surveyor~~

Rangers

**FUNCTION DELEGATED**

- a)1. The CEO is delegated ~~authority/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) extending the time period within which infringement notices may be paid;~~
  - ~~e) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
  - f)d) carrying out of works in default of a duly served notice;

**APPLICATION**

- b)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;~~

- e)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.

- d)4. Every permit issued for consumption/sale of alcohol is to be advised to the relevant Police Station.

- e)5. 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.~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**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 xx September 2019

**REFERENCES**

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

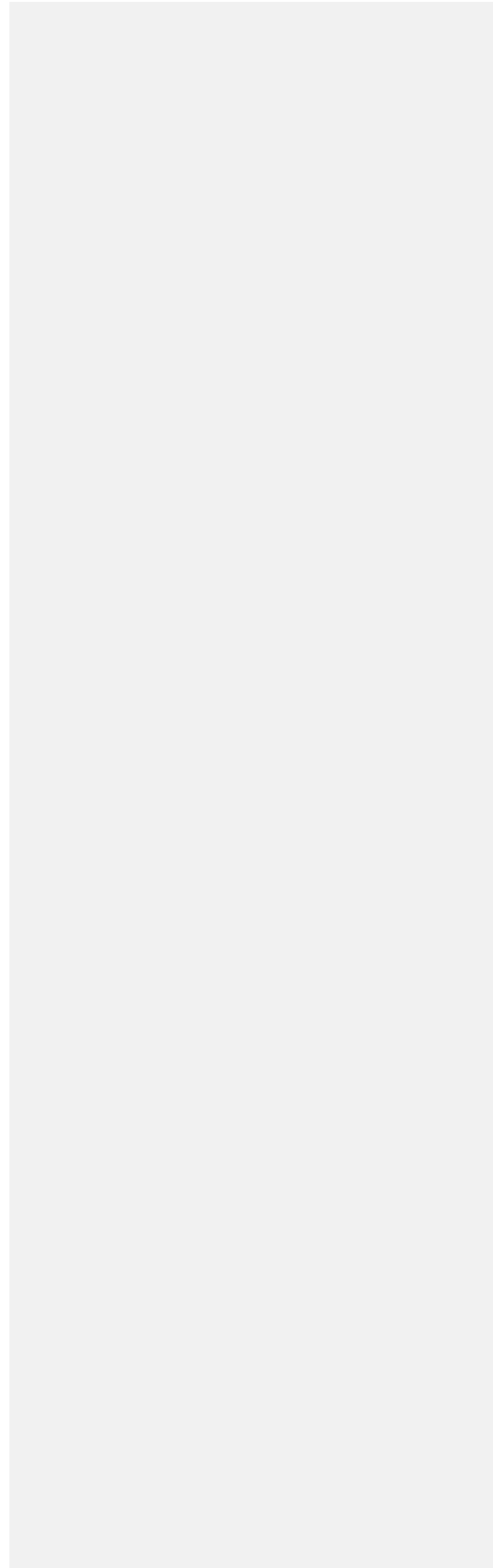
Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm



I

## Section 12 - Tourism

This section is currently empty



## Section 13 - Works &amp; Services

**13.1 Reserves under control of the local government****STATUTORY CONTEXT***Local Government Act 1995 –*~~a)~~ s.3.54(1) – Reserves under control of a Local Government*Land Administration Act 1997***CORPORATE CONTEXT***Policy Manual –*~~1-~~ 13.1 – Standard Crossovers~~1-~~ 13.2 – Roads – Developer Conditions~~2-~~ 13.3 – Roads – Access to Lots / Locations without Road Frontage~~3-~~ 13.4 – Road Reserves – Stormwater Discharge**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**1. The CEO is delegated ~~authority~~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 xx September 2019**REFERENCES**Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cmFormatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cmFormatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cmFormatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cmFormatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

1. The CEO is delegated authority/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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

File copy of notice

**HISTORY**

Former Delegation 2.8, 2.43

Adopted 18 July 2018

Review / adoption xx September 2019**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 –*

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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

a) 1. The CEO is delegated authoritypower to undertake necessary executive functions on land outside the district that is not property of the Shire 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 xx September 2019**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.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**13.4 Materials from land not under local government control****STATUTORY CONTEXT***Local Government Act 1995 –*

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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

- ~~a)1.~~ The CEO is delegated ~~authority~~~~power~~ to negotiate with land owners and/or occupiers for access to materials required for local government functions, principally –
- ~~1-a)~~ extraction of gravel, sand or other materials from land;
  - ~~2-b)~~ water, etc.

