

# Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Wandering will be held on Thursday 15 September 2022 in Council Chambers commencing at 3.30pm.

## Schedule

3.30pm                      Ordinary Council Meeting

Alan Hart  
Chief Executive Officer

9 September 2022

## **DISCLAIMER**

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

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

## AGENDA

Shire of Wandering  
Ordinary Council Meeting  
15 September 2022

## OUR VISION

*Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.*

*We wish to acknowledge the traditional custodians of the land we are meeting on today. We acknowledge and respect their continuing culture and the contribution they make to the Shire of Wandering, and convey our respects to Elders past, present and emerging.*

# **DISCLAIMER**

## **INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS**

### **Please Note:**

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

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

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

### **Meeting Procedures:**

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

### **Council Meeting Information:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Inspection of Unconfirmed Minutes (Regulation 13).

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

**Alan Hart**  
**Chief Executive Officer**

# SHIRE OF WANDERING

Agenda for the Ordinary Meeting of Council to be held at/in Council Chambers on Thursday 15 September 2022 – commencing at 3.30pm.

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**1. Declaration of Opening / Announcements of Visitors**

The Presiding Member to declare the meeting open.

**2. Attendance / Apologies / Approved Leave of Absence**

**Councillors**

Cr Ian Turton (Shire President)  
Cr Paul Treasure (Deputy Shire President)  
Cr Graeme Parsons  
Cr Gillian Hansen  
Cr Sheryl Little  
Cr Max Watts

**Staff**

Alan Hart (Chief Executive Officer)  
Barry Gibbs (Executive Manager Technical Services)  
Bradley Hunt Works Manager

**Apologies**

**Members of the Public**

**3. Announcements by the Presiding Member**

**4. Response to Previous Public Questions Taken on Notice**

Nil.

**5. Public Question Time**

**6. Petitions / Deputations / Presentations / Submissions**

Nil.

**7. Applications for Leave of Absence**

**8. Disclosures of Interest**

**9. Confirmation of Minutes of Previous Meetings Held 18 August 2022**

**9.1 Ordinary Council Meeting Minutes – 18 August 2022**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority

**Recommendation:**

**That the Minutes of the Ordinary Meeting of Council held on 18 August 2022 be confirmed as true and correct.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**CARRIED**

**9.2 Special Council Meeting Minutes – 31 August 2022**

**Statutory Environment:**

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

**Voting Requirements:**

Simple Majority

**Recommendation:**

**That the Minutes of the Special Meeting of Council held on 31 August 2022 be confirmed as true and correct.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**CARRIED**

**10. Reports of Committees of Council**

Nil

**11. Reports from Councillors**

**Cr Ian Turton (President)**

**Cr Paul Treasure (Deputy President)**

**Cr Graeme Parsons**

**Cr Max Watts**

**Cr Gillian Hansen**

**Cr Sheryl Little**

**12. Chief Executive Officer**

**12.1 Committees of Council**

<b>File Reference:</b>	<b>04.041.04112</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>5 September 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Item 4.3 Ordinary Council Meeting 21 October 2021</b>

**Summary:**

With the resignation of Cr Gary Curtis, Council is requested to review the appointment of Elected Members to the External committees that Cr Curtis was a member of.

**Background:**

At the October 2021 Ordinary Council Meeting Council agreed to the following appointments:

**STANDING COMMITTEES OF COUNCIL**

<b>Audit Committee</b>	<b>All Elected Members</b>
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**OTHER COMMITTEES**

<b>Committee</b>	<b>Meeting Schedule</b>	<b>Delegate 1</b>	<b>Delegate 2</b>	<b>Proxy</b>
Central Wheatbelt WALGA Zone	Bi-monthly	Cr Turton	Cr Treasure	As required
Regional Road Group	Quarterly	Cr Parsons	Cr Turton	As required
Secondary Freight Routes Group	As required	Cr Turton	Cr Parsons	As required
HWEDA – transitioning into Marradong VROC	Quarterly	Cr Watts	Cr Hansen	As required
Bush Fire Advisory Committee	Twice yearly	Cr Parsons	Cr Curtis	As required
Development Assessment Panel (DAP)	As required	As required		
Peel Harvey Catchment Council	Bi-monthly	Cr Hansen	Cr Watts	
LEMC	Bi Monthly	Cr Curtis	Cr Treasure	As required
Worsley Alumina Community Liaison Committee	Quarterly	Cr Watts	Cr Hansen	
Newmont Goldcorp Boddington Community Reference Group	Quarterly	Cr Treasure	Cr Watts	
Community Centre Redevelopment Working Group	As Required	Cr Curtis	Cr Treasure	As required



At the June 2022 Ordinary Council Meeting Cr Gary Curtis was appointed to the Wandering Community Centre Upgrade Committee (formerly the Community Centre Redevelopment Working Group).

**Comment:**

Council requires to appoint Elected Members to those committees that had Cr Curtis representing the Shire. The term of the appointment is until October 2023.

**Consultation:**

Nil.

**Statutory Environment:**

*Local Government Act 1995*

**Policy Implications:**

There are no current policy implications.

**Financial Implications:**

There are no financial implications.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple majority

**Officer Recommendation:**

**That Council endorses the appointments listed below:**

**OTHER COMMITTEES**

Committee	Meeting Schedule	Delegate 1	Delegate 2	Proxy
Bush Fire Advisory Committee	Twice yearly			
LEMC	Bi Monthly			
Wandering Community Centre Upgrade Committee	As Required			

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## 12.2 Shire of Wandering Policy Manual Review

<b>File Reference:</b>	<b>11.111.11101</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>31 August 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Policy 22 – Use of Common Seal Policy 51 – Crossovers Policy 31 – Amending Policies (for reference)</b>
<b>Previous Reference:</b>	<b>Item 12.1 Ordinary Council Meeting 18 August 2022</b>

### **Summary:**

To begin the process of reviewing all Council policies to ensure they are still relevant and correct for the day to day workings of the Shire.

### **Background:**

At the Ordinary Council Meeting held on 18 August 2022 Council resolved to adopt Policy 83 – Policy Manual which states that:

***All policies within the Policy Manual are to be reviewed by Council every three years, being one third of Council's policies each year in a three year period. Council may review an individual policy at any time before the next review date if it determines it to be necessary.***

As there are currently 83 policies of the Shire it is proposed that each month two to three policies are reviewed by Council, this will ensure that all policies are reviewed in the stated three year period.

### **Comment:**

Two policies are to be reviewed this month:  
Policy 22 - Use of Common Seal  
Policy 51 - Crossovers

These policies were presented to the General Planning Forum on the 1<sup>st</sup> September 2022 and no amendments were made at the meeting. The policies remain unchanged.

Policy 31 'Amending Policies' has been included as a reference to guide the review process.

### **Consultation:**

Chief Executive Officer  
Elected Members

### **Statutory Environment:**

*Local Government Act 1995 S.2.7(2)(b)*

### **Policy Implications:**

As reviewed.

### **Financial Implications:**

Nil.

**Strategic Implications:  
Provide Strong Leadership**

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance Service Level Plans detail operational roles, responsibilities and resources.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Not regularly updating the Shire’s Policy manual poses a reputable risk with a medium risk rating. In order to maintain transparency and to facilitate appropriate decision making processes, it is imperative that policy statements reflect the current position of Council and work practices at the Shire as well as best practice approaches.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

**That Council adopts the following policies with any amendments made.**

- **Policy 22 - Use of Common Seal**
- **Policy 51 - Crossovers**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>POLICY TYPE:</b>	<b>GOVERNANCE AND COUNCIL MEMBERS</b>
<b>DATE ADOPTED:</b>	18/07/2019

<b>POLICY NO:</b>	<b>22</b>
<b>DATE LAST REVIEWED:</b>	17/09/2020 16/09/2021

<b>LEGAL (PARENT):</b>	<i>S9.49A Local Government Act 1995</i>
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<b>LEGAL (SUBSIDIARY):</b>	
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<b>DELEGATION OF AUTHORITY APPLICABLE:</b>	Yes
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<b>DELEGATION NO.</b>	05
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<b>ADOPTED POLICY</b>	
<b>TITLE:</b>	Use of Common Seal
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"> <li>To establish the circumstances under which the official Council Common Seal may be affixed to documents.</li> <li>The application of this policy is to be by Council members and the CEO and any legislative requirements of the Local Government Act 1995 that may be enforced.</li> </ul>

## **POLICY STATEMENT**

### **1. AFFIXING THE COMMON SEAL**

The *Local Government Act 1995 s9.49A* specifies the circumstances and conditions for affixing the Common Seal.

### **2. DOCUMENTS REQUIRING THE COMMON SEAL TO BE AFFIXED**

The Common Seal is to be affixed only to documents required by Legislation to be executed using the Common Seal e.g., *Transfer of Land Act 1893*.

### **3. PROCEDURES FOR THE USE OF THE COMMON SEAL**

The Chief Executive Officer is responsible for the security and proper use of the Common Seal.

### **4. WORDING OF THE COMMON SEAL CLAUSE**

If the legislation is silent on the wording of the Common Seal clause then the following shall apply: Example - Where the Common Seal is Affixed by Resolution of Council

**DATED: 20\_**

**The Common Seal of the Shire of [name] was affixed by authority of a resolution of the Council in the presence of:**

**[INSERT NAME OF PRESIDENT]**

**PRESIDENT**

**[INSERT NAME OF CEO]**

**CHIEF EXECUTIVE OFFICER**

### **5. COMMON SEAL REGISTER**

Entries in the register are to indicate;

- The document to which the seal was affixed;
- The date the seal was affixed;
- The people who have attested to the seal being affixed to the document;
- The date on which the Council resolved to make the decision or enter into the contract to which the document relates; and the date on which the Council resolved to grant authorisation for the seal to be affixed to the relevant document

### **6. SECURITY OF THE COMMON SEAL**

The CEO is to make appropriate arrangements for:

- Keeping the seal in a safe and secure location; and
- The appointment of a person who is to have custody of the seal.

<b>POLICY TYPE:</b>	<b>COMMUNITY</b>
<b>DATE ADOPTED:</b>	18/07/2019

<b>POLICY NO:</b>	<b>51</b>
<b>DATE LAST REVIEWED:</b>	17/09/2020 15/10/2020 16/09/2021

<b>LEGAL (PARENT):</b>	<i>Local Government Act 1995</i>
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<b>LEGAL (SUBSIDIARY):</b>	
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<b>DELEGATION OF AUTHORITY APPLICABLE:</b>	
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<b>DELEGATION NO.</b>	
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<b>ADOPTED POLICY</b>	
<b>TITLE:</b>	Crossovers
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"> <li>To ensure consistency for landholders when looking to provide access to their property from a Shire road</li> </ul>

### **POLICY STATEMENT**

The Shire of Wandering will provide one minimum width gravel crossover to each property free of charge as follows:

- Residential – 3.0m
- Rural Residential – 4.0m
- Rural – 6.0m

For the purposes of this policy, “each property” shall mean all the land described on a single rates assessment. Any additional crossovers required by the landholder shall be at their cost.

Damage: If the Shire damages a constructed crossover, it shall replace the damaged crossover with like for like construction at no cost to the landholder.

**\*\* For Reference \*\***

<b>POLICY TYPE:</b>	<b>GOVERNANCE AND COUNCIL MEMBERS</b>
<b>DATE ADOPTED:</b>	18/07/2019

<b>POLICY NO:</b>	<b>31</b>
<b>DATE LAST REVIEWED:</b>	17/09/2020 16/09/2021

<b>LEGAL (PARENT):</b>	<i>Local Government Act 1995</i>
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<b>LEGAL (SUBSIDIARY):</b>	
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<b>DELEGATION OF AUTHORITY APPLICABLE:</b>	
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<b>DELEGATION NO.</b>	
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<b>ADOPTED POLICY</b>	
<b>TITLE:</b>	Policies – process for adopting, amending or repealing
<b>OBJECTIVE:</b>	<ul style="list-style-type: none"><li>To establish a process for the introduction, amendment or repealing of a council policy</li></ul>

**POLICY STATEMENT**

The Shire of Wandering recognises the importance of maintaining this Policy Manual as a contemporary and relevant, appropriate document to guide the Council, administration and community.

Prior to introducing, amending or repealing a policy of Council, the proposal will go through the following process:

- (a) Comparisons with other Local Governments.
- (b) Likely effect on the residents - consultation if necessary.
- (c) Cost impact.
- (d) Need to include a sunset clause?
- (e) Legal implications.

All recommendations affecting policy must be made available to Council prior to the relevant Council Meeting and may not be introduced as a late item.

### 12.3 Delegations Review

<b>File Reference:</b>	<b>04.041.04111</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>31 August 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Delegations Register</b>
<b>Previous Reference:</b>	<b>Item 12.2 Ordinary Council Meeting 16 June 2022</b>

**Summary:**

To review the Shire of Wandering Delegations Manual in accordance with statutory requirements.

**Background:**

All delegations made under the Act must be made by absolute majority and recorded in a register. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed. Council undertook its last annual review of delegations in September 2021.

**Comment:**

The annual review of delegations by Council is a statutory requirement and is also necessary to ensure the delegations remain consistent with legislation and applicable to the Shire’s current operational needs.

All delegations were presented to Council at the General Planning Forum on 1 September 2022 for discussion.

The recommendation to Council is the delegations remain unchanged from the last review.

**Consultation:**

Shire President  
Councillors  
Chief Executive Officer

**Statutory Environment:**

*Local Government Act 1995 S.2.7(2)(b)*

**Policy Implications:**

Nil.

**Financial Implications:**

Nil.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Not regularly updating the Shire’s Delegations poses a compliance risk with a medium rating. Failure to adequately review the Register of Delegations will result in non-compliance with the Local Government Act and could also lead to inefficient practices.

**Voting Requirements:**

Absolute Majority

**Officer Recommendation:**

**That Council endorses the Delegations Register as attached, with any amendments made.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_



## SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308  
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# Register of: Delegations, Sub-delegations, Appointments, and Authorisations

*Adopted by Council 15/08/2019*

*Revised 16/04/2020*

*Reviewed: 17/09/2020*

*Reviewed: 15/07/2021*

*Reviewed: 16/09/2021*

*Reviewed 08/09/2022*

# SHIRE OF WANDERING

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### **Delegations Deleted 16/09/2021:**

Delegation No.	Heading	Amendments
04	Duplication of Services	Delete
07	Local Government Elections	Delete
09	Tenders and Expressions of Interest	Delete
10	Disposal of Property, Plant & Equipment	Delete
11	Information available to the Public	Delete
13	Expenditure in the event of an Emergency	Delete
16	Crown Reserves & Street Names (Council preference for dealing with such matters)	Delete
18	Rates Issues – General Delegation	Delete
20	Reimbursement of Expenses to Shire President & Council Members.	Delete
53	Building Site Refuse Disposal Bond (Policy 68 Deleted)	Delete



## 1. INTRODUCTION

### FORMAT OF REGISTER

This Register includes:

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

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

The Register includes instruments of sub delegation, authorisation and appointment by the Chief Executive Officer, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

### TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Wandering Town Planning Scheme No 3 referenced by ‘cl’, as in cl8.2.1.

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

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

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

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

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

### DELEGATIONS AND SUB DELEGATIONS

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

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

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

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

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

This Register describes:

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

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

### **AUTHORISATIONS**

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

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

### **APPOINTMENTS**

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

### **LOCAL GOVERNMENT ACT 1995**

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

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

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

In addition, there are several other matters which cannot be delegated to the Chief Executive Officer:

- under r18G of the Local Government (Administration) Regulations s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- under r18C and 18D which relate to the recruitment and performance management of the Chief Executive Officer
- under r16 of the Local Government (Financial Management) Regulations which prevent the delegation of matters relating to internal audit to an employee who has been delegated the duty of maintaining the day to day accounts or financial management operations.

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

### OTHER LEGISLATION

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

- Animal Welfare Act 2002;
- Australian Citizenship Act 2007;
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Cat Act 2011 and regulations;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
- Dog Act 1976 and regulations;
- Equal Employment Opportunity Act 1984;
- Environmental Protection Act 1986;
- Food Act 2008;
- Freedom of Information Act 1992;
- Graffiti Vandalism Act 2016
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act;
- Health (Asbestos) Regulations 1992
- Land Administration Act 1997, and regulations;
- Litter Act 1979 and regulations;
- Local Government (Miscellaneous Provisions) Act 1960;

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

The Shire of Wandering Town Planning Scheme No 3 permits delegation by Council to employees (rather than via the Chief Executive Officer as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

### **SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER**

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

### **REVIEW OF DELEGATIONS**

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

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

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

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

### **RECORD OF ACTIONS AND DECISIONS**

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

The record is to contain information on:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and



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

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

Similar provisions do not exist under other legislation regarding record keeping.

The Chief Executive Officer has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied. These requirements will be applied as an administrative instruction from the Chief Executive Officer.

### PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

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

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

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

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

### ACTING THROUGH ANOTHER PERSON

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

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

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

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right. Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

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

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## 2. DELEGATIONS BY COUNCIL AND SUB DELEGATIONS BY CEO

Delegation No: 01		Annual Electors' Meeting – Setting Date	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Cannot be sub delegated
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s5.27(2)</i>	
<b>Conditions</b>	<p><i>Chief Executive Officer must consult the Shire President and reach agreement on the proposed date, or it must be submitted to Council for determination.</i></p> <p><i>A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.</i></p>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to set the date for the annual electors' meeting.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 03		Appointment of Authorised Officers	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Cannot be sub delegated
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s9.10(1); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20</i>	
<b>Conditions</b>	<p><i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i></p> <p><i>A register of Authorised Persons is to be maintained as a Local Government Record.</i></p> <p><i>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</i></p>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to appoint authorised persons for the purposes of Division 2 Sub Division 1 of the Local Government Act 1995.

The Chief Executive Officer is delegated authority to appoint Authorised Persons under s9.10(1), s9.11, s9.13, s9.16, s9.17, s9.19 and s9.20 of the Local Government Act 1995.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 05		Executing Documents	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 22	<b>SUB-DELEGATED TO:</b>	Cannot be sub delegated
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s9.49</i>	
<b>Conditions</b>	<i>In accordance with s9.49A (3) of the Act, the common seal is to be affixed to a document in the presence of the Shire President and Chief Executive Officer. This duty cannot be delegated.</i>		

### POWER OR DUTY DELEGATED

Pursuant to s5.42 Local Government Act 1995 the Chief Executive Officer is delegated authority to execute documents under s9.49A(2) of the Local Government Act 1995 including:

- The affixing of the Common Seal of the Shire to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:
  - (a) Documents required to satisfy conditions of subdivision and/or development approval;
  - (b) Documents required to effect the transfer of land as part of a settlement transaction (sale and purchase);
  - (c) Documents required as part of a funding agreement for an approved grant;
  - (d) Documents required to effect the grant of leasehold interests in the land either by the Shire to a third party, or by a third party to the Shire;
  - (e) Documents required to effect the grant of a licence either by the Shire to a third party, or by a third party to the Shire; and
  - (f) Documents that are necessary or appropriate to enable a Chief Executive Officer to carry out their functions under any written law

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 06		Gifts to Retiring Councillors	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 6	<b>SUB-DELEGATED TO:</b>	Cannot be sub delegated
<b>POLICY REFERENCE:</b>			
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s5.100A; s5.102</i>	
<b>Conditions</b>	<p><i>The retirement of a council member who has served at least one full 4-year term of office is prescribed under s5.100A(a) as circumstances in which a gift can be given to the Council member.</i></p> <p><i>The amount as prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in sub-regulation (1).</i></p> <p><i>Must have regard to Division 8 of Part 5 of the Local Government Act 1995.</i></p> <p><i>The Chief Executive Officer to consult with the Shire President on any proposal for a gift, and if it relates to the Shire President, with the Deputy Shire President.</i></p>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to decide a gift to retiring Councillors in accordance with s5.100A of the Local Government Act 1995 and r34AC of the Local Government (Administration) Regulations 1996.

### REVIEW REQUIREMENTS

At least once every financial year.



Delegation No: 08		Private Property and Thoroughfares	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	<i>Executive Manager Technical Services</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s3.20 s3.24; s3.25; s3.26(2), (3); s3.27(1); s3.28; s3.31 – s3.36</i> <i>Sch 3.1, 3.2 and 9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996</i>	
<b>Conditions</b>	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> <li><i>A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.</i></li> <li><i>The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.</i></li> <li><i>The notice is to be given not less than 24 hours before the power of entry is exercised.</i></li> <li><i>Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.</i></li> <li><i>Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).</i></li> </ul> <p><i>In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.</i></p> <p><i>Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).</i></p> <p><i>Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</i></p> <p><i>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</i></p> <p><i>In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8</i></p> <p><i>In relation to r.11(1), (4), (6) &amp; (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</i></p> <ul style="list-style-type: none"> <li><i>Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</i></li> </ul>		

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|--|--|
|  | <ul style="list-style-type: none"><li>• <i>Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</i></li><li>• <i>Provided evidence of sufficient Public Liability Insurance.</i></li><li>• <i>Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</i></li><li>• </li></ul> |
|--|--|

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated:

- the powers and duties of the local government, and specifically authorised under s.3.20, s3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31, 3.32, 3.33, 3.34, 3.35 & 3.36 and Sch 3.1,3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
- the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2:

The Chief Executive Officer is delegated authority to undertake the following pursuant to Schedule 3.1, Division 1 Things a notice may require to be done including:

- Prevent water from dripping or running from a building on the land onto any other land.
- Place in a prominent position on the land a number to indicate the address.
- Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner.
- Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — “unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner.
- Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
- Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
- Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.