**APPLICATION**

- ~~b)2.~~ The CEO is to apply to the Department of Environmental Regulation for permits to clear vegetation as applicable.
- ~~c)3.~~ The agreement reached with the land owner/occupier is to –
- ~~1-a)~~ state a specific duration, that it is indefinite or otherwise provide for termination;
  - ~~2-b)~~ provide for mutually agreed compensation;
  - ~~3-c)~~ specify rehabilitation responsibilities if appropriate;
  - ~~4-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~~ xx September 2019**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.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**13.5 Notices requiring certain things to be done****STATUTORY CONTEXT***Local Government Act 1995 –*

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

*Local Government (Uniform Local Provisions) Regulations 1996 –*

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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works &amp; Services

**FUNCTION DELEGATED**

1. The CEO is delegated authority/power to issue notices requiring certain things to be done by the owner or occupier of land.
2. The CEO is delegated authority/power to take any necessary action to achieve the purpose for which the notice was given in the event of non-compliance of the notice recipient.
3. The CEO is delegated authority/power to seek a warrant for entry to carry out the works of a notice where the owner or occupier of land has not complied with the notice in the time specified.

**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 xx September 2019**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 authority/power which the applicant requests Council to reconsider.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**13.6 Notice of local government works****STATUTORY CONTEXT***Local Government Act 1995 –*~~i)~~ s.3.51(3) – notice to adjoining owners affected by works**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

- The CEO is delegated ~~authority~~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

**FORMAL RECORD OF USE**

- ~~a)i)~~ File copy of notice
- ~~b)ii)~~ Advertisement records
- ~~c)iii)~~ Property file

**HISTORY**

Former Delegation 2.17

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii,  
... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**13.7 Private works/infrastructure on, over or under public land****STATUTORY CONTEXT***Local Government Act 1995 –*

- ~~i)~~ s.3.37 – Contraventions that can lead to impounding
- ~~ii)~~ s.9.60 – Regulations that operate as local laws
- ~~iii)~~ Sch.9.1(8) – Private works/infrastructure on, over, or under public places
- ~~iv)~~ Sch.9.2(5) – gates across public thoroughfares

*Local Government (Uniform Local Provisions) Regulations 1996 –*

- ~~v)~~ r.9 – gates across a public thoroughfare
- ~~vi)~~ 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*

- ~~vii)~~ activities on land under Council management and control including roads

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

- ~~a)1.~~ The CEO is delegated authority/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 Shire-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**

- ~~b)2.~~ The CEO may enter into an agreement with the applicant to carry out the works/infrastructure as a private works.
- ~~e)3.~~ Proposed works in excess of \$25,000 ext GST are to be referred to Council.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm



d)4. Any prosecution proposed for non-compliance is to be referred to Council for decision to proceed.

#### FORMAL RECORD OF USE

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

#### HISTORY

Former Delegation 2.54, 2.61, 2.63

Adopted 18 July 2018

Review / adoption xx September 2019

#### 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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

## 13.8 Events on roads

### STATUTORY CONTEXT

#### *Road Traffic Act 1974 –*

- s.81C(2) – Making order for road closure for event
- 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

### SECONDARY DELEGATION PERMITTED TO

Manager Works and Services

### FUNCTION DELEGATED

1. The CEO is delegated authoritypower –
  - 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 authoritypower, 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 xx September 2019

### 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.*

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

- (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 –

~~a)~~ s.3.50 – closing to vehicles

~~b)~~ s.3.50A – closure for repairs or maintenance

Road Traffic Act 1974 –

~~e)~~ s.81D – how a road is to be closed

~~f)~~ s.92 – power to close unsafe roads

Public Places and Local Government Property Local Law 2018 –

~~e)~~ cl.5.2 – no entry to closed local government property

~~f)~~ cl.6.13 – no driving on closed thoroughfare

### CORPORATE CONTEXT

None

### PRIMARY DELEGATION

CEO

### SECONDARY DELEGATION PERMITTED TO

Manager Finance and Administration

Manager Works and Services

### FUNCTION DELEGATED

~~a)1.~~ The CEO is delegated ~~authority~~power to –

~~1-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.

~~2-b)~~ temporarily close a road or portion of a road for repairs and maintenance;

~~3-c)~~ temporarily close a thoroughfare for a period in excess of 28 days by providing local public notice.

~~b)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 xx September 2019

### REFERENCES

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

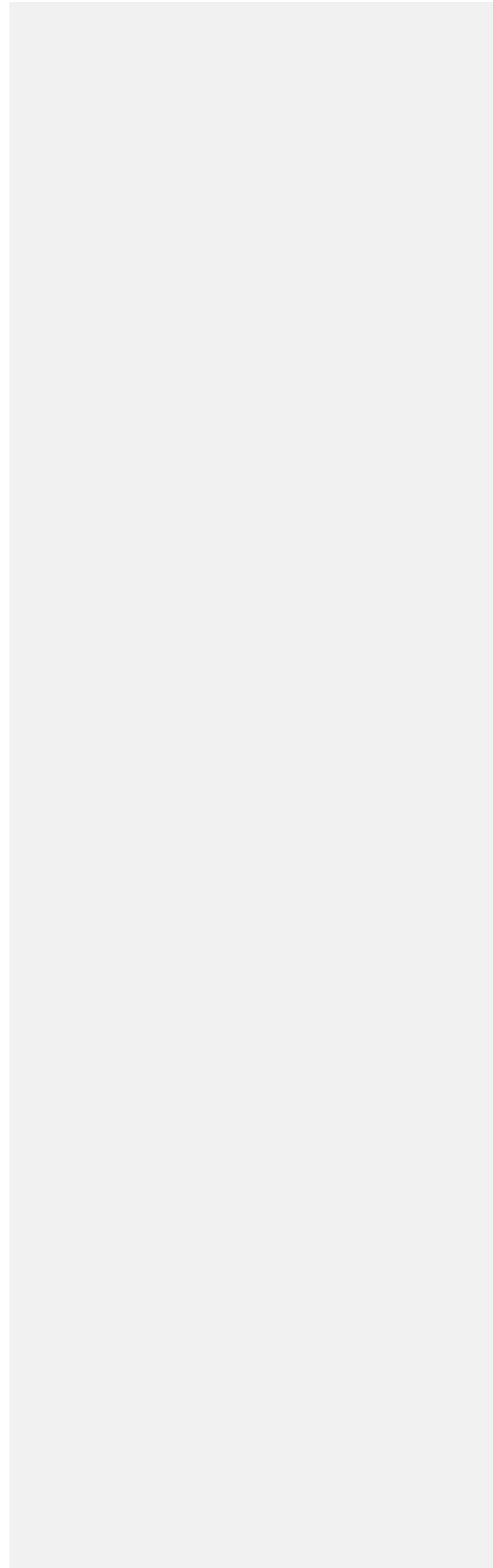
Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

I

#### 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

**SECONDARY DELEGATION PERMITTED TO**

Manager Finance and Administration

Manager Works and Services

Rangers

**FUNCTION DELEGATED**

a)1. The CEO is delegated authority/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) extending the time period within which infringement notices may be paid;~~
- ~~d) withdrawal of an infringement notice issued by an authorised officer, following consideration of any submissions of special circumstances relating to it received from the authorised officer, the notice recipient or other persons;~~
- e)c) carrying out of works in default of a duly served notice;