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- Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
- Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
- Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
- Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
- Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.
- Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — “private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1) and s3.25(1)(b) of the Local Government Act 1995:
- Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done
- Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
- Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
- Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
- Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
- Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
- Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).
- Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].
- Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- Give Notice re wind erosion and sand drifts – Sch.9.1 cl.12, r.21(1)

### REVIEW REQUIREMENTS

At least once every financial year.





Sub Delegation No: 08a		Private Property and Thoroughfares	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Executive Manager Technical Services
<b>LEGAL (PARENT): POWER TO DELEGATE</b> Local Government Act 1995 s5.44		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> Local Government Act 1995 s3.20, s3.24; s3.25; s3.26(2), (3); s3.27(1); s3.28; s3.31 – s3.36 Sch 3.1, 3.2 and 9.1 Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996	
<b>Conditions</b>	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> <li>A notice of an intended entry is to be given to the owner or occupier of the land, premises or thing that is to be entered.</li> <li>The notice is to specify the purpose for which the entry is required and continues to have effect for so long as that requirement continues.</li> <li>The notice is to be given not less than 24 hours before the power of entry is exercised.</li> <li>Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates.</li> <li>Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant).</li> </ul> <p><i>In relation to r12, r13, r14, r15, r16, r17 of the Local Government (Uniform Local Provisions) Regulations 1996 due process must be followed for the issuing of a notice under s3.25 of the Act.</i></p> <p><i>Decisions under this Delegation must be exercised in alignment with Obstruction of Footpaths and Thoroughfares (where same exists).</i></p> <p><i>Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</i></p> <p><i>Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.</i></p> <p><i>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</i></p> <p><i>In relation to r.9 Local Government (Uniform Local Provisions) Regulations 1996: Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1) - each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8</i></p> <p><i>In relation to r.11(1), (4), (6) &amp; (8) Local Government (Uniform Local Provisions) Regulations 1996: Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 - Permission may only be granted where, the proponent has:</i></p> <ul style="list-style-type: none"> <li>Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> </ul>		



	<ul style="list-style-type: none"> <li>• <i>Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</i></li> <li>• <i>Provided evidence of sufficient Public Liability Insurance.</i></li> <li>• <i>Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</i></li> </ul>
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**POWER OR DUTY DELEGATED**

The Executive Manager Technical Services is sub delegated:

- the powers and duties of the local government, and specifically authorised under s3.20, 3.24, s3.25, s3.26(2), (3), s3.27(1), s3.28, s3.31, 3.32, 3.33, 3.34, 3.35 & 3.36 and Sch 3.1,3.2 and 9.1 of the *Local Government Act 1995* in relation to notices requiring certain things to be done by owner or occupier of land and additional powers when notice is given.
- the power to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, subject to Regulation 11(1) of the *Local Government (Uniform Local Provisions) Regulations 1996* and Schedule 3.1, Division 2, item 2:

The Executive Manager Technical Services is sub delegated authority to undertake the following pursuant to Schedule 3.1, Division 1 Things a notice may require to be done including:

- Prevent water from dripping or running from a building on the land onto any other land.
- Place in a prominent position on the land a number to indicate the address.
- Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law — (a) is suitably enclosed to separate it from the public place; and (b) where applicable, is enclosed with a close fence, to the satisfaction of the local government, suitable to prevent sand or other matter coming from the land onto the public place. (2) The notice cannot be given to an occupier who is not an owner.
- Ensure that unsightly land is enclosed, to the satisfaction of the local government, with a fence or other means suitable to prevent the land, so far as is practicable, from being unsightly. (2) In this item — “unsightly”, in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality. (3) The notice cannot be given to an occupier who is not an owner.
- Ensure that overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy. In this item — “disused material” includes disused motor vehicles, old motor vehicle bodies and old machinery.
- Take specified measures for preventing or minimizing sand drifts on the land that are likely to adversely affect other land.
- Ensure that land that adjoins a public thoroughfare or other public place that is specified for the purposes of this item by a local law is not overgrown.
- Remove all or part of a tree that is obstructing or otherwise prejudicially affecting a thoroughfare that is under the local government’s control or management and adjoins the land where the tree is situated.

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- Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
- Take specified measures for preventing or minimizing— (a) danger to the public; or (b) damage to property, which might result from cyclonic activity.
- Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
- Ensure that an unsightly, dilapidated or dangerous fence or gate that separates the land from land that is local government property is modified or repaired.
- Take specific measures to prevent — (a) artificial light being emitted from the land; or (b) natural or artificial light being reflected from something on the land, creating a nuisance.
- Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare so that danger to anyone using the thoroughfare is prevented or minimised. (2) In this item — “private thoroughfare” has the same meaning as in Schedule 9.1 clause 7(1) and s3.25(1)(b) of the Local Government Act 1995:
- Schedule 3.1, Division 2 Provisions contraventions of which may lead to a notice requiring things to be done
- Regulations under Schedule 9.1, clause 3 (Obstructing or encroaching on public thoroughfare).
- Regulations under Schedule 9.1, clause 5(1) (Gates and other devices across public thoroughfares) requiring a person to remove a gate or other device from across a public thoroughfare when requested by a local government to do so.
- Regulations under Schedule 9.1, clause 6 (Dangerous excavation in or near public thoroughfare).
- Regulations under Schedule 9.1, clause 7(2) (Crossings from public thoroughfares to private land or to private thoroughfares) that — (a) prohibit a person from constructing a crossing; or (b) by means of a notice in writing given to a person by the Commissioner of Main Roads, require the person to bring a crossing into accordance with an approval by the Commissioner of Main Roads or to remove a crossing and restore the place where it was to its former condition.
- Regulations under Schedule 9.1, clause 8(1) (Constructing private works on, over, or under public places).
- Regulations under Schedule 9.1, clause 9 (Protection of watercourses, drains, tunnels and bridges).
- Regulations under Schedule 9.1, clause 10 (Protection of thoroughfares from water damage).
- Regulations under Schedule 9.1, clause 12 (Wind erosion and sand drifts).
- Grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].
- Impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
- Give Notice re wind erosion and sand drifts – Sch.9.1 cl.12, r.21(1)

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 12		Donations, Discounts and Debt Write-offs	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 41	<b>SUB-DELEGATED TO:</b>	
<b>POLICY REFERENCE:</b>			
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.5; s6.7; s6.9</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Includes power to waive or reduce fees charged for the use of Shire facilities by not-for-profit community organisations.</i></p> <p><i>Does not include authority to write off rates or service charges (s6.12(2))</i></p> <p><i>Details of donations and waivers of fees and charges approved under delegated authority must be recorded in the appropriate record to meet legislative requirements and Council informed of approved applications at the next ordinary meeting of Council.</i></p>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to make donations to not for profit community organisations in accordance with s6.7 (2) of the Local Government Act 1995 to a maximum value of \$1,000 per annum

The Chief Executive Officer is delegated authority to defer, grant discounts, waive or write off debts, in accordance with s6.12 (1) (b), (c) and s6.12 (3) of the Local Government Act 1995 to a maximum amount of \$20 per transaction.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 14		Investment of Surplus Funds	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 10	<b>SUB-DELEGATE TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.14</i> <i>Local Government (Financial Management) Regulations</i>	
<b>Conditions</b>	<p><i>In exercising this delegated authority, Chief Executive Officer shall observe s6.14 of the Act.</i></p> <p><i>The Chief Executive Officer is to establish and document internal control procedures to be followed by employees to ensure control over investments in accordance with the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>The control procedures are to enable the identification of the nature and location of all investments and the transactions related to each investment.</i></p> <p><i>A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</i></p> <p><i>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</i></p> <p><i>The Chief Executive Officer is to review every two years the list of eligible institutions and those used by the Shire.</i></p> <p><i>All investment activity must comply with Local Government (Financial Management) Regulations r19C and Council Policy.</i></p> <p><i>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]</i></p>		

## POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to invest any funds held in the Municipal Fund, Reserve Fund or the Trust Fund that is not, for the time being, required for any other purpose. Such investments are to be made with banking institutions as provided for under Part III of the Trustees Act 1962.

## REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 15		Legal Representation and Cost Indemnification	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 13	<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.7(2)</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Legal expenses do not exceed \$5,000.00 in respect of each application.</i></p> <p><i>Where it is the Chief Executive Officer who is seeking urgent financial support for legal services, the Council shall deal with the application.</i></p> <p><i>An application approved by the CEO is to be submitted to the next ordinary meeting of Council for advice only.</i></p>		

### POWER OR DUTY DELEGATED

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of the Council, the powers of the Council under Policy 13 to a maximum of \$5,000 in respect of each application.

### REVIEW REQUIREMENTS

At least once every financial year.



Delegation No: 17		Payment from Municipal or Trust Funds	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>	Policy 12 Policy 40	<b>SUB-DELEGATED TO:</b>	<i>Executive Manager Technical Services CRC Coordinator</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.5; s6.7; s6.9 Local Government (Financial Management) Regulations 1996</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to the requirements of r5,11,12 and 13 of the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council’s policies and the Shire’s approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</i></p> <p><i>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</i></p> <p><i>Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.</i></p> <p><i>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</i></p> <p><i>Procedures are to be administratively reviewed for continuing compliance and confirmed as ‘fit for purpose’ and subsequently considered by the Audit and Risk Committee at least once each financial year. (Audit r.17)</i></p> <p><i>Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</i></p>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to make payments from the municipal or trust funds and to establish systems and procedures which give effect to internal controls and risk mitigation for:

- Collection of money owed to the Shire;
- Safe custody and security of money collected or held by the Shire;
- Maintenance and security of all financial records, including payroll, stock control and costing records;
- Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;
- Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;

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- Payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996. This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.
- Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.

### REVIEW REQUIREMENTS

At least once every financial year.



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Sub Delegation No: 17a		Payment from Municipal or Trust Funds	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	04/10/2019 16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>	Policy 12 Policy 40	<b>SUB-DELEGATED TO:</b>	<i>Executive Manager Technical Services CRC Coordinator</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.44</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.5; s6.7; s6.9 Local Government (Financial Management) Regulations 1996</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to the requirements of r5,11,12 and 13 of the Local Government (Financial Management) Regulations 1996.</i></p> <p><i>All payments from the Municipal Fund or Trust Fund are to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</i></p> <p><i>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</i></p> <p><i>Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month which is to be presented to the next available ordinary meeting of the Council.</i></p> <p><i>Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</i></p> <p><i>Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. (Audit r.17)</i></p> <p><i>Each matter is to be reviewed at least once in every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</i></p>		

## POWER OR DUTY DELEGATED

The Executive Manager Technical Services, CRC Coordinator are delegated authority to make payments from the Shire's Municipal Fund or Trust Fund in accordance with r12 of the Local Government (Financial Management) Regulations 1996, subject to the following limits:

- Executive Manager Technical Services – \$200,000 - or as directed by the CEO for special circumstances
- CRC Coordinator - \$150,000.

This includes the authority to make payments of accounts and salaries and wages, payroll deductions and other obligations by cheque or Electronic Funds Transfer.

*Note: The Shire's current banking arrangements via internet banking or cheque payment requires a combination of two signatories.*

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### REVIEW REQUIREMENTS

At least once every financial year.

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### Delegation No: 18 Temporary Overdraft Facility - Municipal Fund

DATE ADOPTED:	17/03/2022	DELEGATE:	CEO
DATE LAST REVIEWED:		SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	N/A
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.5; s6.7; s6.9</i> <i>Local Government (Financial Management) Regulations 1996</i>	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Subject to the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</i></p> <p><i>Maximum overdraft facility limit, without explicit prior approval of Council, to be \$300,000.</i></p> <p><i>To allow for payments from the Municipal Fund of normal day to day operational expenses only and to be authorised and signed in accordance with the Council's policies and the Shire's approved work procedures. Authority to the Chief Executive Officer is unlimited subject to annual budget limitations.</i></p> <p><i>Payment authorisation via internet banking or cheque payment requires a combination of two signatories one of which must include the CEO, or Executive Manager Technical Services or CRC Coordinator.</i></p> <p><i>Each occasion the temporary overdraft facility is used the CEO is to inform Council including the overdraft limit established and the manner in which such facility is to be repaid such as through receipt of a grant or rate income.</i></p>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to put in place a temporary overdraft facility for the municipal fund and to establish systems and procedures which give effect to internal controls and risk mitigation for:

- Collection of money owed to the Shire;
- Safe custody and security of money collected or held by the Shire;
- Maintenance and security of all financial records, including payroll, stock control and costing records;
- Proper accounting of the Municipal Fund, including revenue and expenses;
- Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;

#### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 19		Rates – Recovery where Unpaid	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b> <b>POLICY REFERENCE:</b>	Policy 12 - Policy 41 & Policy 71	<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 s6.50(1), (2); s6.56(1); s6.60(2), (3), (4); s6.64(1), (3); s6.71(1); s6.74(1); s6.76(4), (5); Sch 6.2 1(1); Sch 6.3 1(4), 4(1)</i>	
<b>Conditions</b>	<i>Must comply with relevant policies</i>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Council under s6.50(1), 6.50(2), 6.56(1), 6.60(2), 6.60(3), 6.60(4), 6.64(1), 6.64(3), 6.71(1), 6.74(1), 6.76(4), 6.76(5), Sch 6.2 1(1), Sch 6.3 1(4), Sch 6.3 4(1) of the Local Government Act 1995.

- This delegation includes the powers, duties and functions of the local government including to:
- Determine the date that a rate or service charge becomes due and payable in accordance with s6.50 of the Local Government Act 1995.
- Recovery of rates and service charges pursuant to the provisions of s6.56(1) of the Local Government Act 1995.
- Require a lessee to pay rent in accordance with s6.60(2), 6.60(3), 6.60(4) of the Local Government Act 1995.
- Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with s6.64(3).

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 21		Impounding Abandoned Vehicles and Goods	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act s3.39; s3.40A (1), (4); s3.42; s3.43; s3.44; s3.46, s3.47 (1), (2) s3.47(2A) s3.47A; s3.48</i> <i>r32 Local Government (Administration) Regulations 1995.</i>	
Conditions	<i>Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</i>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to exercise the powers and duties of the Shire in respect to:

- Remove and impound any goods that are involved in a contravention that can lead to impounding in accordance with s3.39.
- Impound abandoned vehicle wrecks in accordance with s3.40A (1), (4).
- Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42 and s3.43.
- Give notice in accordance with s3.44 to collect goods.
- Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
- Sell or dispose of confiscated or uncollected goods in accordance with s3.47 (1) (2) and s3.47(2a)
- Disposal of sick or injured animals in accordance with s3.47A.
- Take action to recover expenses in accordance with s3.48.

### REVIEW REQUIREMENTS

At least once every financial year.

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### Delegation No: 22 Permits for Stall Holder, Trader and/or Outdoor Eating Facilities

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Regard must be had for the relevant local laws of the Shire.</i>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications for new permits or renewal of permits for the activity of a stallholder, trader and/or an outdoor eating facility.

#### REVIEW REQUIREMENTS

At least once every financial year.



**Delegation No: 23 Closure of Streets, Thoroughfares, Control of Reserves & Unvested facilities**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Executive Manager Technical Services
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 – s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government Act 1995 – s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53; s3.54; Sch 3.1, Division 2</i> <i>Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.</i> <i>r6(3) Local Government (Functions and General) Regulations 1996</i> <i>r12, r13, r15 Local Government (Uniform Local Provisions) Regulations 1996</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Temporary closure of streets must not exceed 28 days.</i></p> <p><i>The Chief Executive Officer, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.</i></p> <p><i>Where exercising powers and duties pursuant to s3.50, the following conditions apply:</i></p> <ol style="list-style-type: none"> <li><i>Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i></li> <li><i>Have regard to the provisions of s3.50(1).</i></li> </ol> <p><i>If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</i></p> <p><i>Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</i></p> <p><i>The permanent closure of thoroughfares is to be referred to Council for determination</i></p>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, S81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Chief Executive Officer is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Chief Executive Officer is delegated authority to:

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- Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
- In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
- Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
- Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act 1995.
- Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act 1995.
- Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
  - i. the land; or
  - ii. a private thoroughfare serving the land;

in accordance with r12, 13 and 15 of the Local Government (Uniform Provisions) Regulations 1996.

### REVIEW REQUIREMENTS

At least once every financial year.





**Sub Delegation No: 23a Closure of Streets, Thoroughfares, Control of Reserves & Unvested facilities**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Executive Manager Technical Services
<b>LEGAL (PARENT):</b> <i>Local Government Act 1995 – s5.44</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Local Government Act 1995 – s3.50(1) (1a) (4) (5) (6); s3.50A; s3.51(3); s3.52; s3.53; s3.54; Sch 3.1, Division 2</i> <i>Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991.</i> <i>r6(3) Local Government (Functions and General) Regulations 1996</i> <i>r12, r13, r15 Local Government (Uniform Local Provisions) Regulations 1996</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Temporary closure of streets must not exceed 28 days.</i></p> <p><i>The Executive Manager Technical Services, or any employee sub delegated the authority must ensure any applicant has obtained relevant Police approval and provided appropriate indemnities and insurance cover.</i></p> <p><i>Where exercising powers and duties pursuant to s3.50, the following conditions apply:</i></p> <ol style="list-style-type: none"> <li><i>1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i></li> <li><i>2. Have regard to the provisions of s3.50(1).</i></li> </ol> <p><i>If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</i></p> <p><i>Limited to matters where the financial implications do not exceed a relevant and current budget allocation, and which do not create a financial liability in future budgets.</i></p>		

**POWER OR DUTY DELEGATED**

The Executive Manager Technical Services is delegated authority to exercise the powers and discharge the duties of the Shire regarding closing certain thoroughfares to vehicles and partial closure of thoroughfare for repairs or maintenance and temporary closures (including revocation of Orders) for events in accordance with s3.50, 3.50(1), 3.50(1a), 3.50(4), 3.50(5), 3.50(6), 3.50A Local Government Act, r6(3) Local Government (Functions and General) Regulations 1996, S81(c)(2)(b) Road Traffic Act 1974 and Road Traffic (Events on Roads) Regulations 1991 (where relevant).

The Executive Manager Technical Services is delegated authority to give the required notices as specified in s3.51(3) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

The Executive Manager Technical Services is delegated authority to:

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- Ensure that public thoroughfares are kept open for public use as required under s3.52(2) of the Act.
- In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided in accordance with s3.52(3).
- Keep plans of the levels and alignments of public thoroughfares that are under the Council's control or management and make those plans available for public inspection in accordance with s3.52(4).
- Control and manage otherwise unvested facilities within the Shire in accordance with s3.53 of the Local Government Act 1995.
- Control and manage land that is vested to the Shire in accordance with s3.54 of the Local Government Act 1995.
- Approve the construction of a crossing (vehicle crossover) giving access from a public thoroughfare to:
  - i. the land; or
  - ii. a private thoroughfare serving the land;

in accordance with Regulations 12, 13 and 15 of the *Local Government (Uniform Provisions) Regulations 1996*.

### REVIEW REQUIREMENTS

At least once every financial year.



Delegation No: 24		Obstruction of Thoroughfares	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Executive Manager Technical Services
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <i>r.5(2) Interfering with, or taking from, local government land</i> <i>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</i> <i>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</i> <i>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</i>	
<b>Conditions</b>	<i>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</i>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated:

- Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
  - a. prevent damage to the footpath; or
  - b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
- Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
- Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
- Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

**REVIEW REQUIREMENTS**

At least once every financial year.

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Sub Delegation No: 24a		Obstruction of Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
<b>LEGAL (PARENT):</b> <i>s.5.44 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <i>r.5(2) Interfering with, or taking from, local government land</i> <i>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</i> <i>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</i> <i>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</i>	
Conditions	<i>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</i>		

### POWER OR DUTY DELEGATED

The Executive Manager Technical Services is delegated:

- Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
  - a. prevent damage to the footpath; or
  - b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
- Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
- Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
- Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
- Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 25		Roads – Heavy Vehicle Access	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	Executive Manager Technical Services
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Must comply with relevant policies</i> <i>The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.</i>		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

### REVIEW REQUIREMENTS

At least once every financial year.

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Sub Delegation No: 25a		Roads – Heavy Vehicle Access	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Executive Manager Technical Services
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
	<i>Local Government Act 1995 s5.44</i>		
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>The Council supports 'as of right' vehicles as defined by Main Roads WA (MRWA) or approved RAV routes, except where roads are closed for safety reasons.</i></p>		

### POWER OR DUTY DELEGATED

The Executive Manager Technical Services is delegated authority to determine applications by heavy vehicle transport operators for Restricted Access Vehicle (RAV) and Accredited Mass Management Scheme (AMMS) Networks to access roads managed and maintained by the Council.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 28		Group Values on Contiguous Land	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 20	<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 – s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Must comply with relevant policies</i> <i>The final determination for group rating rests with the Valuer General, the CEO may only recommend an outcome</i>		

### DEFINITION

For the purpose of this delegation, pieces of land will be taken to be contiguous if they abut one another at any point or if they are separated only by intervening land being a street, road, lane, footway, court, railway, thoroughfare, travelling stock route, a reserve or other similar open space dedicated for public purposes.