**APPLICATION**

b)2. The delegation excludes –

- 1-a) determination of any fee or charge

e)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 xx September 2019**REFERENCES**

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3,  
... + Start at: 1 + Alignment: Left + Aligned at: 0 cm +  
Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c,  
... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm +  
Indent at: 1.27 cm

**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

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

a)1. The CEO is delegated authority/power to approve a request for permission to pick wildflowers and / or collect seed on lands under Council's control, under the following conditions –

- 1-a) written application is to be made;
- 2-b) it is for their own domestic or hobby use;
- 3-c) permission is given for a period not exceeding one week;
- 4-d) the area of picking and/or collection is strictly limited;
- 5-e) not more than one collector is permitted in any one location;
- 6-f) a maximum of 10% of seed only to be taken in any one area.

**APPLICATION**

b)2. All applications for commercial picking of wildflowers or collection of seed are to be referred to Council for consideration, and required details include –

- 1-a) collector's credentials and purpose (collector includes the permit holder and up to 2 assistants),
- 2-b) duration of approval, if any,
- 3-c) the area of picking and/or collection
- 4-d) not more than one collector being permitted in any one location
- 5-e) a maximum of 25% of seed only to be taken in any one area

e)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.

d)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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

e)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 xx September 2019

#### REFERENCES

Dept of ~~Parks and Wildlife~~ Biodiversity, Conservation and Attractions –

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm



## Section 16 - Unclassified

**16.1 Restricted Access Vehicles on Shire Roads****STATUTORY CONTEXT***Local Government Act 1995**Land Administration Act 1997 –*

- s.56(2) – road reserves under the control of the local government

*Public Works Act 1902 –*

- s.86(2) – Governor may declare roads to be under the control of the local government

*Road Traffic (Vehicle Standards) Regulations 2002**Public Places and Local Government Property Local Law 2018***CORPORATE CONTEXT**

Policy Manual –

- a) 16.1 – Restricted Access Vehicles on Shire Roads

**PRIMARY DELEGATION**

CEO

**SECONDARY DELEGATION PERMITTED TO**

Manager Works and Services

**FUNCTION DELEGATED**

- a) 1. The CEO is delegated ~~authority~~ power to determine any application referred from Main Roads WA to use heavy haulage vehicles (Restricted Access Vehicles) on any local road within the district, recommending approval or refusal –
- a) in accordance with Council Policy 16.1 Restricted Access Vehicles on Shire Roads;
  - b) where the estimated volume is 50,000 tonnes per year or less,
  - c) if the road has already been assessed by Main Roads WA as being suitable for the configuration proposed by the applicant,
  - d) recommending CA07 conditions on roads where deemed necessary to manage RAV access in order to preserve the condition of the road and avoid heavy vehicle damage
  - e) written agreement of the applicant accepting liability for damage to the roads that exceeds fair use.

**APPLICATION**

- b) 2. All other applications are to be referred to Council.

- e) 3. Where the CEO declines an application, the applicant has the right to lodge a written appeal which will be presented to Council for consideration.

**FORMAL RECORD OF USE**

File copy of decision on written application

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

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

## Section 17 - Fire Control

## 17.1 Issue of burning permits – Fire Control Officers

## 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
  - (11) – if fire escapes etc expenses up to \$10,000 may be recouped
  - (12) – penalty on first breach \$4,500, subsequent breaches \$10,000
- s.23(2)(a)(iv) – road verge burning between constructed portion of road and established fire break only

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

*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 – only CEO or specifically authorised person may permit burning of clover in prohibited period
- r.21B – FCO may postpone clover burn

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

## CORPORATE CONTEXT

None

## PRIMARY DELEGATION

Fire Control Officers

## SECONDARY DELEGATION PERMITTED TO

Not permitted

## FUNCTION DELEGATED

1. Fire Control Officers are delegated ~~authority~~power to issue, vary or prohibit burning permits in accordance with Bush Fires Act s.18 and Bush Fires Regulations r.15(1).
2. Fire Control Officers are delegated ~~authority~~power, in consultation with the Chief Bush Fire Control Officer, to issue instructions, restrictions or conditions relating to individual burning permits.
3. Fire Control Officers are delegated ~~authority~~power to approve an applications to burn a road verge vested in the care, control and management of the Shire, subject to –
  - a) compliance with the Bush Fires Act 1954 s.18(9),
  - b) prior consultation with the CEO, and

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Indent: Left: 0 cm, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

- c) the applicant obtaining the approval of the Dept of Parks and Wildlife.