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power to determine applications for group values on contiguous land.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 29		Street Stalls/Appeals	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 – s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Must comply with relevant policies</i> Regard must be had for the relevant local laws of the Shire.		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated the power, to determine applications for street stalls/ appeals subject to satisfactory insurance arrangements and compliance with any statutes.

### REVIEW REQUIREMENTS

At least once every financial year.





**Delegation No: 30 Building Act & Regulations – Powers, Duties and Functions**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Building Act 2011: s.127(1) &amp; (3) Delegation: special permit authorities and local government</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Building Act 2011: various, as detailed Building Regulations 2012: various, as detailed</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Sub delegation may only be to employees of the Shire (s127(3)).</i></p> <p><i>This delegation includes the power to serve notice on the builder or owner requiring alterations to a building, or in relation to encroachments, pursuant to s189, S190 of the Building Act 2011. These powers cannot be sub delegated.</i></p> <p><i>In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the Shire of Wandering in accordance with s5.36 of the Local Government Act 1995; and with respect to uncertified applications, hold the appropriate qualification as set out under r6 of the Local Government (Building Surveyors) Regulations 2008.</i></p> <p><i>In relation to s21 this sub delegation does not apply to places listed on the State’s Register of Heritage Places or the Council’s Heritage Register or to places classified by the National Trust.</i></p> <p><i>Must observe s100(2) of the Building Act 2011 in relation to entry to private residence.</i></p> <p><i>In relation to s110 this delegation permits a sub delegate to determine that an Order is to remain in effect in accordance with s117(2) of the Building Act 2011 where it is considered appropriate.</i></p> <p><i>In relation to s93(2)(d) of the Building Act 2011 and s.53 of the Building Regulations 2012 - *Regulation 52 (2): For the purposes of section 93(2)(d) a person who was an authorised person for the purposes of section 245A of the repealed provisions immediately before repeal day is to be taken to be an authorised person in relation to the inspection of private swimming pool enclosures for the period commencing on repeal day and ending on the day that is 5 years after that day.</i></p>		

**POWER OR DUTY DELEGATED**

Pursuant to s96 of the Building Act 2011 the Chief Executive Officer is delegated the authority to appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012 in relation to buildings and incidental structures located or proposed to be located in the local government’s district.

Pursuant to s99 the CEO is delegated authority to impose limitations on powers of authorised persons.

Pursuant to s127 the Chief Executive Officer is delegated all the powers and duties of the local government under the Building Act and Regulations and is authorised to take legal proceedings pursuant to s133 of the Act in relation to both the Act and Regulations.

These delegations include the powers and duties specified at:

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- s18(1) - to require an applicant to provide any documentation or information required to determine a building permit application;
- s20 – to approve, or refuse to approve a certified or uncertified application for a building permit;
- s21,22 – to approve, or refuse to approve an application for a demolition permit;
- s27(1), (3) - to impose conditions on permit
- s.55 - Further information
- s58 – to approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate;
- s62 – to impose conditions on an occupancy permit or modification of a building approval certificate;
- s65 – to approve, or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect;
- s76 – to give consent for encroachments on Crown land under the care, control and maintenance of the local government;
- s93(2)(d) of the Building Act 2011 and s.53 of the Building Regulations 2012;
- S96(3) of the Building Act (and subject to s100(2) of the Building Act 2011) to appoint Authorised Persons;
- s110 – to make a Building Order in relation to building work, demolition work and/or, an existing building or incidental structure, whether completed before, or after commencement day;
- s111 – to give Notice of proposed building order other than building order (emergency)
- s114 – serve a building order;
- s117 – revoke a building order; and
- s118(2), (3) – to take action in relation to non-compliance with building orders;
- s131(2) - to determine applications for the inspection of or to seek copies of building records;
- s133 - to commence a prosecution for an offence against this Act;
- s145A(1) - to undertake local government functions in relation to Referrals and Issuing Certificates including authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government;
- S145A(2) - authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire’s District [s.145A(2)];
- r23 (application to extend time), r24 (extension of time), r26 (approval of new responsible person);
- r40 - extension of period of duration of time of occupancy permit or building certificate;
- r51 - private pool barriers - alternatives solutions;
- r55, 61 - smoke alarms - alternative solutions - local government approval of battery powered smoke alarms

### REVIEW REQUIREMENTS

At least once every financial year.



**Delegation No: 31 Building Act & Regulations – Occupancy Permits and Building Approval Certificates for Strata Plans and Survey Strata Plans**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Building Act 2011: s.127(1) &amp; (3) Delegation: special permit authorities and local government</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Strata Titles Act 1985 – sA5B, s25 in respect of Built Strata Applications except for those applications listed as exceptions in WAPC Planning Bulletin 52/2009. Includes issue of Form 26</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Delegation and authority do not apply to those applications that:</i></p> <ol style="list-style-type: none"> <li><i>1. Propose the creation of a vacant lot;</i></li> <li><i>2. Proposed vacant air stratas in multi-tiered strata scheme developments;</i></li> <li><i>3. In the opinion of the WAPC as notified to the local government in writing, or in the opinion of the local government as notified to the WAPC in writing, relate to:</i> <ol style="list-style-type: none"> <li><i>a) type of development; and/or</i></li> <li><i>b) land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</i></li> </ol> </li> <li><i>4. The WAPC is to be provided with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</i></li> </ol>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is authorised to issue occupancy permits and building approval certificates for strata plans and survey strata plans as required by s5B of the Strata Titles Act 1985 and to make certain decisions pursuant to s25 Strata Titles Act 1985 in respect of Built Strata Applications except for those applications listed as exceptions in Western Australian Planning Commission (WAPC) Planning Bulletin 52/2009.

Includes authority to issue Form 26

**REVIEW REQUIREMENTS**

At least once every financial year.

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Delegation No: 32		Bush Fires Act – General Delegation	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No power to sub delegate
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Bush Fires Act 1954 – s48</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<p><i>Must comply with relevant policies</i></p> <p><i>Does not include those matters in the Act which require a resolution of the Council, are prescribed in the Act for performance by prescribed employees or are subject to separate delegated authority within this Register.</i></p> <p><i>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958</i></p>		

### POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to exercise the powers and discharge the duties of the local government.

This delegation includes the authority to initiate legal action and prosecution.

The Chief Executive Officer is delegated authority to hand over the control of bush fires to the Department of Fire and Emergency Services (DFES).

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



Delegation No: 33		Bush Fires Act – Prohibited Burning Times	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Bush Fires Act 1954 – s48</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Bush Fires Act 1954:</i> <i>s.17(7) Prohibited burning times may be declared by Minister</i> <i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i> <i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i> <i>Bush Fire Regulations 1954:</i> <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i> <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i> <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i>	
<b>Conditions</b>	<i>Must comply with relevant policies</i> <i>Decisions under s,17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</i>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to:

- where seasonal conditions warrant it, determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer s.17(7).
- determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].
- declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].
- issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].

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### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 34		Bush Fires Act – Variations to Fire Break Orders	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Bush Fires Act 1954 – s48</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Must comply with relevant policies</i> <i>Maximum approval period to be twelve (12) months.</i> <i>CEO to consult with relevant Brigade Fire Control Officer prior to exercising this delegation.</i>		

### POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to vary or approve alternative arrangements to the Shire's Firebreak Orders.

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



**Delegation No: 35 Bush Fires Act – Restricted Burning Times and other Matters**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<p><b>LEGAL (PARENT): POWER TO DELEGATE</b>  <i>Bush Fires Act 1954 – s48</i></p>		<p><i>Legal (Subsidiary): Power or duty delegated</i>  <i>Bush Fires Act 1954:</i>  <i>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</i>  <i>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</i>  <i>s.24F Burning garden refuse during limited burning times</i>  <i>s.24G Minister or local government may further restrict burning of garden refuse</i>  <i>s.25 No fire to be lit in open air unless certain precautions taken</i>  <i>s.25A Power of Minister to exempt from provisions of section 25</i>  <i>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</i>  <i>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</i>  <i>s.27D Requirements for carriage and deposit of incendiary material</i>  <i>Bush Fire Regulations 1954:</i>  <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i>  <i>r.15C Local Government may prohibit burning on certain days</i>  <i>r.27(3) Permit, issue of</i>  <i>s.33 Local government may require occupier of land to plough or clear fire-breaks</i>  <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i>  <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i>  <i>r.39C Welding and cutting apparatus, use of in open air</i>  <i>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</i>  <i>r.39D Explosives, use of</i>  <i>r.39E Fireworks, use of</i>  <i>s.46 Bush fire control officer or forest officer may postpone lighting fire</i></p>	



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	<p><i>s.52(1) Approved area may be declared</i></p> <p><i>s.58 General penalty and recovery of expenses incurred</i></p> <p><i>s.59 Prosecution of offences</i></p> <p><i>s.59A(2) Alternative procedure – infringement notices</i></p>
<p><b>Conditions</b></p>	<p><i>Must comply with relevant policies</i></p> <p><i>Maximum approval period to be twelve (12) months.</i></p> <p><i>CEO to consult with relevant Brigade Fire Control Officer and Chief Bush Fire Control Officer prior to exercising this delegation.</i></p>

## POWER OR DUTY DELEGATED

Pursuant to s48 Bush Fires Act 1954 the Chief Executive Officer is delegated authority to:

- where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].
  - a) a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].
- Where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
- Determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].
- Arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].
- Give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].
- Prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].
  - a) Issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3), r.33(5)].
  - b) Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].
- Provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:
  - a) a. camping or cooking [s.25(1)(a)].
  - b) b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].
- Prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].

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- Serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
- Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Wandering
  - a) clearing of firebreaks as determined necessary and specified in the notice; and
  - b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
  - c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
- Direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
  - a) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
- Declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning vary Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
- Appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
  - a) Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and
  - b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].
- 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 Wandering [s.38(5A)]
- 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)].
- Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
- Determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].
- Issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
- Prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
- Recover the cost of measures taken by the Shire of Wandering or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].

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- Give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:
  - a) a person operating a bee smoker device during a prescribed period [r.39CA(5)].
  - b) a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].
  - c) a person using explosives [r.39D(2)].
  - d) a person using fireworks [r.39E(3)].
- Determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D].  
*Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.*
- Prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].
  - a) Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
- Apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
- Recover general penalty and recovery of expenses incurred s58
- Institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].
- To serve an infringement notice for an offence against this Act [s.59A(2)].

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 35		Cat Act – Duties and Functions	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Cat Act 2011 – s44</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Cat Act Regulations 2012</i>	
<b>Conditions</b>	<p><i>Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</i></p> <p><i>Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</i></p> <p><i>In relation to authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat – it should be noted this delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</i></p>		

### POWER OR DUTY DELEGATED

Pursuant to s44 Cat Act 2011 the Chief Executive Officer is delegated authority to perform all duties and functions of the local government under the Cat Act 2011 and Cat Act Regulations 2012.

### REVIEW REQUIREMENTS

At least once every financial year.

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Delegation No: 36		Dog Act – Duties and Functions	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	<i>Ranger Executive Manager Technical Services</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Dog Act 1976 – s10AA(1) and (3)</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Dog Act 1976 - as detailed below</i>	
<b>Conditions</b>	<p><i>Must comply with relevant policies</i></p> <p><i>Cannot delegate authority to commence enforcement proceedings at s44 of the Dog Act 1976</i></p> <p><i>In relation to S.31 Control of dogs in certain public places – this cannot be delegated because it requires an absolute majority and therefore must be determined by Council.</i></p>		

## POWER OR DUTY DELEGATED

Pursuant to s10AA(1) of the Dog Act 1976 the Chief Executive Officer is delegated all powers and duties of the local government under the Dog Act 1976 and regulations and the Shire’s Dogs Local Law.

Pursuant to s10AA(3) of the Dog Act 1976 the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties to other employees or other persons.

These delegations specifically exclude (and which must be determined by the Council):

- s.33E(1) - Individual dog may be declared to be dangerous dog (declared)
- s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration, Seizure and destruction - Local government may revoke declaration or proposal to destroy

## REVIEW REQUIREMENTS

At least once every financial year.



Delegation No: 36a		Dog Act – Duties and Functions	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	<i>Contract Ranger Executive Manager Technical Services</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Dog Act 1976 – s10AA(1) and (3)</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Dog Act 1976 –s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>	
<b>Conditions</b>	<i>Must comply with relevant policies No authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>		

**POWER OR DUTY DELEGATED**

Pursuant to s10AA(1) of the *Dog Act 1976* the Chief Executive Officer has been delegated all powers and duties of the local government.

Pursuant to s10AA(3) of the *Dog Act 1976* the Chief Executive Officer is specifically authorised to sub delegate any and all of these powers and duties

The Chief Executive Officer sub delegates all powers and duties to the Contract Ranger.

These delegations specifically exclude:

- s.33E(1) - Individual dog may be declared to be dangerous dog (declared)
- s.33F(6) s.33G(4) s.33H(1) - Owners to be notified of making of declaration Seizure and destruction Local government may revoke declaration or proposal to destroy

**REVIEW REQUIREMENTS**

At least once every financial year.

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### Delegation No: 37 Fines, Penalties & Infringement Notices – Appointment of Prosecution Officers

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994 – s13(2); s16; s22</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Appointed Designated Officers give written notice of their designated authority to the Registrar.</i> <i>Appointed Designated Officers hold a Certificate of Appointment.</i>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is authorised to appoint Designated Officers for the purposes of the Fines, Penalties and Infringement Notices Enforcement Act 1994, Section 13(2), administer the issuing of, and any subsequent proceedings in relation to, the notice.

#### REVIEW REQUIREMENTS

At least once every financial year.



Delegation No: 38		Food Act – Payment of Compensation	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation	
<b>Conditions</b>	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i> <i>Compensation under this delegation may only be determined upon documented losses up to a maximum of \$200.00.</i> <i>Compensation requests above this value are to be reported to Council.</i>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to:

- determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].
- determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].

**REVIEW REQUIREMENTS**

At least once every financial year.





Delegation No: 39		Food Act – Prohibition Orders	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> <i>s.118 Functions of enforcement agencies and delegation</i> <i>(2)(b) Enforcement agency may delegate a function conferred on it</i> <i>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</i> <i>(4) Sub-delegation permissible only if expressly provided in regulations</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> <i>s.65(1) Prohibition orders</i> <i>s.66 Certificate of clearance to be given in certain circumstances</i> <i>s.67(4) Request for re-inspection</i>	
<b>Conditions</b>	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to:

- Serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].
- Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].
- Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].

**REVIEW REQUIREMENTS**

At least once every financial year.



Delegation No: 40		Food Act – Food Business Registrations	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses	
<b>Conditions</b>	<i>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:</i> Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 WA Priority Classification System Verification of Food Safety Program Guideline		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to:

- consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].
- vary the conditions or cancel the registration of a food business [s.112].

**REVIEW REQUIREMENTS**

At least once every financial year.



## Delegation No: 41 Food Act – Appoint Authorised Officers and Designated Officers

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers	
<b>Conditions</b>	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		

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to:

- appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].
- 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)].
- 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)].

### REVIEW REQUIREMENTS

At least once every financial year.



**Delegation No: 42 Food Act – Debt Recovery and Prosecutions Officers**

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings	
<b>Conditions</b>	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to:

- to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].
- institute proceedings for an offence under the Food Act 2008 [s.125].

**REVIEW REQUIREMENTS**

At least once every financial year.



Delegation No: 43		Food Act – Food Businesses List – Public Access	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No power to sub-delegate
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Food Act 2008:</i> r.51 Enforcement agency may make list of food	
<b>Conditions</b>	<i>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</i>		

**POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated authority to decide to make a list of food businesses maintained under s.115(a) or (b), publicly available [r.51].

**REVIEW REQUIREMENTS**

At least once every financial year.

## SHIRE OF WANDERING

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Delegation No: 44		Graffiti Vandalism Act – General Delegation	
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	<i>Executive Manager Technical Services</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Graffiti Vandalism Act 2016 – s16(1)</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<p><i>In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire.</i></p> <p><i>The CEO may not sub delegate authority to commence enforcement proceedings.</i></p> <p><i>The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</i></p>		

### POWER OR DUTY DELEGATED

Pursuant to s16(1) Graffiti Vandalism Act 2016 the Chief Executive Officer is delegated all powers and duties of the Local Government under the Graffiti Vandalism Act 2016.

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



Sub Delegation No: 44a Graffiti Vandalism Act – General Delegation			
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	Yes
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	<i>Executive Manager Technical Services</i>
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Graffiti Vandalism Act 2016 – s16(1)</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<p><i>In accordance with s17(1) of the Graffiti Vandalism Act 2016, the Chief Executive Officer may only sub delegate to an employee of the Shire.</i></p> <p><i>The CEO may not sub delegate authority to commence enforcement proceedings.</i></p> <p><i>The CEO may not delegate authority to deal with Objections pursuant to s20, 21 and 22 of the Act</i></p>		

**POWER OR DUTY DELEGATED**

Pursuant to s17(1) Graffiti Vandalism Act 2016 the Chief Executive Officer sub delegates:

The Executive Manager Technical Services to exercise the powers and duties of the local government under the following sections of the Graffiti Vandalism Act 2016:

- s18 Giving Notices;
- s19 Additional Powers;
- s25 Graffiti removal;
- s26 Powers of Entry;
- s27 Procedures;
- s28 Notice of Entry;
- s29 Entry under Warrant; and
- s30 Purpose of Entry.

**REVIEW REQUIREMENTS**

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Delegation No: 47 Public Health Act 2016 – Enforcement Reports to the Chief Health Officer

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Public Health Act 2016</i> <i>s.22 Reports by and about enforcement agencies</i>	
<b>Conditions</b>	<i>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)].</i>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Wandering. [s.22(1)]

#### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.





## Delegation No: 48    Public Health Act 2016 – Authority to Designate Authorised Officers

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Public Health Act 2016: s.21 Enforcement agency may delegate</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Public Health Act 2016 s.24(1) and (3) Designation of authorised officers</i>	
<b>Conditions</b>	<p><i>Subject to each person so appointed being;</i></p> <ul style="list-style-type: none"> <li>• <i>Appropriately qualified and experienced [s.25(1)(a)]; and</i></li> <li>• <i>Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</i></li> </ul> <p><i>And a Register (list) of authorised officers is to be maintained in accordance with s.27</i></p>		

### **POWER OR DUTY DELEGATED**

The Chief Executive Officer is delegated 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)].

### **REVIEW REQUIREMENTS**

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Delegation No: 49 Public Health Act 2016 – Determine Compensation for Seized Items

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Public Health Act 2016: s.21 Enforcement agency may delegate</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Public Health Act 2016 s.264 Compensation</i>	
<b>Conditions</b>	<i>Compensation is limited to a maximum value of \$200 with any proposal for compensation above this value to be referred for Council's determination.</i>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].

#### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Delegation No: 50 Public Health Act 2016 – Commence proceedings			
<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Public Health Act 2016</i> <i>s.280 Commencing Proceedings</i>	
<b>Conditions</b>			

### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to commence proceedings for an offence under the Public Health Act 2016 [s.280]

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



## Delegation No: 51 Town Planning Scheme No. 3 – Various duties, powers and functions

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Shire of Wandering Town Planning Scheme No. 3</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b> <i>Planning and Development Act 2005</i>	
<b>Conditions</b>	<p><i>The Chief Executive Officer is to advise Councillors of the lodgement of a JDAP application, and report to Council at the earliest opportunity, the outcome of the JDAP decision.</i></p> <p><i>This Delegation does not preclude the Delegate from referring the categories of development or legal proceedings, to Council for determination, after having regard to the circumstances of a particular case.</i></p>		

### **POWER OR DUTY DELEGATED**

That pursuant to the Division 2 Part 10 Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* and Sections 5.45 and 5.46 LGA Council delegate its authority and power to the Chief Executive Officer the following:

### **ADVERTISING**

Notification and Advertising of Applications for Planning Consent

1. In accordance with Clause 9.4 of the Shire of Wandering Local Planning Scheme No 3 determine that a particular application will be advertised and notify the applicant accordingly.
2. Determine those landowners and occupiers to whom notice of an application for Planning Consent required to be advertised shall be provided pursuant to Clause 9.4.3(b) of Shire of Wandering Local Planning Scheme No. 3.
3. Determine the requirement for consultation with other of authorities for an application for Planning Approval pursuant to Clause 10.1 of the Shire of Wandering Local Planning Scheme No. 3.
4. Determine the requirement for advertising for public comment a draft Development Plan/s pursuant to Clause 8.1 of the Shire of Wandering Local Planning Scheme No. 3.
5. To extend the advertising period for planning scheme amendments and development plans, where considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors meetings, workshops etc).

### **WAPC REFERRALS OF APPLICATIONS FOR SUBDIVISION APPROVALS**

Pursuant to s142 of the *Planning and Development Act 2005*, provide comment to the Western Australian Planning Commission (WAPC) on matters associated with subdivision applications, proposed development plans (or similar) and licence applications.

### **CLEARANCE OF LOCAL GOVERNMENT CONDITIONS ASSOCIATED WITH SUBDIVISION APPROVAL**

## SHIRE OF WANDERING

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Pursuant to s143 of the *Planning and Development Act 2005* and where the WAPC has included conditions on a subdivision approval relevant to the Shire, determine the 'clearance' of a condition designated (LG) in a subdivision approval issued by the WAPC.

### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Delegation No: 52 Fence Line Clearing within Road and Other Reserves

<b>DATE ADOPTED:</b>	15/08/2019	<b>DELEGATE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>	Policy 52	<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT): POWER TO DELEGATE</b> <i>Local Government Act 1995 s5.42</i>		<b>LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED</b>	
<b>Conditions</b>	<i>Must comply with relevant policies</i>		

#### POWER OR DUTY DELEGATED

The Chief Executive Officer is delegated authority to determine applications for fence line clearing in accordance The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004 r5 – Item 11*, and with Policy 52.

#### REVIEW REQUIREMENTS

To be reviewed at least once every financial year.

# SHIRE OF WANDERING

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Delegation No: 54

Financial Hardship

<b>DATE ADOPTED:</b>	16/04/2020
<b>DATE LAST REVIEWED:</b>	16/09/2021
<b>POLICY REFERENCE:</b>	Policy 71

<b>DELEGATE:</b>	CEO
<b>SUB-DELEGATED:</b>	No
<b>SUB-DELEGATED TO:</b>	Nil

<b>LEGAL (PARENT):</b> <i>Local Government Act 1995 s5.42</i>
--

<b>LEGAL (SUBSIDIARY):</b>
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<b>Conditions</b>	<i>Must comply with relevant policies</i>
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#### POWER OR DUTY DELEGATED

Council delegate its authority and power to the Chief Executive Officer to:

1. In consultation with the Shire President, determine financial hardship; and
2. Implement payment arrangements.

#### REVIEW REQUIREMENTS

At least once every financial year.



### 3. DELEGATIONS, APPOINTMENTS AND AUTHORISATIONS BY OUTSIDE ORGANISATIONS

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No. 232. 20-Dec-2013  
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**EV402**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### Delegation No. 112

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

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

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.



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No. 71. 16-May-2014  
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**EV405**

### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

## SHIRE OF WANDERING

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**EV405**

### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

# SHIRE OF WANDERING

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DoL FILE 1738/2002v8; 858/2001v9

## PLANNING AND DEVELOPMENT ACT 2005

### INSTRUMENT OF AUTHORISATION

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

Dated the 2<sup>nd</sup> day of June 2016

A handwritten signature in black ink, appearing to read 'Donald Redman', is written over a faint, larger signature.

**HON DONALD TERENCE REDMAN MLA**  
**MINISTER FOR LANDS**

# SHIRE OF WANDERING

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## SCHEDULE

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

### Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 58(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

### Column 2

City of Albany  
City of Armadale  
Shire of Ashburton  
Shire of Augusta-Margaret River  
Town of Bessendean  
City of Baywater  
City of Belmont  
Shire of Beverley  
Shire of Boddington  
Shire of Boyup Brook  
Shire of Bridgetown-Greenbushes  
Shire of Brookton  
Shire of Broome  
Shire of Broomehill-Tambellup  
Shire of Bruce Rock  
City of Sunbury  
Shire of Busselton  
Town of Cambridge  
City of Cannington  
Shire of Capel  
Shire of Carnamah  
Shire of Carnarvon  
Shire of Chapman Valley  
Shire of Chittering  
Shire of Christmas Island  
Town of Claremont  
City of Cockburn  
Shire of Cocos (Keeling) Islands  
Shire of Collie  
Shire of Coolgardie  
Shire of Coorow  
Shire of Corrigin  
Town of Costelloe  
Shire of Cranbrook  
Shire of Cuballing  
Shire of Dug  
Shire of Dunderbin  
Shire of Dalwallinu  
Shire of Dardanup  
Shire of Denmark  
Shire of Derby/West Kimberley  
Shire of Donnybrook-Balingup  
Shire of Dowergi  
Shire of Dumbleyung  
Shire of Dundas  
Town of East Fremantle  
Shire of East Pilbara  
Shire of Esperance  
Shire of Exmouth  
City of Fremantle  
City of Greater Geraldton  
  
Shire of Gingin  
Shire of Gnowangerup  
Shire of Goomalling  
City of Gosnells  
Shire of Halls Creek  
Shire of Harvey  
Shire of Irwin  
Shire of Jerramungup  
City of Joondalup  
Shire of Kalamunda  
City of Kalgoorlie-Boulder  
Shire of Katanning  
Shire of Kellerberrin  
Shire of Kent  
Shire of Kojoonup  
Shire of Kondinin  
Shire of Koorda  
Shire of Kulin  
City of Kwinana  
Shire of Lake Grace  
Shire of Laverton  
Shire of Leonora  
City of Mandurah  
Shire of Manjimup  
Shire of Meekatharra  
City of Melville  
Shire of Menzies  
Shire of Merredin  
Shire of Mingenew  
Shire of Moora  
Shire of Morawa  
Town of Mosman Park  
Shire of Mount Magnet  
Shire of Mt Marshall  
Shire of Mukinbudin  
Shire of Mundaring  
Shire of Murchison  
Shire of Murray

### Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:  
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme).  
The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

# SHIRE OF WANDERING

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

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

HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

*2nd* day of *June* 2016

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## PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation Del 2009/03 Powers of Local Governments

**Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985***

### Preamble

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

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

### Resolution under section 16 of the Act (delegation)

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

### SCHEDULE 1

#### 1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - (i) a type of development; and/or
  - (ii) land within an area,

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

#### 2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

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

#### RELATING TO TRAFFIC MANAGEMENT FOR EVENTS

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

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

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

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

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

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

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

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

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

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

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

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



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Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

## ROAD TRAFFIC (VEHICLES) ACT 2012

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

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

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

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

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

#### CONDITIONS

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

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### 4. APPOINTMENTS AND AUTHORISATIONS

#### Appointment/Authorisation No: 1 Animal Welfare Act 2002 – General Inspector

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	No
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Animal Welfare Act 2002 – s33(2)(a)(v)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>General Inspectors must be employees. General Inspectors are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.</i>		

#### POWER OR DUTY DELEGATED

Pursuant to s33(2)(a)(v) Animal Welfare Act 2002 the Chief Executive Officer is appointed as a General Inspector.

#### REVIEW REQUIREMENTS

Although these Delegations are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



**Appointment/Authorisation No: 2 Caravan Parks and Camping Grounds Act 1995 – Authorised Persons**

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services Administration Assistant
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>PREVIOUS APPOINTMENT / AUTHORISATION:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Caravan Parks and Camping Grounds Act 1995 –s17(1)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Employees appointed under s17(1) must have an identity card in accordance with s17(1)(b).</i>		

**APPOINTMENT**

The Chief Executive Officer, Executive Manager Technical Services, Administration Assistant are appointed as an Authorised Person pursuant to s17(1) *Caravan Parks and Camping Grounds Act 1995*.

**REVIEW REQUIREMENTS**

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



**Appointment/Authorisation No: 3 Caravan Parks and Camping Grounds Act 1995 - Enforcement**

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Caravan Parks and Camping Grounds Act 1995 –s22; s23(2), (5), (7), (11)</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Caravan Parks and Camping Grounds Regulations 1997</i>	
<b>Conditions</b>	<p><i>Employees appointed under s23(2) cannot be appointed under s23(3), (5) or (7).</i></p> <p><i>Employees appointed under s23(2) must hold a certificate stating the person is authorised in accordance with s23(12).</i></p> <p><i>In accordance with r11(2) (c) any approval must be in writing.</i></p>		

**APPOINTMENT**

1. The Chief Executive Officer is appointed an Authorised Person under s22, 23(5), 23(7), 23(11) *Caravan Parks and Camping Grounds Act 1995.*
1. The Executive Manager Technical Services is appointed as an Authorised Person under s23(2) *Caravan Parks and Camping Grounds Act 1995.*
2. The Executive Manager Technical Services is appointed as an Authorised Person to undertake all functions of the local government for the purposes of r6 and r11(2)(c) of the *Caravan Parks and Camping Grounds Regulations 1997.*

**REVIEW REQUIREMENTS**

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 4 Control of Vehicles (Off Road Areas) Act 1978

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>PREVIOUS APPOINTMENT / AUTHORISATION:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Control of Vehicles (Off-Road Areas) Regulations 1979</i>	
<b>Conditions</b>	<i>In accordance with s38(4)(d) each authorised person appointed must have a certificate stating the employee is an authorised person for the purpose of this Act.</i>		

#### APPOINTMENT

Pursuant to s38(3) of *Control of Vehicles (Off Road Areas) Act 1978* and the *Control of Vehicles (Off-road Areas) Regulations 1979*, the Chief Executive officer and Executive Manager Technical Services are appointed as Authorised Officers to perform all functions of the local government under the Act.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 5 Control of Council Property and Facilities

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Criminal Code Act Compilation Act 1913 – S70A(1)(a)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>			

#### APPOINTMENT

The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 6		FOI Act 1992 – Internal Review Officer	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	LEGAL (SUBSIDIARY):		
<i>Freedom of Information Act 1992 – s41</i>			
Conditions			

### APPOINTMENT

Pursuant to s41 *Freedom of Information Act 1992* the Chief Executive Officer is designated Internal Review Officer

### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 7      FOI Act 1992 - Information Coordinator & Principal Decision Maker

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Freedom of Information Act 1992 – s11, 12, 100</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>			

#### APPOINTMENT

1. The Executive Manager Technical Services is appointed as the Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in accordance with s11, 12, of the *Freedom of Information Act 1992*
2. In accordance with s100 of the *Freedom of Information Act 1992* the Principal Decision Maker is the Chief Executive Officer or an employee directed by the Chief Executive Officer to undertake the duties and functions. The Chief Executive Officer has determined that the Executive Manager Technical Services will be the Principal Decision Maker.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



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### Appointment/Authorisation No 8 Local Government Act 1995 - Authorised Person – Legal Proceedings, Infringements and Enforcements

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Local Government Act 1995 - s9.10(1), (2); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20; s9.24</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Appointed Authorised Persons are to hold a Certificate of Appointment in accordance with s9.10(2).</i>		

#### APPOINTMENT

The Chief Executive Officer is appointed an authorised person for the purposes of s9.10(1), 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the *Local Government Act 1995*.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



## Appointment/Authorisation No: 9      Public Health Act 2016 – Appointment of Authorised Officers

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Contract Environmental Health Officer
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<p><i>A list of all officers designated as authorised officers must be kept and maintained in accordance with S27 of the Public Health Act 2016.</i></p> <p><i>Each person who is designated as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with S30 of the Public Health Act 2016.</i></p>		

### APPOINTMENT

1. The Chief Executive Officer and Contract Environmental Health Officer are appointed as an authorised officer under s24 of the *Public Health Act 2016*.
2. Pursuant to s26 *Health (Miscellaneous Provisions) Act 1911* the Chief Executive Officer and Contract Environmental Health Officer, are appointed as Authorised Persons under the Health Local Law.

### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 10 Public Interest Disclosure Act 2003 - Public Interest Disclosure Officer

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>			

#### APPOINTMENT

Pursuant to s23(1)(a) *Public Interest Disclosure Act 2003* the Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information.

The Chief Executive Officer of the Shire of Wandering is designated accordingly.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 11 Rates and Charges (Rebates and Deferments) Regulation Act 1992 - Review Officer and Determination Officer

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Finance Officer
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>			

#### APPOINTMENT

1. The Chief Executive Officer is the Pensioner Rates Review Officer, as defined by the Act.
2. The Finance Officer is the Pensioner Rates Determination Officer as defined by the Act.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



**Appointment/Authorisation No: 12 Health (Asbestos) Regulations 1992 -  
 Authorised Officers**

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Health (Asbestos) Regulations 1992 Pt 2 Criminal Procedure Act 2004</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>The approved officer cannot be appointed as an authorised officer. 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)].</i>		

**APPOINTMENT**

1. The Executive Manager Technical Services be authorised pursuant to the *Health (Asbestos) Regulations 1992* for the issuing of infringement notices.
2. The Chief Executive Officer be appointed as an Approved Officer pursuant to the *Health (Asbestos) Regulations 1992* and the *Criminal Procedure Act 2004* for the withdrawal or extension to a period to pay an infringement notice.

**REVIEW REQUIREMENTS**

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 13 Bush Fires Act – Issue of Infringement and Prosecution

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Bush Fires Act 1954 – s59(1), (3); s59A(2)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Only the Chief Executive Officer may institute legal proceedings.</i> <i>Only the Chief Executive Officer or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958.</i>		

#### APPOINTMENT

The Chief Executive Officer is authorised to issue infringement notices under s59(1), (3) and s59A (2) of *Bush Fires Act 1954*.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

## SHIRE OF WANDERING

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### Appointment/Authorisation No: 14 Environmental Protection Act 1986 - Referral of Proposals

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Environmental Protection Act 1986 – s38</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Only the Chief Executive Officer may institute legal proceedings.</i>		

#### APPOINTMENT

Pursuant to s38 of the *Environmental Protection Act 1986* the Chief Executive Officer is authorised to refer Proposals to the Environmental Protection Authority.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 15 Equal Employment Opportunity Management Plans

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Equal Employment Opportunity Act 1984 –s145</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>			

#### APPOINTMENT

The Chief Executive Officer is to prepare and implement equal employment opportunity management plans pursuant to s145 *Equal Employment Opportunity Act 1984*.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



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### Appointment/Authorisation No: 16 Liquor Control Act 1988 – Various

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Liquor Control Act 1988 – s39; s40; s61(1)(d), (2); s69(7), (8)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<p><i>The Chief Executive Officer cannot recommend approval or refusal for first time applications for Extended Trading Permits to the relevant State Government authority. Such applications must be considered and determined by the Council.</i></p> <p><i>The Chief Executive Officer may recommend approval or refusal for subsequent applications.</i></p>		

#### APPOINTMENT

1. Pursuant to s39 (Health), s40 (Planning) *Liquor Control Act 1988* the Chief Executive Officer is authorised to issue Certificates for grant, change or removal of liquor licences.
2. Pursuant to s61(1)(d), (2) *Liquor Control Act 1988* the Chief Executive Officer is authorised to provide comment and make recommendations on Applications for Extended Trading Permits.
3. Pursuant to s69(7), (8) of the *Liquor Control Act 1988* the Chief Executive Officer is authorised to intervene in Applications.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 17 Litter Act 1979 – Authorised Officers

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	All council members, CEO and all employees
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Litter Act 1978 – s26(1)(c)(i), (ii)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Council members and Employees appointed under s26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).</i>		

#### APPOINTMENT

s26(1)(c)(i), (ii) prescribes that all elected members and employees are Authorised Persons by virtue of their office.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 18 Litter Act 1979 – Withdrawal of Infringement Notices

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Shire President
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Litter Act 1978 – s30(4a)</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Council members and Employees appointed under s26(1)(c)(i), (ii) must hold a certificate stating the person is authorised, in accordance with s26(4)(c).</i>		

#### APPOINTMENT

Pursuant to s30(4a) *Litter Act 1979* the Chief Executive Officer is authorised to withdraw infringement notices.

If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.

#### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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Appointment/Authorisation No: 19		Building Act 2011 – General Duties	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Building Act 2011</i>		LEGAL (SUBSIDIARY):	
Conditions			

### APPOINTMENT

The Chief Executive Officer is authorised to undertake duties pursuant to the *Building Act 2011* and is an Authorised Person for all relevant purposes under the Act

### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

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### Appointment/Authorisation No: 20 Cat Act 2011 – Authorised persons

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Shire Administration Officers Contract Ranger
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Cat Act 2011 – s9; s10; s11; s12; s13; s26; s27; s37; s38; s39; s40; s48; s49; s62; s63; s64.,</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Cat Act 2011 – s45</i>	
<b>Conditions</b>	<i>In accordance with s48(5) each authorised person appointed below, must have a certificate stating the employee is an authorised person for the purpose of this Act. Pursuant to s48(2) only an employee of the Shire can be appointed under s62.</i>		

#### APPOINTMENT

Pursuant to s45 of the *Cat Act 2011* the following employees are appointed:

1. Chief Executive Officer is a Registration Officer and Authorised Person for all purposes of the *Cat Act 2011*
2. All Shire Administration Officers as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the *Cat Act 2011*.
3. The Contract Ranger as an Authorised Person for the purposes of s48, 49, 62, 63 of the *Cat Act 2011*.

#### REVIEW REQUIREMENTS

At least once every financial year.



## Appointment/Authorisation No: 21 Dog Act 1976 – Authorised Persons

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Contract Ranger Shire Administration Officers
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Dog Act 1976 – s12A; s14; s29; s38; s39; s43; s47; s12A; s14; s16(2); s16(3A); s16(3); s16(3C); s16(6); s26; s33E; s33F; s33G; s33H; s39; s43A;</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Cat Act 2011 – s45</i>	
<b>Conditions</b>	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>		

### APPOINTMENT

- The Chief Executive Officer and Contract Ranger as Authorised Persons, and to exercise delegations under the following sections of the Dog Act 1976:
  - s12A Entry to premises;
  - s14 Registration;
  - s29 Power to seize dogs;
  - s33G Seizure and destruction;
  - s38 Nuisance dogs;
  - s39 Dogs causing injury or damage may be destroyed;
  - s43A Name and address to be supplied for an offence; and
  - s47 Recovery of veterinary service expenses.
- The Chief Executive Officer and Contract Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in 1 above or 3 below.
- The Chief Executive Officer and Contract Ranger as a specifically Authorised Persons:
  - s33E Dangerous dogs;
  - s33F Dangerous dogs;
  - s33G Dangerous dogs;
  - s33H Dangerous dogs;
  - s39 Dogs causing injury or damage may be destroyed; and
  - s43A Name and address to be supplied for an offence.
- The Chief Executive Officer, Contract Ranger, and Shire Administration Officers as Registration Officers under the following sections of the Dog Act 1976:

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s14 Register of dogs; and

s16(2),16(3A), s16(3), s16(3c), s16(6) Registration.

### **REVIEW REQUIREMENTS**

At least once every financial year.

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### Appointment/Authorisation No: 22 Fines, Penalties and Infringements Notices Enforcement Act 1994 – Appointments

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>s13 Fines Penalties and Infringement Notices Enforcement Act 1994.</i>		<b>LEGAL (SUBSIDIARY):</b> <i>Cat Act 2011 – s45</i>	
<b>Conditions</b>	<p><i>For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies.</i></p> <p><i>The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with sections 16 and 22.</i></p>		

#### APPOINTMENT

The Chief Executive Officer is authorised to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.s33H

#### REVIEW REQUIREMENTS

At least once every financial year.



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Appointment/Authorisation No: 23		Food Act - Authorised Persons	
<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Contract EHO
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Food Act 2008 – s38; s56; s62; s65; s66; s67; s110; s112; s122; s125; s126</i>		<b>LEGAL (SUBSIDIARY):</b> <i>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</i>	
<b>Conditions</b>	<i>Copies of all decisions made are to be retained on the appropriate file or record</i>		

### APPOINTMENT

Pursuant to s118 of the Food Act 2008 the Council:

- Appoints the Chief Executive Officer and Contract Environmental Health Officer, as Authorised Persons and to undertake duties and functions in relation to:
  - s38 Powers of Authorised Officers;
  - s.54 Cost of destruction or disposal of forfeited item
  - s62 Grounds for servicing Notices;
  - s65 Prohibition Orders;
  - s110 Registration of food premises;
  - s112 Food businesses – conditions and cancellations.;
  - s122 Authorised officers;
  - s.125 Institution of proceedings
  - s126 Infringement Notices.
  - s.65(1) Prohibition orders
  - s66, 67 Requests for re-inspection.
- Appoints the Chief Executive Officer as an Authorised Person to undertake duties and functions in relation to:
  - s125 Instituting proceedings and
  - s126(13) The Chief Executive Officer is to be the Designated Officer.

### REVIEW REQUIREMENTS

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Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.



## Appointment/Authorisation No: 24 Graffiti Vandalism Act 2016 – Authorised Persons

<b>DATE ADOPTED:</b>	15/08/2019	<b>APPOINTEE:</b>	CEO Executive Manager Technical Services
<b>DATE LAST REVIEWED:</b>	16/09/2021	<b>SUB-DELEGATED:</b>	NA
<b>POLICY REFERENCE:</b>		<b>SUB-DELEGATED TO:</b>	NA
<b>LEGAL (PARENT):</b> <i>Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</i>		<b>LEGAL (SUBSIDIARY):</b>	
<b>Conditions</b>	<i>Cannot determine Objections or Suspension of effect in relation to Notice issued by the employee - s.22(3) Objection may be lodged s.24(1)(b) &amp; (3) Suspension of effect of notice Must comply with relevant Council Policies</i>		

### APPOINTMENT

The Chief Executive Officer is appointed an Authorised Person to deal with Objections and Suspension of effects of Notices and for all other relevant purposes under the Act

The Chief Executive Officer appoints the Executive Manager Technical Services as authorised person for the other purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of Chief Executive Officer, except as otherwise provided.