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Duplicate copy of permit issued

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019

**REFERENCES**

This delegation does not extend to clover burning permits.

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 5.1 and specific matters restricted to CEO, and to Delegation 17.2.

Should be shifted to Policy in time, as it is not a delegation, but a framework for authorised persons.

**17.2 Issue of clover burning permits – Clover Burning Permit Officers****STATUTORY CONTEXT***Bush Fires Act 1954 –*

- s.24 – clover may be burnt during prohibited burning times

*Bush Fire Regulations 1954 –*

- 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

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

Chief Fire Control Officer

Deputy Chief Fire Control Officer

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

1. The following Bush Fire Control Officers are delegated **authoritypower** to issue permits to burn clover in accordance with Bush Fires Act s.18 and Regulations r.16 and to apply such conditions or requirements as is considered appropriate –
  - ~~1-a)~~ Chief Bush Fire Control Officer
  - ~~2-b)~~ Deputy Chief Bush Fire Control Officer

**APPLICATION**

N/A

**FORMAL RECORD OF USE**

Duplicate copy of permit issued

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

Specified officers may be delegated **authoritypower** to issue clover burning permits in accordance with Bush Fires Act s.24 and Bush Fires Regulations r.16, and to apply such conditions or requirements as is considered appropriate.

Refer also Delegation 5.1 and specific matters restricted to CEO.

Should be shifted to Policy in time, as it is not a delegation, but a framework for authorised persons.

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

**17.3 Prohibited burning periods – Variations****STATUTORY CONTEXT***Bush Fires Act, 1954 –*

- s.17(7) – ~~authoritypower~~ 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

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**CORPORATE CONTEXT**

None

**PRIMARY DELEGATION**

Shire President and Chief Fire Control Officer, jointly

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

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

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**APPLICATION**

~~b)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.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

~~c)3.~~ If the Chief BFCO is unavailable, the Deputy Chief BFCO is deemed to be Acting Chief BFCO.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

~~d) In the absence of Deputy President or a Deputy Chief BFCO, the CEO is authorised to act for that person, but not for both.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

~~e)4.~~ The CEO is to be advised in order that public notification may be arranged.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**FORMAL RECORD OF USE**

Written advice to CEO

**HISTORY**

Adopted 18 July 2018

Review / adoption xx September 2019**REFERENCES**

Section 18 - ~~Environmental Health / Food~~18.1 ~~Food Act 2008 – Qualified person~~**STATUTORY CONTEXT**~~Food Act 2008 –~~

- ~~a) s.118(2)(b) – authority to delegate functions and obligations to qualified authorised person~~
- ~~b) s.122(1)(b) – authorised person must hold office as an environmental health officer under the Health Act 1911~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~Food Regulations 2009 –~~

- ~~e) 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~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~Public Health Act 2016~~

- ~~d) s.4(2) – authorised officer~~
- ~~e) s.24 – authorised person must be qualified~~
- ~~f) s.25 – authorised person must have acceptable qualifications or be an EHO~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

~~Government Gazette of 24 Jan 2017 – Designation of Health Authorised Officers~~**CORPORATE CONTEXT**~~Delegations Register –~~

- ~~g) 6.1 – Public Health Act 2016~~
- ~~h) 6.2 – Health Local Law 2004~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.63 cm + Indent at: 1.27 cm