### REVIEW REQUIREMENTS

Although these Appointments are not required to be reviewed annually, Council has determined that they will be reviewed at least once every financial year.

## 12.4 Complaints Management Policy

<b>File Reference:</b>	<b>04.041.04111</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>31 August 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Draft Policy 84 Complaints Management Policy</b>
<b>Previous Reference:</b>	<b>Nil</b>

### Summary:

For Council to consider adopting the attached Complaints Management Policy.

### Background:

It was identified in the recent interim audit that the Shire does not currently have a policy detailing how we manage complaints. We do have a Customer Service Charter detailing what a complaint is and how we will deal with one if made.

### Comment:

Effective complaint handling is fundamental to the provision of a quality service but responding to complainants can be complex, challenging, and does not always suit a 'one size fits all' approach.

### Consultation:

Elected Members  
Chief Executive Officer

### Statutory Environment:

Nil.

### Policy Implications:

Nil.

### Financial Implications:

Nil.

### Strategic Implications:

#### Provide Strong Leadership

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community

### Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

### Risk Implications:

Complaints are an important way of monitoring and mitigating any risks. If the Shire lacks a proactive approach to resolving complaints, we risk complainants remaining aggrieved.

**Voting Requirements:**  
Simple Majority

**Officer Recommendation:**  
**That Council adopts Draft Policy 84 as attached.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

<b>POLICY TYPE:</b>	<b>POLICY NO:</b> 84
<b>DATE ADOPTED:</b>	<b>DATE LAST REVIEWED:</b>
<b>LEGAL (PARENT):</b> <i>Local Government Act 1995</i>	<b>LEGAL (SUBSIDIARY):</b>
<b>DELEGATION OF AUTHORITY APPLICABLE:</b>	<b>DELEGATION NO.</b>

ADOPTED POLICY	
<b>TITLE:</b>	Complaints Management
<b>OBJECTIVE:</b>	To provide the highest level of service to the Shire of Wandering’s customers and establish a framework to guide the Shire in its management and handling of complaints.

The Shire of Wandering (the ‘Shire’) is committed to managing complaints in a consistent and unbiased manner that complies with Australian Standard Guidelines and the WA Ombudsman thus ensuring an open and responsive complaints handling process.

This policy applies to all Elected Members, staff and contractors of the Shire that receive and manage customer feedback relating to products and services delivered by or on behalf of the Shire.

For the purposes of this policy, the following is not classified as a complaint:

- Requests for Shire services;
- Requests for information or explanations of policies, procedures or decisions of Council
- Reports of damaged or faulty infrastructure (eg damaged footpath, potholes in road);
- Reports of hazards;
- Reports concerning neighbours or neighbouring property (ie noise or unauthorised building works);
- Issues over twelve months old; or
- The lodging of an appeal in accordance with policy or procedure.

### **DEFINITIONS**

**Complaint:** The Australian Standard for Complaints Management (ISO 10002:2014) defines a complaint as any “Expression of dissatisfaction made to or about an organisation, related to its products, services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required”.

**Malicious Complaint:** A complaint made for the purpose of hurting another person (their career, their reputation or their livelihood).

**Frivolous Complaint:** A complaint that has no serious purpose or value. It may have little merit and be trivial; investigating would be out of proportion to the seriousness of the issue complained about.

**Vexatious Complaint:** A complaint that is not supported by any evidence and there is other evidence to suggest that the complaint was made primarily for the purpose of causing annoyance.

## **POLICY STATEMENT**

The Shire recognises that customers have a right to expect that principles of efficiency, effectiveness, fairness, impartiality and responsiveness will underpin service delivery. When customers believe that their expectations have not been met, they have the right to expect that the Shire will deal with their concerns in a professional, respectful, satisfactory and timely manner.

The Shire welcomes customer service complaints as a form of feedback, and will use this feedback to:

- 1) Provide opportunities for system and process improvement;
- 2) Provide equitable redress to the customer for poor service or processes; and
- 3) Provide an opportunity to actively resolve service complaints and reduce the incidence of recurring complaints.

## **COMPLAINTS HANDLING**

The Shire will endeavour to resolve issues that are the subject of complaints at the first point of contact or within a reasonable timeframe. Complaints may be lodged with the Shire in the following ways:

- In writing;
- By telephone;
- In person; or
- Completing a Complaint Report available at the Shire Office or on the Shire's website.

Complainants are encouraged to include their name, address and contact number and a brief description of the issue.

## **ANONYMOUS COMPLAINTS AND CONFIDENTIALITY**

An anonymous complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of Shire staff, constitutes:

- a breach of statutory provisions;
- a breach of an approval, licence or permit;
- a matter for which the Shire is obliged to act, prescribed in the Local Government Act 1995, Corruption, Crime and Misconduct Act 2003 or under any other written law;
- a matter which if not attended to could reasonably constitute a risk to public health and safety or persons, animals or the environment; and
- a matter which is deemed to be capable of investigation and resolution without assistance from the complainant.

The Shire encourages complainants to provide full contact information when lodging complaints, however where a complainant requests their identity and complaint details remain confidential; the Shire will ensure to the best of its ability that disclosure of any personal information to third parties is not made. The Shire however cannot guarantee that they will not be identified during investigation, and as such, it is the complainants right to decide if they would like to proceed with the complaint.

## **MALICIOUS, FRIVOLOUS AND VEXATIOUS COMPLAINTS**

While there is currently no legislative provision to deal with Vexatious complaints, the Department of Local Government has advised that it is within the local government's administrative responsibility to take whatever action it considers necessary.

Every endeavour will be made by the Shire to deal with complaints with the utmost seriousness, however the Shire may refuse to investigate a complaint if:

- the complainant behaves in an ongoing actively hostile manner;
- the complaint is considered to be trivial and/or frivolous; or
- the complainant is consistently making complaints of trivial and/or frivolous matters.

The Shire may consider it appropriate to determine that vexatious questions, complaints and repetitive communications are not given priority or that no further action will be taken regarding the complaint as the complaint may divert a substantial and unreasonable portion of the Shire's resources away from its other functions.

The Shire may, at its discretion, seek legal advice with respect to implications of the suspected malicious, frivolous or vexatious complaint.

#### UNREASONABLE CONDUCT BY COMPLAINANTS

**Unreasonable Persistence:** In some instances, the Shire will encounter complainants who refuse to accept the decision of the complaint handler solely on the fact that the decision was not in the complainants favour. Complainants may also make persistent and repeated contact with the Shire to the point that the complaint or complainant diverts a substantial and unreasonable portion of resources away from the Shire's other functions.

**Unreasonable Behaviour:** In some instances, the Shire will encounter complainants whose behaviour is aggressive or threatening, consistently rude, abusive or the complainant makes threats to oneself, staff or third parties (whilst using Council services or on Council premises) or in general.

Under the above circumstances, details of complaints are to be provided to the Chief Executive Officer who will recommend that:

- 1) further correspondence and/or telephone contact with the complainant be restricted;
- 2) further discussions, interviews etc will not be granted that relate to the same matter;
- 3) access to Council premises be restricted for a specified period of time.

The Chief Executive Officer (CEO) will consider all facts and issues of the individual case prior to acting on any recommendation/s. If a decision is made to endorse the recommendation, the CEO will write to the complainant explaining the decision.

All threats made to staff or third parties will be reported to the WA Police.

#### COMPLAINTS THAT WILL NOT BE INVESTIGATED

The Shire may determine that a complaint will not be investigated where that complaint:

- is considered malicious, frivolous or vexatious or not made in good faith or concerns trivial matters;
- involves a matter where an adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal;
- where a matter is subject to an existing mediation process;
- relates to a decision made by a meeting of Council;
- relates to conduct before a court, coroner or tribunal;
- relates to a matter under investigation by the Minister for Local Government, Corruption and Crime Commission, the WA Ombudsman's office, a Minister of the Crown or Government Department or the WA Police Service;



- relates to the appointment or dismissal of an employee or an industrial or disciplinary issue;
- relates to a decision, recommendation, act or omission which is more than one year old;
- relates to actions or conduct of private individuals;
- involves a matter where the complainant declines or refuses to provide further information and/or there are threats made against the Shire and/or its staff.

Should the Shire decide not to investigate a complaint, the complainant will be advised of the reason for the decision.

#### COMPLAINTS REGARDING ELECTED MEMBERS

The Local Government (Rules of Conduct) Regulations 2007 provides a disciplinary framework to address matters of misconduct by local government council members. Any person may make a formal complaint about an elected member for a minor or serious breach under these Regulations.

Conduct of elected members is covered by “Code of Conduct - Elected Members”. Complaints about conduct can also be made through this document which can be found on the Shire’s website at [www.wandering.wa.gov.au](http://www.wandering.wa.gov.au)

#### ALLEGATIONS OF MISCONDUCT

Allegations concerning criminal, corrupt or seriously improper conduct will be dealt with independent of the Shire’s complaint handling process. The Shire has appointed Principal Officers who are required by legislation to assess and if required notify the Public Sector Commission (PSC) or the Corruption and Crime Commission (CCC) for instances of minor or serious misconduct.

##### Misconduct by Elected Members

Any allegations of misconduct, whether minor or serious in nature, will in the first instance be referred to the Chief Executive Officer and/or Shire President for determination including whether there are reasonable grounds for the compulsory notification to the CCC or the Police.

##### Misconduct by Employees/Public Officers

Allegations of misconduct of a minor nature, will be referred to the PSC if the misconduct could constitute a disciplinary offence providing reasonable grounds for termination of a person’s employment.

In circumstances of serious misconduct, where misconduct involves corrupt intent and/or criminal conduct, these matters will be referred to the CCC.

Further information is available from the Commissions website - [www.ccc.wa.gov.au](http://www.ccc.wa.gov.au)

#### THE PUBLIC INTEREST DISCLOSURE ACT 2003 (PID ACT)

The PID Act is designed to facilitate the disclosure of allegations or complaints about persons who are government officials, or public authorities and their contractors. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk or injury to public health, prejudice to public safety or harm to the environment.

Before making a disclosure it is important that you are aware of the rights and responsibilities imposed on you and others under the Act. Further information is available through the Shire's website at [www.wandering.wa.gov.au](http://www.wandering.wa.gov.au)

#### COMPLAINTS TO THE OMBUDSMAN AND THIRD PARTY AGENCIES

The Ombudsman can investigate complaints about most Western Australian public authorities, including local governments.

Generally the Ombudsman will investigate actions or decision where the decision maker has:

- Acted outside their legal authority;
- Not followed policy, or applied its policy inconsistently;
- Did not consider all the relevant information, or considered irrelevant information;
- Unreasonably delayed making a decision or informing the complainant of the decision; or
- Failed to notify the complainant of the decision or did not provide reasons for a decision.

Complaints in this category will be dealt with independent of the Shire's Complaint Handling process.

#### REVIEW PROCESS

Where a complainant is dissatisfied with the way in which a complaint has been dealt with and/or the final determination of the complaint by the Shire, the following is to occur:

- 1) The complaint is to be referred to the relevant Director to investigate the matter and review the action and steps taken to resolve the complaint;
- 2) A report will be provided to the CEO detailing the history of the complaint and the actions taken to resolve the issue/s;
- 3) The CEO will determine the appropriate resolution of the outstanding complaint and the review of the service complaint handling process.

Should the CEO consider appropriate, an independent review of the complaint will be carried out.

In circumstances where internal processes are unable to resolve a complaint or satisfy the complainant, the Shire may refer the complainant to appropriate external agencies, such as the State Administrative Tribunal or State Ombudsman Office, for review.

All complaints received by the Shire will be recorded in the mandated records management system as a 'complaint'.

## 12.5 Approval for Councillor Vacancy to Remain Unfilled

<b>File Reference:</b>	<b>04.041.04111</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>5 September 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Nil</b>

### **Summary:**

To consider future Councillor Representation after the resignation of Cr Curtis at the Ordinary Council Meeting held on 18 August 2022.

### **Background:**

Cr Gary Curtis resigned from Council on 18 August 2022, leaving the Shire with six elected members. As it has been hard to attract nominations at previous elections it is proposed to seek approval to leave the vacancy unfilled until the next election which will be held in October 2023.

### **Comment:**

There are some circumstances in which vacant positions on council can remain unfilled even when the vacancy arises in a year when ordinary elections are not due. Section 4.17(3) and (4A) of the Local Government Act 1995 (As amended) allow a Council, with the approval of the Electoral Commissioner, to leave a vacant position unfilled until the next ordinary elections, provided that 80 per cent of the remaining positions on council for the relevant district or ward are still filled, in the case of the Shire of Wandering this is 5 positions.

Council is asked to consider gaining permission to leave the position vacant until the next Local Government Elections in October 2023, during which time the Shire undertakes a Councillor publicity drive and conducts community sessions in an effort to increase the community's knowledge and perception regarding the role of Councillor.

It is necessary for Council to formally consider the option of leaving the vacant office unfilled prior to seeking the Electoral Commissioner's determination.

### **Consultation:**

Elected Members

### **Statutory Environment:**

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
  - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but

- (b) before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (3) If a Councillor’s office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow\* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

\* Absolute majority required.

(4A) Subsection (3) applies —

- (a) if —
  - (i) the office is for a district that has no wards; and
  - (ii) at least 80% of the number of offices of member of the council in the district are still filled;

[Section 4.17 amended by No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s.

**Policy Implications:**

Nil

**Financial Implications:**

There are minimal financial implications in leaving the position vacant for this period of time, other than Administration and Councillor time to conduct information sessions and undertake a level of community engagement. However should an extraordinary election be required, the financial and resource implications have not been included in the 2022/23 budget and are generally in the vicinity of \$7,000.00.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Absolute Majority

**Officer Recommendation:**

**That Council:**

**Seek approval from the Electoral Commissioner for the vacancy to remain unfilled until the October 2023 Local Government elections. in accordance with s4.17 of the *Local Government Act 1995*, during which time the Council undertake a community education program about becoming a Councillor, to encourage interest and participation on Council in time for the 2023 election.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## **13. Finance**

### **13.1 Financial Reports – July 2022**

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Bob Waddell</b>
<b>Authorising Officer</b>	<b>Alan Hart– Chief Executive Officer</b>
<b>Date:</b>	<b>8 September 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>Monthly Financial Report</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary:**

Consideration of the financial reports for the period ending 31 July 2022.

#### **Background:**

The financial reports for the period ending 31 July 2022 had not been completed due to several development changes to the new financial process.

#### **Comment:**

Bob Waddell had advised that he was not able to have the July Monthly Financial Statements ready in time for last month's Ordinary Council Meeting. There were quite a few issues with setting up the monthly reporting template using changes he has implemented which are aimed at improving the automation and integrity. Issues identified with carry forward figures have also contributed these delays.

As the 2022/23 Budget has not been adopted by Council, the variance report cannot be presented to Council

#### **Consultation:**

Not applicable.

#### **Statutory Environment:**

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

#### **Policy Implications:**

Not applicable.

#### **Financial Implications:**

Not applicable.

#### **Strategic Implications:**

Not applicable.

#### **Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Nil

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

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

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



## SHIRE OF WANDERING

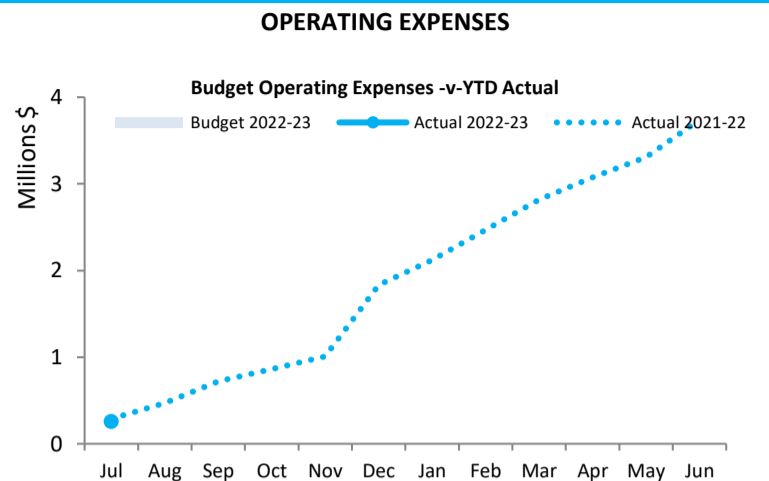
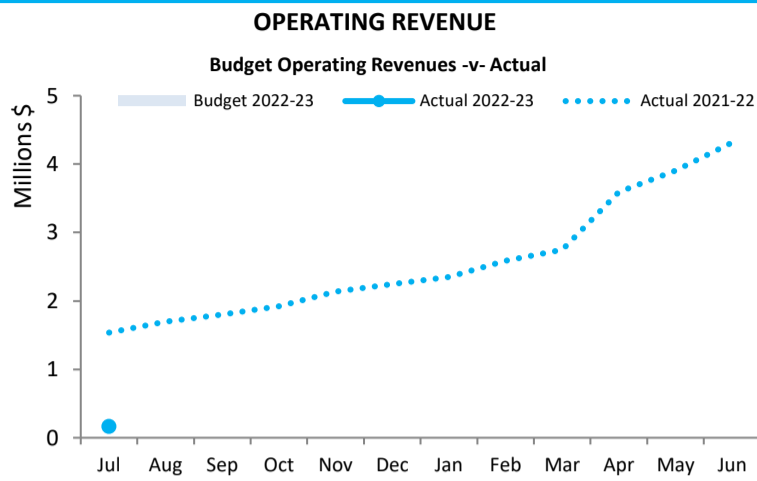
### MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the period ending 31 July 2022

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

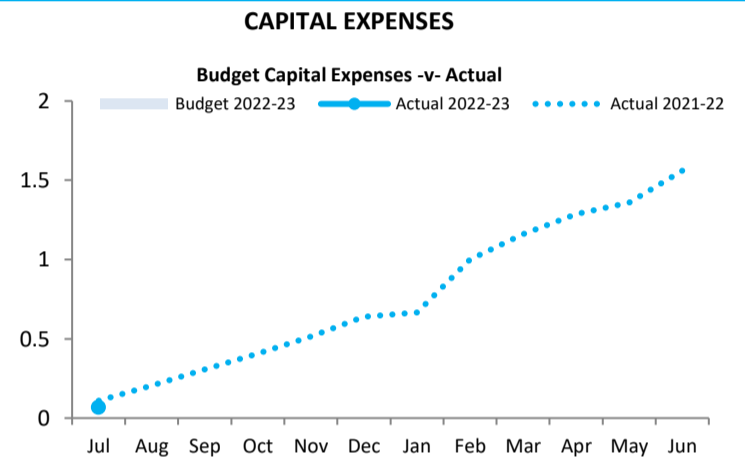
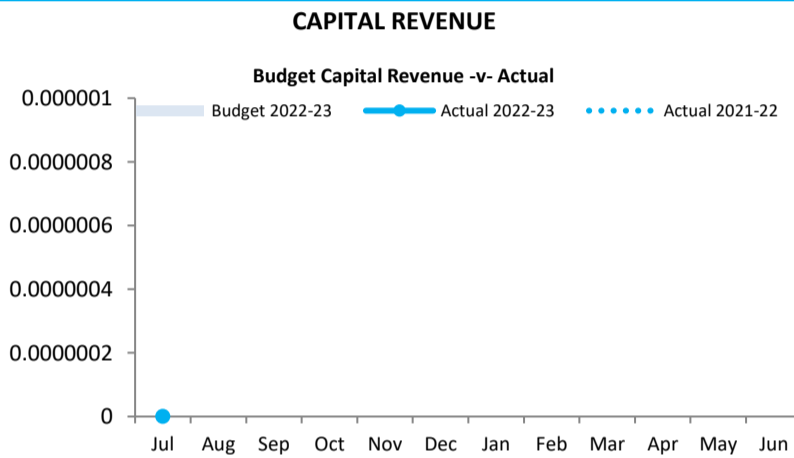
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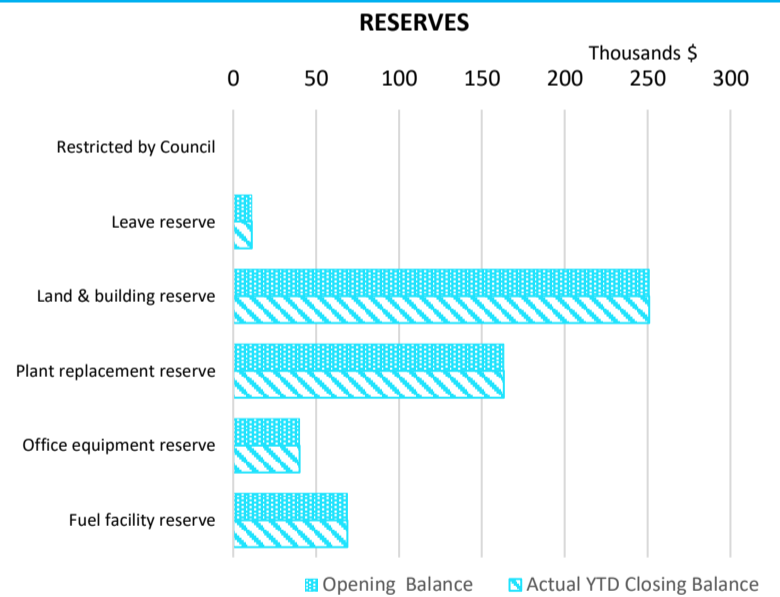
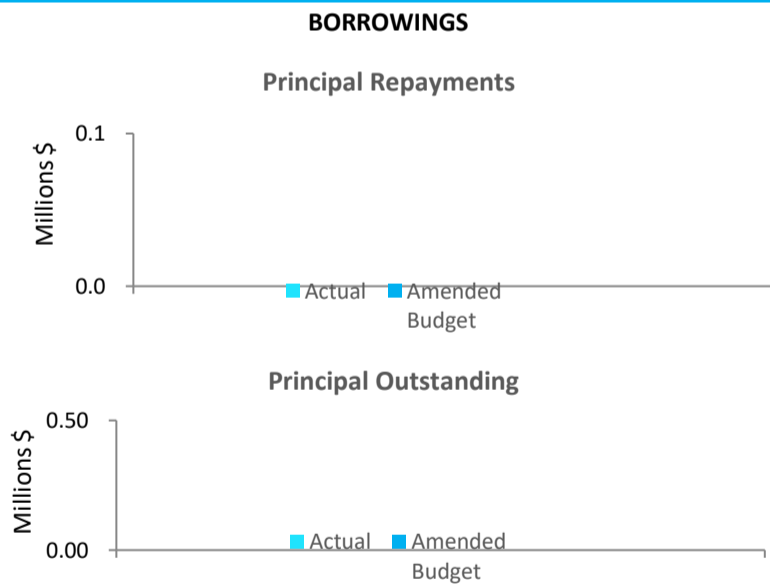
**OPERATING ACTIVITIES**



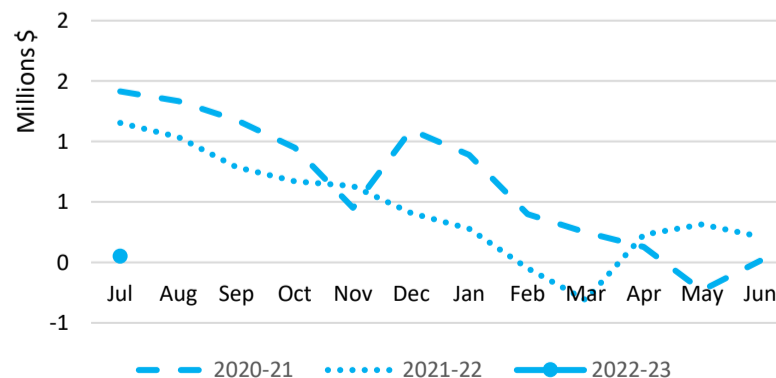
**INVESTING ACTIVITIES**



**FINANCING ACTIVITIES**



**Closing funding surplus / (deficit)**



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



STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2022

BY NATURE OR TYPE

	Ref	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)		(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1(b)	0	214,460	214,460	214,460	0	0.00%	
<b>Revenue from operating activities</b>								
Rates		0	0	0	0	0	0.00%	
Rates (excluding general rate)		0	0	0	0	0	0.00%	
Operating grants, subsidies and contributions	10	0	0	0	93,462	93,462	0.00%	▲
Fees and charges		0	0	0	66,900	66,900	0.00%	▲
Service charges		0	0	0	0	0	0.00%	
Interest earnings		0	0	0	302	302	0.00%	
Other revenue		0	0	0	0	0	0.00%	
Profit on disposal of assets	5	0	0	0	0	0	0.00%	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>160,665</b>	160,665	0.00%	
<b>Expenditure from operating activities</b>								
Employee costs		0	0	0	(67,803)	(67,803)	0.00%	▼
Materials and contracts		0	0	0	(183,272)	(183,272)	0.00%	▼
Utility charges		0	0	0	(4,839)	(4,839)	0.00%	
Depreciation on non-current assets		0	0	0	0	0	0.00%	
Interest expenses		0	0	0	0	0	0.00%	
Insurance expenses		0	0	0	(250)	(250)	0.00%	
Other expenditure		0	0	0	(319)	(319)	0.00%	
Loss on disposal of assets	5	0	0	0	0	0	0.00%	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(256,482)</b>	(256,482)	0.00%	
Non-cash amounts excluded from operating activities	1(a)	0	0	0	0	0	0.00%	
<b>Amount attributable to operating activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(95,818)</b>	(95,818)	0.00%	
<b>Investing activities</b>								
Proceeds from non-operating grants, subsidies and contributions	11	0	0	0	0	0	0.00%	
Proceeds from disposal of assets	5	0	0	0	0	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans	7	0	0	0	0	0	0.00%	
Payments for financial assets at amortised cost - self supporting loans	7	0	0	0	0	0	0.00%	
Payments for inventories, property, plant and equipment and infrastructure	6	0	0	0	(67,397)	(67,397)	0.00%	▼
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(67,397)</b>	(67,397)	0.00%	
Non-cash amounts excluded from investing activities	1(a)	0	0	0	0	0	0.00%	
<b>Amount attributable to investing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(67,397)</b>	(67,397)	0.00%	
<b>Financing Activities</b>								
Proceeds from new debentures	7	0	0	0	0	0	0.00%	
Transfer from reserves	8	0	0	0	0	0	0.00%	
Payments for principal portion of lease liabilities	7	0	0	0	0	0	0.00%	
Repayment of debentures	7	0	0	0	0	0	0.00%	
Proceeds from Advances		0	0	0	0	0	0.00%	
Transfer to Restricted Cash - Other								
Transfer from Restricted Cash - Other								
Transfer to reserves	8	0	0	0	0	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	0	0.00%	
<b>Closing funding surplus / (deficit)</b>	1(b)	<b>0</b>	<b>214,460</b>	<b>214,460</b>	<b>51,245</b>	(163,215)	76.11%	▼

KEY INFORMATION

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

Refer to Note 2 for an explanation of the reasons for the variance.

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

STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2022

BY STATUTORY REPORTING PROGRAMS

	Note	Adopted Annual Budget	Amended Annual Budget (d)	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var. ▲▼	Significant Var. \$
<b>Opening Funding Surplus(Deficit)</b>	1	\$ 0	\$ 214,460	\$ 214,460	\$ 214,460	\$ 0	0.00%		
<b>Revenue from operating activities</b>									
Governance		0	0	0	0	0			
General Purpose Funding - Rates	6	0	0	0	0	0			
General Purpose Funding - Other		0	0	0	548	548		▲	
Law, Order and Public Safety		0	0	0	1,350	1,350		▲	
Health		0	0	0	278	278		▲	
Education and Welfare		0	0	0	0	0			
Housing		0	0	0	3,057	3,057		▲	
Community Amenities		0	0	0	628	628		▲	
Recreation and Culture		0	0	0	94	94		▲	
Transport		0	0	0	65,336	65,336		▲	\$
Economic Services		0	0	0	89,374	89,374		▲	\$
Other Property and Services		0	0	0	0	0			
		<b>0</b>	<b>0</b>	<b>0</b>	<b>160,665</b>				
<b>Expenditure from operating activities</b>									
Governance		0	0	0	(16,414)	(16,414)		▼	\$
General Purpose Funding		0	0	0	(8,283)	(8,283)		▼	
Law, Order and Public Safety		0	0	0	(4,206)	(4,206)		▼	
Health		0	0	0	(6)	(6)		▼	
Education and Welfare		0	0	0	0	0			
Housing		0	0	0	(1,888)	(1,888)		▼	
Community Amenities		0	0	0	(15,458)	(15,458)		▼	\$
Recreation and Culture		0	0	0	(3,902)	(3,902)		▼	
Transport		0	0	0	(82,360)	(82,360)		▼	\$
Economic Services		0	0	0	(70,801)	(70,801)		▼	\$
Other Property and Services		0	0	0	(53,163)	(53,163)		▼	\$
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(256,482)</b>				
Non-cash amounts excluded from operating activities	1(a)	0	0	0	0	0	0.00%		
<b>Amount attributable to operating activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(95,818)</b>	(95,818)	0.00%		
<b>Investing Activities</b>									
Proceeds from non-operating grants, subsidies and contributions	11	0	0	0	0	0			
Proceeds from Disposal of Assets	5	0	0	0	0	0			
Proceeds from financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for inventories, property, plant and equipment and infrastructure	6	0	0	0	(67,397)	(67,397)		▼	\$
<b>Amount attributable to investing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(67,397)</b>				
<b>Financing Activities</b>									
Proceeds from New Debentures	7	0	0	0	0	0			
Transfer from Reserves	8	0	0	0	0	0			
Payments for principal portion of lease liabilities	7	0	0	0	0	0			
Repayment of Debentures	7	0	0	0	0	0			
Proceeds from Advances		0	0	0	0	0			
Transfer to Restricted Cash - Other		0	0	0	0	0			
Transfer from Restricted Cash - Other		0	0	0	0	0			
Transfer to Reserves	8	0	0	0	0	0			
<b>Amount attributable to financing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Closing Funding Surplus(Deficit)</b>	1	<b>0</b>	<b>214,460</b>	<b>214,460</b>	<b>51,245</b>				

**KEY INFORMATION**

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

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

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

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

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

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

**Adjustments to net current assets**

Less: Reserves - restricted cash  
Add: Current portion of employee benefit provisions held in reserve  
**Total adjustments to net current assets**

	Adopted Budget Opening 30 June 2022	Amended Budget Opening 30 June 2022	Last Year Closing 30 June 2022	Year to Date 31 July 2022
8	(525,967)	(534,355)	(534,355)	(534,355)
	60,244	11,269	11,269	11,269
	<b>(465,723)</b>	<b>(523,086)</b>	<b>(523,086)</b>	<b>(523,086)</b>

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

**Current assets**

Cash and cash equivalents  
Rates receivables  
Receivables  
Other current assets

**Less: Current liabilities**

Payables  
Contract liabilities  
Provisions

**Less: Total adjustments to net current assets**

**Closing funding surplus / (deficit)**

3	842,309	1,045,312	1,045,312	1,035,656
4	38,548	59,452	59,452	53,034
4	40,690	81,705	81,705	169,281
5	90,435	71,107	71,107	77,000
6	(104,122)	(185,761)	(185,761)	(415,947)
9	(187,247)	(233,817)	(233,817)	(244,242)
9	(81,181)	(100,451)	(100,451)	(100,451)
1(a)	(465,723)	(523,086)	(523,086)	(523,086)
	<b>173,709</b>	<b>214,460</b>	<b>214,460</b>	<b>51,245</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 JULY 2022

NOTE 1

STATEMENT OF FINANCIAL ACTIVITY INFORMATION (ALTERNATE PRESENTATION)

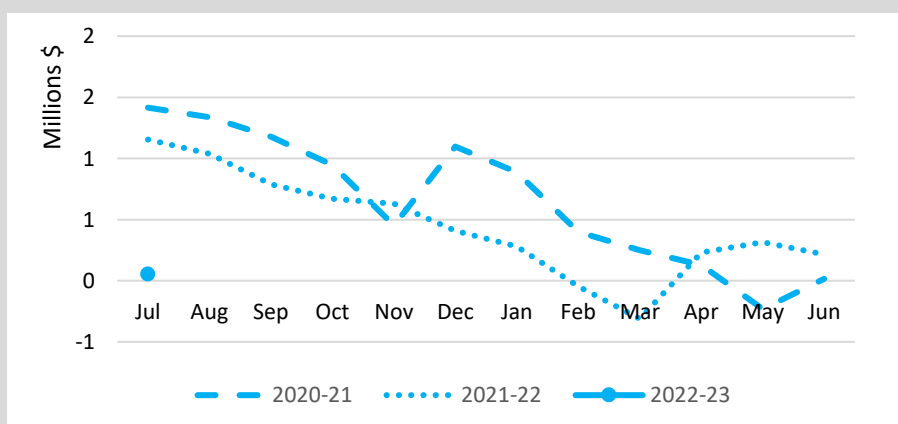
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2022	This Time Last Year 31/07/2021	Year to Date Actual 31/07/2022
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	3	510,957	170,997	501,302
Cash Restricted - Reserves	3	534,355	525,967	534,355
Cash Restricted - Bonds & Deposits	3	0	0	0
Receivables - Rates	4	59,452	1,290,296	53,034
Receivables - Other	4	81,705	194,654	169,281
Other Assets Other Than Inventories	5	5	0	5
Inventories	5	71,102	66,517	76,995
		1,257,575	2,248,432	1,334,971
<b>Less: Current Liabilities</b>				
Payables	6	(169,140)	(248,278)	(400,026)
Contract Liabilities	9	(233,817)	(270,397)	(244,242)
Bonds & Deposits	6	(16,621)	(28,736)	(15,921)
Loan and Lease Liability	7	0	0	0
Provisions	9	(100,451)	(81,181)	(100,451)
		(520,029)	(628,591)	(760,640)
Less: Cash Reserves	8	(534,355)	(525,967)	(534,355)
Add Back: Component of Leave Liability not Required to be funded		11,269	60,244	11,269
Add Back: Loan and Lease Liability		0	0	0
Less : Loan Receivable - clubs/institutions		0	0	0
Less : Trust Transactions Within Muni		0	0	0
<b>Net Current Funding Position</b>		<b>214,460</b>	<b>1,154,117</b>	<b>51,245</b>

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



**This Year YTD**  
**Surplus(Deficit)**  
**\$.05 M**

**Last Year YTD**  
**Surplus(Deficit)**  
**\$1.15 M**

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

The material variance adopted by Council for the 2022-23 year is \$10,000 or 10.00% whichever is the greater.

Nature or type	Var. \$	Var. %	Explanation of positive variances		Explanation of negative variances	
			Timing	Permanent	Timing	Permanent
	\$	%				
<b>Revenue from operating activities</b>						
Operating grants, subsidies and contributions	93,462	0.00%	▲	No budget uploaded.		
Fees and charges	66,900	0.00%	▲	No budget uploaded.		
<b>Expenditure from operating activities</b>						
Employee costs	(67,803)	0.00%	▼			No budget uploaded.
Materials and contracts	(183,272)	0.00%	▼			No budget uploaded.
<b>Investing activities</b>						
Payments for inventories, property, plant and equipment	(67,397)	0.00%	▼			No budget uploaded.
<b>Closing funding surplus / (deficit)</b>	<b>(163,215)</b>	<b>76.11%</b>	▼			No budget uploaded.

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
<b>Cash on hand</b>								
Petty Cash	Cash and cash equivalents	500		500		N/A	NIL	On hand
CRC Cash on Hand	Cash and cash equivalents	100		100		N/A	NIL	On hand
Transfer Station Cash on Hand	Cash and cash equivalents	300		300		N/A	NIL	On hand
Administration Cash on Hand	Cash and cash equivalents	200		200		N/A	NIL	On hand
<b>At Call Deposits</b>								
Municipal Cash at Bank	Cash and cash equivalents	500,202		500,202		Bankwest	0.00%	N/A
Reserves Fund Bank	Cash and cash equivalents	0	534,355	534,355		Bankwest	0.05%	N/A
<b>Total</b>		<b>501,302</b>	<b>534,355</b>	<b>1,035,656</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		501,302	534,355	1,035,656	0			
		<b>501,302</b>	<b>534,355</b>	<b>1,035,656</b>	<b>0</b>			

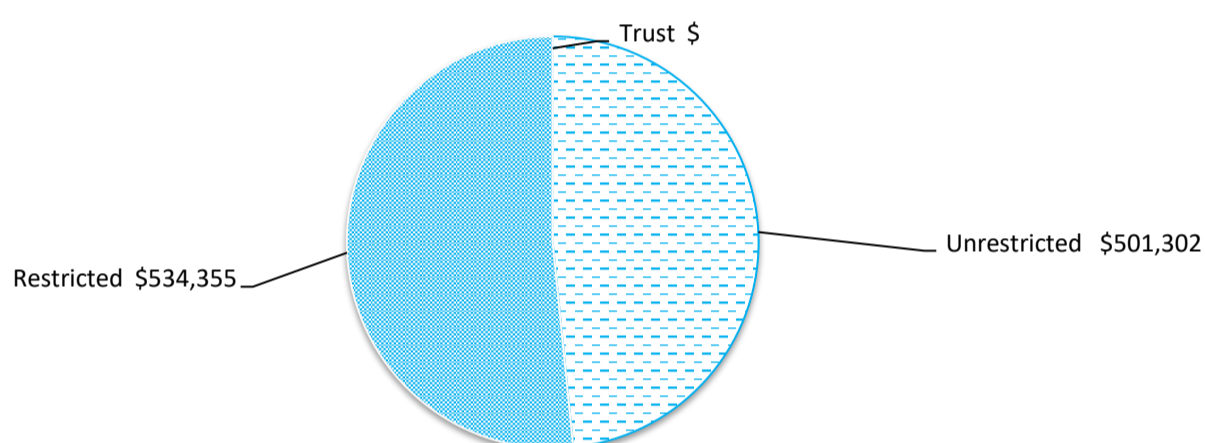
**KEY INFORMATION**

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

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

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

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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2022

OPERATING ACTIVITIES  
NOTE 4  
RATE REVENUE

General rate revenue		Budget						YTD Actual				
		Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE					\$	\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>												
	Residential	0.00000	0	0	0	0	0	0	0	0	0	0
Hide	Special Use	0.00000	0	0	0	0	0	0	0	0	0	0
Hide	<b>Unimproved value</b>											
Hide	Rural Residential	0.00000	0	0	0	0	0	0	0	0	0	0
Hide	Rural/Mining	0.00000	0	0	0	0	0	0	0	0	0	0
Hide	<b>Non Rateable</b>											
Hide	Non Rateable				0	0	0	0	0	0	0	0
	<b>Sub-Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Minimum payment</b>	<b>Minimum \$</b>										
	<b>Gross rental value</b>											
	Residential	0	0	0	0	0	0	0	0	0	0	0
Hide	Special Use	0	0	0	0	0	0	0	0	0	0	0
Hide	<b>Unimproved value</b>											
Hide	Rural Residential	0	0	0	0	0	0	0	0	0	0	0
Hide	Rural/Mining	0	0	0	0	0	0	0	0	0	0	0
	<b>Sub-total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	Discount						0					0
	<b>Amount from general rates</b>						<b>0</b>					<b>0</b>
	Rates Written Off						0					0
	Ex-gratia rates						0					0
	<b>Total general rates</b>						<b>0</b>					<b>0</b>
Hide												
Hide	<b>Total</b>		<b>0</b>				<b>0</b>					<b>0</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2021 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	<b>Plant and equipment</b>								
	<b>Transport</b>								
103	2019 Holden Trailblazer 4x4 LTZ2.8L (CEO) - 0.WD	0	0	0	0	0	0	0	0
407	Hustler Ride-on Mower	0	0	0	0	0	0	0	0



Capital acquisitions	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Forecast 30 June Closing	YTD Actual Variance
	\$	\$	\$	\$		\$
Buildings	0	0	0	8,495	8,495	8,495
Infrastructure - roads	0	0	0	58,902	58,902	58,902
<b>Payments for Capital Acquisitions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>67,397</b>	<b>67,397</b>	<b>67,397</b>
<b>Capital Acquisitions Funded By:</b>						
	\$	\$	\$	\$		\$
Contribution - operations	0	0	0	67,397	67,397	67,397
<b>Capital funding total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>67,397</b>	<b>67,397</b>	<b>67,397</b>

**SIGNIFICANT ACCOUNTING POLICIES**

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

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

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

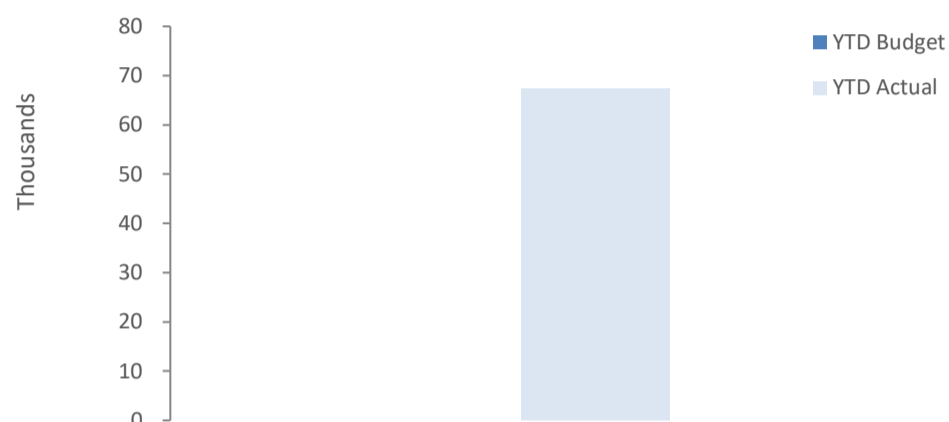
**Initial recognition and measurement for assets held at cost**

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

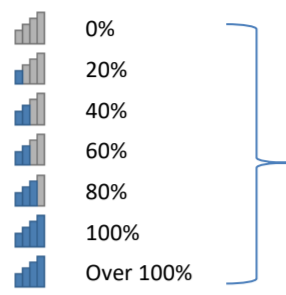
**Initial recognition and measurement between mandatory revaluation dates for assets held at fair value**

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

Payments for Capital Acquisitions



Capital expenditure total  
Level of completion indicators



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

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

Account Number	Job Number	Balance Sheet Category	Account/Job Description	Adopted	Amended		YTD Actual	Variance (Under)/Over
				Budget	Budget	YTD Budget		
				\$	\$	\$	\$	\$
<b>Buildings</b>								
<b>Law, Order &amp; Public Safety</b>								
E05109		521	LGGS - Purchase Buildings	0	0	0	(4,895)	(4,895)
E05111		521	Fire Station - New Toilet and Change Room	0	0	0	(3,600)	(3,600)
<b>Total - Law, Order &amp; Public Safety</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(8,495)</b>	<b>(8,495)</b>
<b>Total - Buildings</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(8,495)</b>	<b>(8,495)</b>
<b>Infrastructure - Roads</b>								
<b>Transport</b>								
E12102	RRG224	541	RRG - Nth Wandering Rd - Failures & Reseal - SLK 8.2 - 7.53	0	0	0	(12,511)	(12,511)
E12103	R2R232	541	R2R - Wandering Pingelly Road , Bridge 0424A over Biberkine Broc	0	0	0	(33,852)	(33,852)
E12104	BS221	541	York Williams - Carabin Rd intersection	0	0	0	(12,540)	(12,540)
<b>Total - Transport</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(58,902)</b>	<b>(58,902)</b>
<b>Total - Infrastructure - Roads</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(58,902)</b>	<b>(58,902)</b>
<b>#DIV/0! Grand Total</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(67,397)</b>	<b>(67,397)</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2022

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

Repayments - borrowings

Particulars	Loan No.	1 July 2022	New Loans			Principal Repayments			Principal Outstanding			Interest Repayments		
			Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Community amenities</b>														
Industrial Estate Development	1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>		0	0	0	0	0	0	0	0	0	0	0	0	0

All debenture repayments were financed by general purpose revenue.