**PRIMARY DELEGATION**

Environmental Health Officer – subject to consultation with the CEO

**SECONDARY DELEGATION PERMITTED TO**

Not permitted

**FUNCTION DELEGATED**

- ~~1. The EHO is delegated authority to exercise and discharge the powers and functions of the local government with regard to the Food Act 2008, including but not limited to –~~
  - ~~– powers of entry to premises;~~
  - ~~– taking of food samples for analysis;~~
  - ~~– formal warnings;~~
  - ~~– improvement notices;~~
  - ~~– prohibition orders; and~~
  - ~~– infringement notices.~~

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**APPLICATION**

- ~~2. The CEO may appoint a qualified person under Delegation 1.1~~
- ~~3. The delegation excludes –~~
  - ~~1. determination of any fee or charge;~~
  - ~~2. dealing with an objection;~~
- ~~4. 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.~~
- ~~5. 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

**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.

I

## HISTORY SUMMARY

Item	Meeting	Purpose	Applies	Delegations affected
1	18 July 2018	Revocation	19 July 2018	All previous delegations
2	18 July 2018	Adoption	19 July 2018	All delegation in this Register
3	XX September 2019	Review and adoption	XX September 2019	All delegations in this Register
4				
5				
6				



## APPENDIX

This document records the compiled delegations made by Council under the authority of the Local Government Act 1995 and other legislative instruments as specified.

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.

### 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 authority 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 –

i) a a person employed directly by the Shire receiving a salary or wage,

ii) b a person employed directly by the Shire on a fixed term contract,

iii) c a person appointed for the purposes of exercising a delegation who –

1-i)     is engaged under a contract for services either directly or with a firm,

2-ii)     is the specific person named in the contract, and

3-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**

- Separate documents as differing provisions apply

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

Formatted: Indent: Left: 1.65 cm, Numbered + Level: 1 +  
Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left +  
Aligned at: 1.63 cm + Indent at: 2.27 cm

Formatted: Indent: Left: 2.92 cm, Numbered + Level: 1 +  
Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right +  
Aligned at: 2.9 cm + Indent at: 3.54 cm

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 authoritypower 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 authoritypower to various officerpersons, and to stipulate conditions, standards or methods of control and management.

This Delegations Register has been prepared to complement a range of obligations imposed by legislation including local laws, and various document 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, 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
- WALGA Councillors Manual, Practice Notes etc.

Unless specifically resolved that a delegation is to be included in the Delegations Register, it is considered that it is for a specific matter, and is not a general or on-going Delegation.

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 may be made, amended or revoked at any time by an absolute majority of Council.

Where permitted by Council in the delegation, the CEO may authorise a secondary delegation at any time.

Delegations from the CEO to other employees are at the discretion of the CEO and do not require a Council resolution. The CEO can delegate a power or duty, the exercise or discharge of which has been delegated by a local government to the CEO, subject to any conditions imposed by the local government on its delegation to the CEO (s.5.44 (3)).

It is a requirement that the use of all delegated [authoritypower](#) is recorded but it is not a requirement to report the use of delegated [authoritypower](#) to Council.

Council may impose limitations on secondary delegation or the functions delegated as they see fit. The CEO is not obligated to delegate the whole or any delegation authorised by Council, but may choose not to or place further limitations on the delegation.

However, unless specifically resolved that the [authoritypower](#) is to be included in the Delegations Register, the [authoritypower](#) to act is for a specific matter, and is not a general or on-going delegation.

### Use of delegations

---

Delegations are made to assist with the smooth operation of the organisations, and allow appropriate levels of [authoritypower](#) 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 [authoritypower](#), 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.

It is a requirement of the Local Government Act s5.18 and s.5.46 (1) that all delegations made under the [authoritypower](#) of that Act be reviewed by the delegator at least once in each financial year.

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 and preferably in conjunction with the annual review of Council policies.

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.

### 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.

### Secondary delegation by CEO

---

The CEO is expected and encouraged to further delegate to appropriate ~~officer~~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
  - o 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

~~The delegation by the CEO is to be –~~

- ~~— in a signed document to the person,~~
- ~~— the recipient to return a signed acceptance, which is to be placed on file, and~~
- ~~— a copy to be retained by them.~~

– End