New borrowings 2022-23

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$				\$	%	\$	\$	\$
Industrial Estate Development	0	0	WATC	Debenture	10	0	1.50	0	0	0
	0	0				0		0	0	0

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

KEY INFORMATION

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

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

Reserve accounts

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Council</b>									
Leave reserve	11,269	0	0	0	0	0	0	11,269	11,269
Land & building reserve	251,074	0	0	0	0	0	0	251,074	251,074
Plant replacement reserve	163,230	0	0	0	0	0	0	163,230	163,230
Office equipment reserve	40,002	0	0	0	0	0	0	40,002	40,002
Fuel facility reserve	68,780	0	0	0	0	0	0	68,780	68,780
	<b>534,355</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>534,355</b>	<b>534,355</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 JULY 2022**

**NOTE 9  
BUDGET AMENDMENTS**

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

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	<b>Budget adoption</b>						0
			Opening Surplus(Deficit)			214,460	214,460
				<b>0</b>	<b>0</b>	<b>214,460</b>	<b>214,460</b>

### 13.2 Financial Reports – August 2022

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Bob Waddell</b>
<b>Authorising Officer</b>	<b>Alan Hart– Chief Executive Officer</b>
<b>Date:</b>	<b>8 September 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>Monthly Financial Report</b>
<b>Previous Reference:</b>	<b>Nil</b>

#### **Summary:**

Consideration of the financial reports for the period ending 31 August 2022.

#### **Background:**

The financial reports for the period ending 31 August 2022 are included as attachments.

#### **Comment:**

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

As the 2022/23 Budget has not been adopted by Council, the variance report cannot be presented to Council

#### **Consultation:**

Not applicable.

#### **Statutory Environment:**

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

#### **Policy Implications:**

Not applicable.

#### **Financial Implications:**

Not applicable.

#### **Strategic Implications:**

Not applicable.

#### **Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple majority

**Officer Recommendation:**

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

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



## SHIRE OF WANDERING

### MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the period ending 31 July 2022

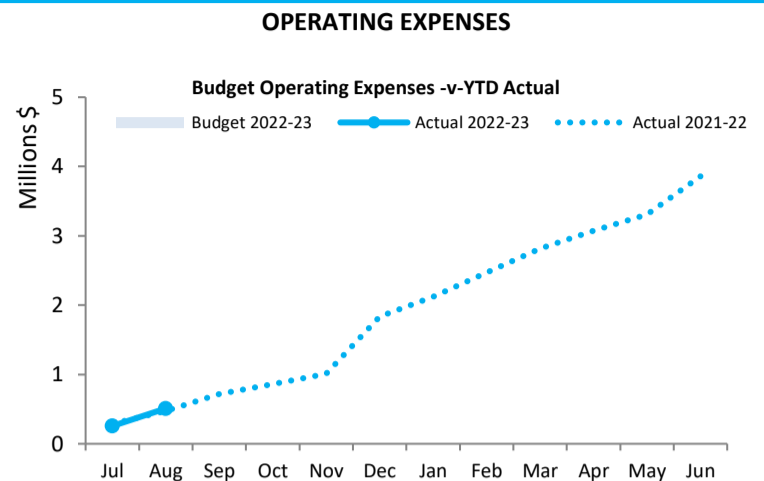
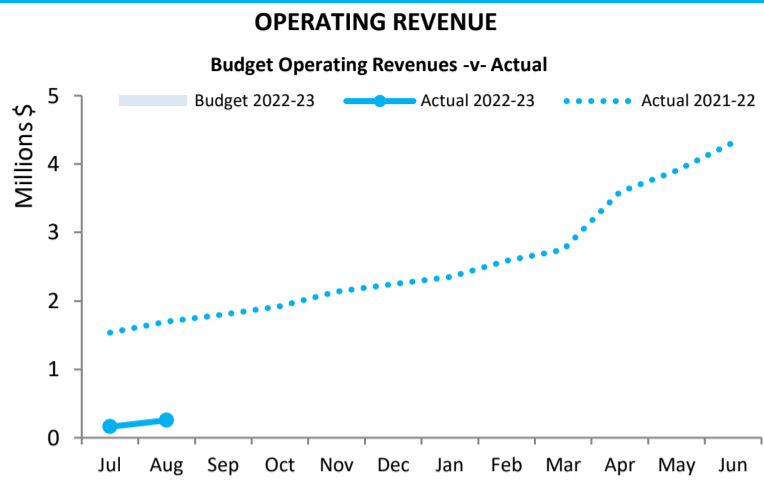
*LOCAL GOVERNMENT ACT 1995  
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

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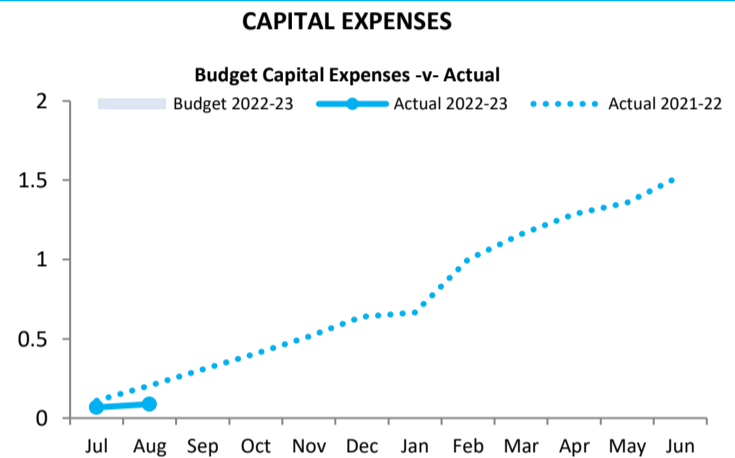
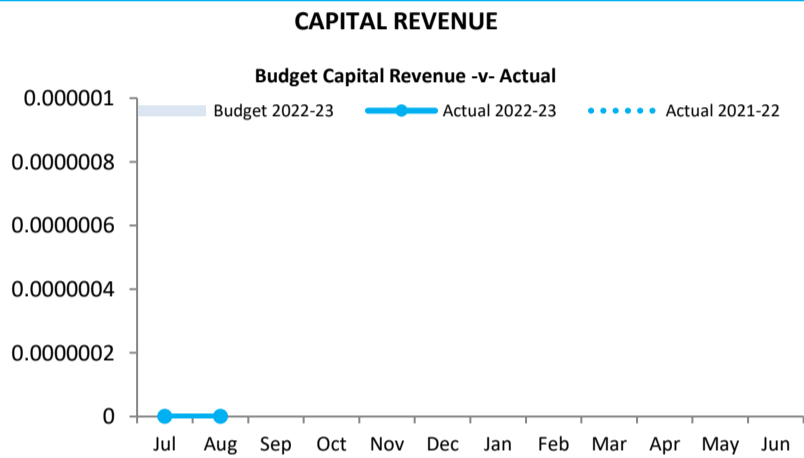
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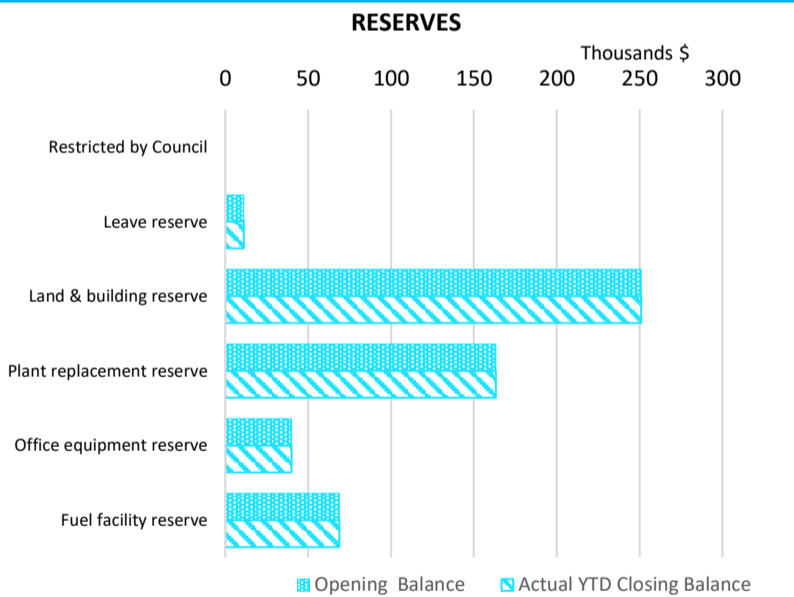
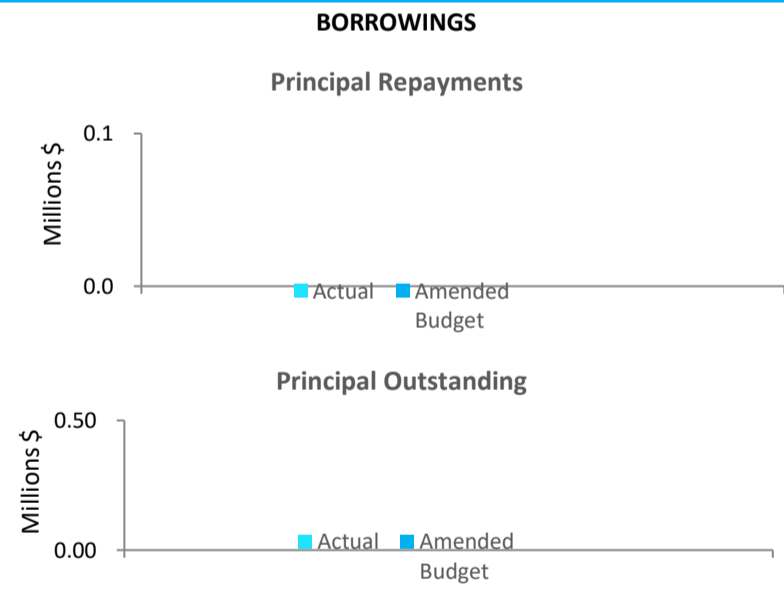
**OPERATING ACTIVITIES**



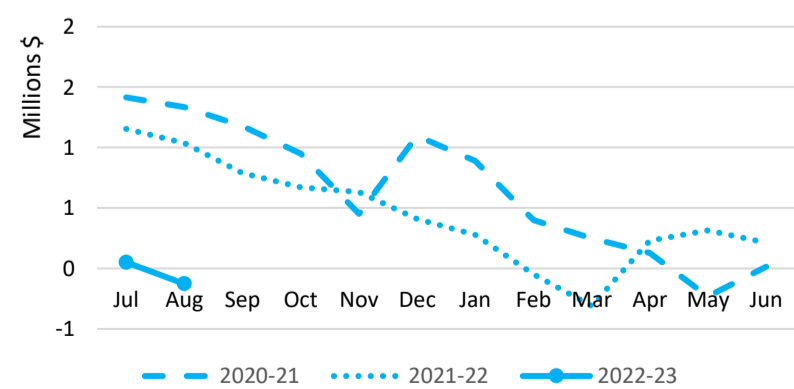
**INVESTING ACTIVITIES**



**FINANCING ACTIVITIES**



**Closing funding surplus / (deficit)**



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

STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2022

BY NATURE OR TYPE

	Ref	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)		(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1(b)	0	214,460	214,460	214,460	0	0.00%	
<b>Revenue from operating activities</b>								
Rates		0	0	0	0	0	0.00%	
Rates (excluding general rate)		0	0	0	0	0	0.00%	
Operating grants, subsidies and contributions	10	0	0	0	132,005	132,005	0.00%	▲
Fees and charges		0	0	0	122,692	122,692	0.00%	▲
Service charges		0	0	0	0	0	0.00%	
Interest earnings		0	0	0	592	592	0.00%	
Other revenue		0	0	0	0	0	0.00%	
Profit on disposal of assets	5	0	0	0	0	0	0.00%	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>255,288</b>	255,288	0.00%	
<b>Expenditure from operating activities</b>								
Employee costs		0	0	0	(252,558)	(252,558)	0.00%	▼
Materials and contracts		0	0	0	(248,838)	(248,838)	0.00%	▼
Utility charges		0	0	0	(4,839)	(4,839)	0.00%	
Depreciation on non-current assets		0	0	0	0	0	0.00%	
Interest expenses		0	0	0	0	0	0.00%	
Insurance expenses		0	0	0	(250)	(250)	0.00%	
Other expenditure		0	0	0	(2,837)	(2,837)	0.00%	
Loss on disposal of assets	5	0	0	0	0	0	0.00%	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(509,322)</b>	(509,322)	0.00%	
Non-cash amounts excluded from operating activities	1(a)	0	0	0	0	0	0.00%	
<b>Amount attributable to operating activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(254,034)</b>	(254,034)	0.00%	
<b>Investing activities</b>								
Proceeds from non-operating grants, subsidies and contributions	11	0	0	0	0	0	0.00%	
Proceeds from disposal of assets	5	0	0	0	0	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans	7	0	0	0	0	0	0.00%	
Payments for financial assets at amortised cost - self supporting loans	7	0	0	0	0	0	0.00%	
Payments for inventories, property, plant and equipment and infrastructure	6	0	0	0	(88,005)	(88,005)	0.00%	▼
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(88,005)</b>	(88,005)	0.00%	
Non-cash amounts excluded from investing activities	1(a)	0	0	0	0	0	0.00%	
<b>Amount attributable to investing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(88,005)</b>	(88,005)	0.00%	
<b>Financing Activities</b>								
Proceeds from new debentures	7	0	0	0	0	0	0.00%	
Transfer from reserves	8	0	0	0	0	0	0.00%	
Payments for principal portion of lease liabilities	7	0	0	0	0	0	0.00%	
Repayment of debentures	7	0	0	0	0	0	0.00%	
Proceeds from Advances		0	0	0	0	0	0.00%	
Transfer to Restricted Cash - Other								
Transfer from Restricted Cash - Other								
Transfer to reserves	8	0	0	0	0	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	0	0.00%	
<b>Closing funding surplus / (deficit)</b>	1(b)	<b>0</b>	<b>214,460</b>	<b>214,460</b>	<b>(127,580)</b>	(342,039)	159.49%	▼

KEY INFORMATION

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

Refer to Note 2 for an explanation of the reasons for the variance.

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

STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2022

BY STATUTORY REPORTING PROGRAMS

	Note	Adopted Annual Budget	Amended Annual Budget (d)	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var. ▲▼	Significant Var. \$
<b>Opening Funding Surplus(Deficit)</b>	1	\$ 0	\$ 214,460	\$ 214,460	\$ 214,460	\$ 0	0.00%		
<b>Revenue from operating activities</b>									
Governance		0	0	0	0	0			
General Purpose Funding - Rates	6	0	0	0	0	0			
General Purpose Funding - Other		0	0	0	38,915	38,915		▲	\$
Law, Order and Public Safety		0	0	0	1,350	1,350		▲	
Health		0	0	0	556	556		▲	
Education and Welfare		0	0	0	0	0			
Housing		0	0	0	6,157	6,157		▲	
Community Amenities		0	0	0	1,510	1,510		▲	
Recreation and Culture		0	0	0	132	132		▲	
Transport		0	0	0	65,336	65,336		▲	\$
Economic Services		0	0	0	140,558	140,558		▲	\$
Other Property and Services		0	0	0	775	775		▲	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>255,288</b>				
<b>Expenditure from operating activities</b>									
Governance		0	0	0	(16,555)	(16,555)		▼	\$
General Purpose Funding		0	0	0	(8,283)	(8,283)		▼	
Law, Order and Public Safety		0	0	0	(5,394)	(5,394)		▼	
Health		0	0	0	(366)	(366)		▼	
Education and Welfare		0	0	0	0	0			
Housing		0	0	0	(3,744)	(3,744)		▼	
Community Amenities		0	0	0	(23,288)	(23,288)		▼	\$
Recreation and Culture		0	0	0	(10,409)	(10,409)		▼	\$
Transport		0	0	0	(184,252)	(184,252)		▼	\$
Economic Services		0	0	0	(133,074)	(133,074)		▼	\$
Other Property and Services		0	0	0	(123,958)	(123,958)		▼	\$
		<b>0</b>	<b>0</b>	<b>0</b>	<b>(509,322)</b>				
Non-cash amounts excluded from operating activities	1(a)	0	0	0	0	0	0.00%		
<b>Amount attributable to operating activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(254,034)</b>	(254,034)	0.00%		
<b>Investing Activities</b>									
Proceeds from non-operating grants, subsidies and contributions	11	0	0	0	0	0			
Proceeds from Disposal of Assets	5	0	0	0	0	0			
Proceeds from financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for financial assets at amortised cost - self supporting loans	7	0	0	0	0	0			
Payments for inventories, property, plant and equipment and infrastructure	6	0	0	0	(88,005)	(88,005)		▼	\$
<b>Amount attributable to investing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(88,005)</b>				
<b>Financing Activities</b>									
Proceeds from New Debentures	7	0	0	0	0	0			
Transfer from Reserves	8	0	0	0	0	0			
Payments for principal portion of lease liabilities	7	0	0	0	0	0			
Repayment of Debentures	7	0	0	0	0	0			
Proceeds from Advances		0	0	0	0	0			
Transfer to Restricted Cash - Other		0	0	0	0	0			
Transfer from Restricted Cash - Other		0	0	0	0	0			
Transfer to Reserves	8	0	0	0	0	0			
<b>Amount attributable to financing activities</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				
<b>Closing Funding Surplus(Deficit)</b>	1	<b>0</b>	<b>214,460</b>	<b>214,460</b>	<b>(127,580)</b>				

**KEY INFORMATION**

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

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

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

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

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

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

**Adjustments to net current assets**

Less: Reserves - restricted cash

Add: Current portion of employee benefit provisions held in reserve

**Total adjustments to net current assets**

	Adopted Budget Opening 30 June 2022	Amended Budget Opening 30 June 2022	Last Year Closing 30 June 2022	Year to Date 31 August 2022
8	(525,967)	(534,355)	(534,355)	(534,355)
	60,244	11,269	11,269	11,269
	<b>(465,723)</b>	<b>(523,086)</b>	<b>(523,086)</b>	<b>(523,086)</b>

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

**Current assets**

Cash and cash equivalents

Rates receivables

Receivables

Other current assets

**Less: Current liabilities**

Payables

Contract liabilities

Provisions

**Less: Total adjustments to net current assets**

**Closing funding surplus / (deficit)**

3	842,309	1,045,312	1,045,312	651,813
4	38,548	59,452	59,452	52,629
4	40,690	81,705	81,705	417,371
5	90,435	71,107	71,107	66,438
6	(104,122)	(185,761)	(185,761)	(167,916)
9	(187,247)	(233,817)	(233,817)	(524,376)
9	(81,181)	(100,451)	(100,451)	(100,451)
1(a)	(465,723)	(523,086)	(523,086)	(523,086)
	<b>173,709</b>	<b>214,460</b>	<b>214,460</b>	<b>(127,580)</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 AUGUST 2022

NOTE 1

STATEMENT OF FINANCIAL ACTIVITY INFORMATION (ALTERNATE PRESENTATION)

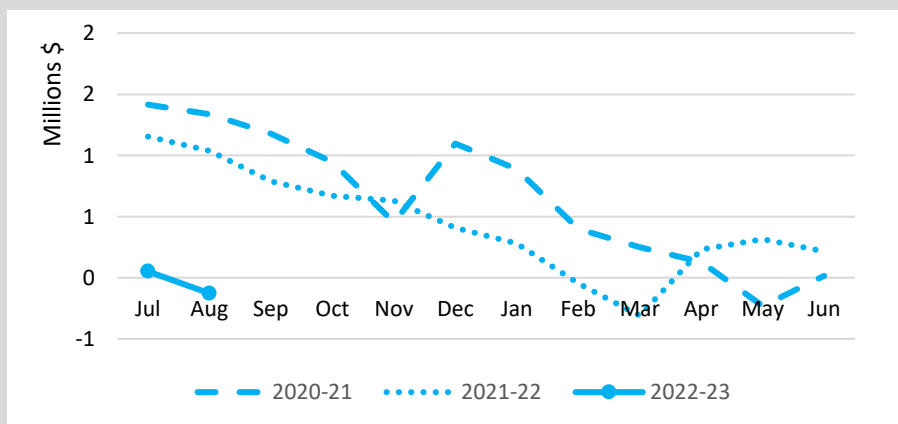
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2022	This Time Last Year 31/08/2021	Year to Date Actual 31/08/2022
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	3	510,957	948,934	117,458
Cash Restricted - Reserves	3	534,355	525,990	534,355
Cash Restricted - Bonds & Deposits	3	0	0	0
Receivables - Rates	4	59,452	319,405	52,629
Receivables - Other	4	81,705	17,777	417,371
Other Assets Other Than Inventories	5	5	0	5
Inventories	5	71,102	67,318	66,433
		1,257,575	1,879,423	1,188,250
<b>Less: Current Liabilities</b>				
Payables	6	(169,140)	(89,651)	(151,995)
Contract Liabilities	9	(233,817)	(176,955)	(524,376)
Bonds & Deposits	6	(16,621)	(28,736)	(15,921)
Loan and Lease Liability	7	0	0	0
Provisions	9	(100,451)	(81,181)	(100,451)
		(520,029)	(376,523)	(792,744)
Less: Cash Reserves	8	(534,355)	(525,990)	(534,355)
Add Back: Component of Leave Liability not Required to be funded		11,269	60,246	11,269
Add Back: Loan and Lease Liability		0	0	0
Less : Loan Receivable - clubs/institutions		0	0	0
Less : Trust Transactions Within Muni		0	0	0
<b>Net Current Funding Position</b>		<b>214,460</b>	<b>1,037,157</b>	<b>(127,580)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

**KEY INFORMATION**

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



<b>This Year YTD</b>
<b>Surplus(Deficit)</b>
<b>Last Year YTD</b>
<b>Surplus(Deficit)</b>
<b>\$1.04 M</b>

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

The material variance adopted by Council for the 2022-23 year is \$10,000 or 10.00% whichever is the greater.

Nature or type	Var. \$	Var. %	Explanation of positive variances		Explanation of negative variances	
			Timing	Permanent	Timing	Permanent
	\$	%				
<b>Revenue from operating activities</b>						
Operating grants, subsidies and contributions	132,005	0.00%	▲	No budget uploaded.		
Fees and charges	122,692	0.00%	▲	No budget uploaded.		
<b>Expenditure from operating activities</b>						
Employee costs	(252,558)	0.00%	▼			No budget uploaded.
Materials and contracts	(248,838)	0.00%	▼			No budget uploaded.
<b>Investing activities</b>						
Payments for inventories, property, plant and equipment	(88,005)	0.00%	▼			No budget uploaded.
<b>Closing funding surplus / (deficit)</b>	<b>(342,039)</b>	<b>159.49%</b>	▼			No budget uploaded.

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
<b>Cash on hand</b>								
Petty Cash	Cash and cash equivalents	500		500		N/A	NIL	On hand
CRC Cash on Hand	Cash and cash equivalents	100		100		N/A	NIL	On hand
Transfer Station Cash on Hand	Cash and cash equivalents	300		300		N/A	NIL	On hand
Administration Cash on Hand	Cash and cash equivalents	200		200		N/A	NIL	On hand
<b>At Call Deposits</b>								
Municipal Cash at Bank	Cash and cash equivalents	116,358		116,358		Bankwest	0.00%	N/A
Reserves Fund Bank	Cash and cash equivalents	0	534,355	534,355		Bankwest	0.05%	N/A
<b>Total</b>		<b>117,458</b>	<b>534,355</b>	<b>651,813</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		117,458	534,355	651,813	0			
		<b>117,458</b>	<b>534,355</b>	<b>651,813</b>	<b>0</b>			

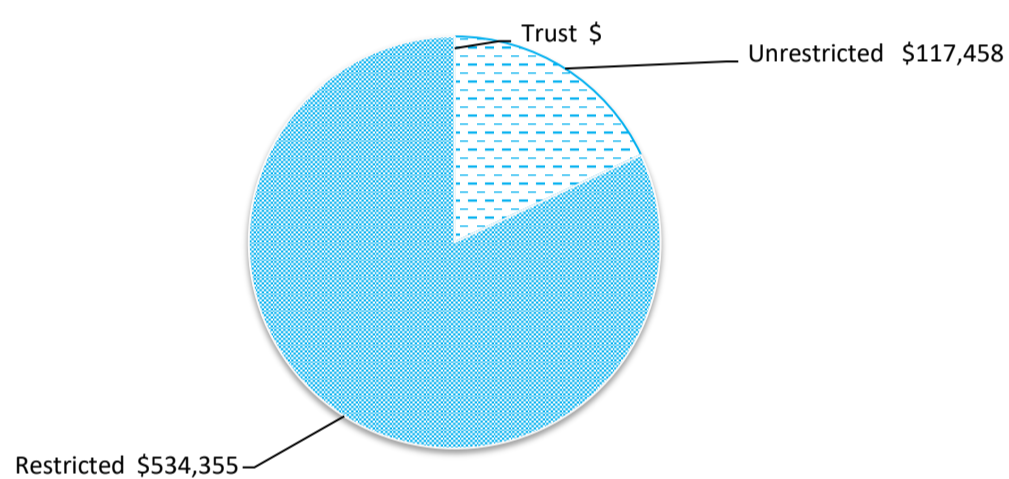
**KEY INFORMATION**

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

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

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

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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2022

OPERATING ACTIVITIES  
NOTE 4  
RATE REVENUE

General rate revenue		Budget						YTD Actual			
		Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates
RATE TYPE					\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>											
	Residential	0.00000	0	0	0	0	0	0	0	0	0
Hide	Special Use	0.00000	0	0	0	0	0	0	0	0	0
Hide	<b>Unimproved value</b>										
Hide	Rural Residential	0.00000	0	0	0	0	0	0	0	0	0
Hide	Rural/Mining	0.00000	0	0	0	0	0	0	0	0	0
Hide	<b>Non Rateable</b>										
Hide	Non Rateable				0	0	0	0	0	0	0
	<b>Sub-Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Minimum payment</b>		<b>Minimum \$</b>									
<b>Gross rental value</b>											
	Residential	0	0	0	0	0	0	0	0	0	0
Hide	Special Use	0	0	0	0	0	0	0	0	0	0
Hide	<b>Unimproved value</b>										
Hide	Rural Residential	0	0	0	0	0	0	0	0	0	0
Hide	Rural/Mining	0	0	0	0	0	0	0	0	0	0
	<b>Sub-total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	Discount						0				0
	<b>Amount from general rates</b>						<b>0</b>				<b>0</b>
	Rates Written Off						0				0
	Ex-gratia rates						0				0
	<b>Total general rates</b>						<b>0</b>				<b>0</b>
Hide											
Hide	<b>Total</b>		<b>0</b>				<b>0</b>				<b>0</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2021 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.



Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	<b>Plant and equipment</b>								
	<b>Transport</b>								
103	2019 Holden Trailblazer 4x4 LTZ2.8L (CEO) - 0.WD	0	0	0	0	0	0	0	0
407	Hustler Ride-on Mower	0	0	0	0	0	0	0	0

Capital acquisitions	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Forecast 30 June Closing	YTD Actual Variance
	\$	\$	\$	\$		\$
Buildings	0	0	0	29,103	29,103	29,103
Infrastructure - roads	0	0	0	58,902	58,902	58,902
<b>Payments for Capital Acquisitions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88,005</b>	<b>88,005</b>	<b>88,005</b>
<b>Capital Acquisitions Funded By:</b>						
	\$	\$	\$	\$		\$
Contribution - operations	0	0	0	88,005	88,005	88,005
<b>Capital funding total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88,005</b>	<b>88,005</b>	<b>88,005</b>

**SIGNIFICANT ACCOUNTING POLICIES**

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

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

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

**Initial recognition and measurement for assets held at cost**

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

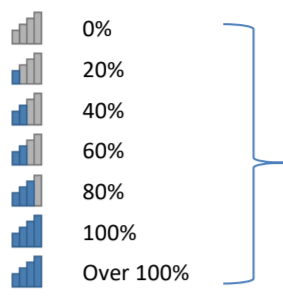
**Initial recognition and measurement between mandatory revaluation dates for assets held at fair value**

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

Payments for Capital Acquisitions



Capital expenditure total  
Level of completion indicators



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

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

Account Number	Job Number	Balance Sheet Category	Account/Job Description	Adopted	Amended		YTD Actual	Variance (Under)/Over
				Budget	Budget	YTD Budget		
				\$	\$	\$	\$	\$
<b>Buildings</b>								
<b>Law, Order &amp; Public Safety</b>								
E05109		521	LGGS - Purchase Buildings	0	0	0	(7,001)	(7,001)
E05111		521	Fire Station - New Toilet and Change Room	0	0	0	(12,792)	(12,792)
<b>Total - Law, Order &amp; Public Safety</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(19,793)</b>	<b>(19,793)</b>
<b>Total - Buildings</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(29,103)</b>	<b>(29,103)</b>
<b>Infrastructure - Roads</b>								
<b>Transport</b>								
E12102	RRG224	541	RRG - Nth Wandering Rd - Failures & Reseal - SLK 8.2 - 7.53	0	0	0	(12,511)	(12,511)
E12103	R2R232	541	R2R - Wandering Pingelly Road , Bridge 0424A over Biberkine Broc	0	0	0	(33,852)	(33,852)
E12104	BS221	541	York Williams - Carabin Rd intersection	0	0	0	(12,540)	(12,540)
<b>Total - Transport</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(58,902)</b>	<b>(58,902)</b>
<b>Total - Infrastructure - Roads</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(58,902)</b>	<b>(58,902)</b>
<b>#DIV/0! Grand Total</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>(88,005)</b>	<b>(88,005)</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2022

FINANCING ACTIVITIES  
NOTE 7  
BORROWINGS

Repayments - borrowings

Particulars	Loan No.	1 July 2022	New Loans			Principal Repayments			Principal Outstanding			Interest Repayments		
			Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Community amenities</b>														
Industrial Estate Development	1	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>		0	0	0	0	0	0	0	0	0	0	0	0	0

All debenture repayments were financed by general purpose revenue.

New borrowings 2022-23

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$				\$	%	\$	\$	\$
Industrial Estate Development	0	0	WATC	Debenture	10	0	1.50	0	0	0
	0	0				0		0	0	0

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

KEY INFORMATION

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

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

Reserve accounts

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Restricted by Council</b>									
Leave reserve	11,269	0	0	0	0	0	0	11,269	11,269
Land & building reserve	251,074	0	0	0	0	0	0	251,074	251,074
Plant replacement reserve	163,230	0	0	0	0	0	0	163,230	163,230
Office equipment reserve	40,002	0	0	0	0	0	0	40,002	40,002
Fuel facility reserve	68,780	0	0	0	0	0	0	68,780	68,780
	<b>534,355</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>534,355</b>	<b>534,355</b>

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2022**

**NOTE 9  
BUDGET AMENDMENTS**

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

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	<b>Budget adoption</b>						0
			Opening Surplus(Deficit)			214,460	214,460
				<b>0</b>	<b>0</b>	<b>214,460</b>	<b>214,460</b>

### 13.3 Accounts for Payment August 2022

<b>File Reference:</b>	<b>N/A</b>
<b>Location:</b>	<b>N/A</b>
<b>Applicant:</b>	<b>N/A</b>
<b>Author:</b>	<b>Alan Hart – Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>Alan Hart – Chief Executive Officer</b>
<b>Date:</b>	<b>8 September 2022</b>
<b>Disclosure of Interest:</b>	<b>N/A</b>
<b>Attachments:</b>	<b>Payment Listing and Credit Card Statement – August 2022</b>
<b>Previous Reference:</b>	<b>Nil</b>

**Summary:**

Council to note payments of accounts as presented.

**Background:**

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

**Comment:**

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

The period of expenditure is from 1 August 2022 to 31 August 2022

The attached Schedule of Accounts to be passed for payment is summarised below:

<b>Payment Method</b>	<b>Cheque/EFT/DD Number</b>	<b>Amount</b>
<b>Municipal Fund:</b>		
Electronic Funds Transfers	EFT7561 – EFT7673	\$412,124.20
Cheque	1000010	\$ 1,077.05
Direct Debits	DD3987.1 - DD4020.1	\$ 41,982.53
	<b>TOTAL</b>	<b>\$455,183.78</b>

The list of payments, totalling \$455,183.78, have been checked and are fully supported by vouchers and invoices and have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings.

**Consultation:**

There has been no consultation.

**Statutory Environment:**

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
  - (a) The payee's name;
  - (b) The amount of the payment;
  - (c) Sufficient information to identify to transaction; and
  - (d) The date of the meeting of the council to which the list is to be resented.

**Policy Implications:**

There are no policy implications.

**Financial Implications:**

There are no financial implications.

**Strategic Implications:**

There are no strategic implications.

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

**That in accordance with section 13 of the Local Government (Financial Management Regulations) 1996 (as amended), payments from the Municipal Fund totalling \$455,183.78 (attached) for the period 1 August 2022 to 31 August 2022 be noted as approved for payment.**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_



Shire of Wandering- List of Payments Submitted to Council - August 2022					
Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT7561	3/08/2022	AMPAC			-\$ 1,492.00
85439			Rates Debt Collecton Service	\$ 1,492.00	
EFT7562	3/08/2022	Armada Lock & Key Service			-\$ 234.00
INV 6239			Replacement Restricted Keys	\$ 234.00	
EFT7563	3/08/2022	Armada Mower World & Service Co			-\$ 107.55
58122			Chainsaw Service	\$ 107.55	
EFT7564	3/08/2022	AusQ Training			-\$ 781.00
7552			Training - Traffic management & controller	\$ 781.00	
EFT7565	3/08/2022	Australasian Performing Right Association			-\$ 261.78
262349			Annual Licence Fee-Music for Councils	\$ 261.78	
EFT7566	3/08/2022	Australian Taxation Office			-\$ 35,729.00
JUN22			BAS - July 22	\$ 35,729.00	
EFT7567	3/08/2022	Avon Waste			-\$ 4,686.62
50768			Domestic & commercial general waste services, Fuel facility bin, North Bannister bins, General waste to landfill gate fee, Recycling Services, Recycle processing fee, Transfer Station general waste bins, General waste to landfill gate fee, Transfer Station recycle bins, Recycle processing fee, Building waste bin hire	\$ 4,686.62	
EFT7568	3/08/2022	Best Office Systems			-\$ 530.40
604993			Copier Contract- B&W copies, Colour copies	\$ 331.10	
605309			Copier Contract-B&W Copies, Colour Copies, Echo	\$ 199.30	
EFT7569	3/08/2022	Bob Waddell & Associates			-\$ 6,476.25
2847			Prepare Budget - 2022/23, Prepare monthly financial statements	\$ 783.75	
2854			Prepare Budget - 2022/23, Prepare monthly financial statements	\$ 2,928.75	
2869			Prepare Budget - 2022/23, Prepare monthly financial statements	\$ 1,278.75	
2883			Prepare Budget - 2022/23, Prepare monthly financial statements	\$ 701.25	
2891			Prepare Budget - 2022/23, Prepare monthly financial statements	\$ 783.75	
EFT7570	3/08/2022	Boddington IGA			-\$ 77.29
01 7224			Catering - Craft group morning tea, Craft group morning tea	\$ 43.34	
01 2357			CRC Café purchases	\$ 33.95	
EFT7571	3/08/2022	Boddington News			-\$ 9.00
4 74			Boddington News-Edition 691	\$ 9.00	
EFT7572	3/08/2022	Child Support Agency			-\$ 129.44
DEDUCTION			Payroll Deduction	\$ 129.44	
EFT7573	3/08/2022	City of Kalamunda			-\$ 102.00
33099			Building, Planning Services	\$ 102.00	
EFT7574	3/08/2022	Corsign WA			-\$ 1,659.90
6842			Signs -State black spot, Cross road, Reduce speed, Give way ahead, Joe Kelly Rd, Crest	\$ 1,496.00	
6720			Hazard signs	\$ 163.90	
EFT7575	3/08/2022	Crossman Hot Water & Plumbing			-\$ 7,045.50
8726			Repair septic tank - 1 Dowsett Street	\$ 346.50	
8733			Repair Cistern - Pumpries Bridge	\$ 440.00	
8773			Install HWS- LIA Fire Station	\$ 3,091.00	
8797			Install HWS- 1 Down Street	\$ 2,662.00	
8871			Unblock Septic system-Admin Building	\$ 506.00	
EFT7576	3/08/2022	Fuel Distributors of WA			-\$ 70,295.35
408107			Diesel, ULP for Fuel station	\$ 70,295.35	
EFT7577	3/08/2022	GB Gillespie & Sons			-\$ 5,498.90
13432			Repair rake - WD.1827	\$ 5,498.90	
EFT7578	3/08/2022	Great Southern Fuel Supplies			-\$ 157.18
JUN22			Fuel card purchases, 0.WD	\$ 157.18	
EFT7579	3/08/2022	Harris Design			-\$ 3,600.00
220715			Drawings - Fire station extensio	\$ 3,600.00	
EFT7580	3/08/2022	Hersey Safety			-\$ 522.50
INV 1028			Wooden guide posts	\$ 522.50	
EFT7581	3/08/2022	IT Vision			-\$ 880.00
37259			Software Updage-STP Phase 2	\$ 880.00	
EFT7582	3/08/2022	IT Vision User Group			-\$ 770.00
812			2022/23 Subscription- IT Vision User Group	\$ 770.00	
EFT7583	3/08/2022	JLT			-\$ 2,039.22
062 212575			Salary Continuance Insurance	\$ 1,764.22	
062 212715			Marine Cargo Insurance	\$ 275.00	
EFT7584	3/08/2022	Jozef Majko			-\$ 656.37
060722			Water - 20 Down St	\$ 56.37	
DEDUCTION			Rent - 20 Down Street	\$ 600.00	
EFT7585	3/08/2022	Kelliher Bros			-\$ 450.00
200722			Cleaning Bond, Cat Trap Bond	\$ 450.00	
EFT7586	3/08/2022	Landgate			-\$ 6,015.75
375664			2021/22 GRV Valuations	\$ 6,015.75	
EFT7587	3/08/2022	Leaf Bean Machine			-\$ 207.86
106629			Coffee, Freight for CRC	\$ 207.86	
EFT7588	3/08/2022	Linkwest			-\$ 370.00
LW4184			Membership 2022/23	\$ 370.00	
EFT7589	3/08/2022	Local Government Professionals Australia WA			-\$ 185.00
26762			2022/23 Membership-Lisa Boddy	\$ 185.00	
EFT7590	3/08/2022	Lotex Filter Cleaning Service			-\$ 308.90
8238			Filter Cleaning-Variou plant	\$ 308.90	

**Shire of Wandering- List of Payments Submitted to Council - August 2022**

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
<b>EFT7591</b>	<b>3/08/2022</b>	<b>Major Motors</b>			<b>-\$ 175.03</b>
1223623			Parts WD6-Air filter box	\$ 175.03	
<b>EFT7592</b>	<b>3/08/2022</b>	<b>Mandurah Roller Door Centre</b>			<b>-\$ 374.79</b>
INV 01327 P8C7X8			Service garage door - 19 Humes Wy	\$ 374.79	
<b>EFT7593</b>	<b>3/08/2022</b>	<b>Metal Artwork Creations</b>			<b>-\$ 55.06</b>
88946			Name Plate-Brad Hunt	\$ 55.06	
<b>EFT7594</b>	<b>3/08/2022</b>	<b>Narrogin Auto Electrics &amp; Airconditioning</b>			<b>-\$ 505.23</b>
263257			Reinstall phone & UHF - WD.011	\$ 505.23	
<b>EFT7595</b>	<b>3/08/2022</b>	<b>Narrogin Pumps Solar &amp; Spraying</b>			<b>-\$ 259.38</b>
43295			Service pool pump - 13 Dunmall Dr	\$ 165.90	
43279			Cam locks & fittings	\$ 93.48	
<b>EFT7596</b>	<b>3/08/2022</b>	<b>Officeworks</b>			<b>-\$ 801.90</b>
601830033			Toilet paper, Milk, Keytags, 9V battery, AA battery, Hand towel, Hand towel, Hand towel, Freight	\$ 801.90	
<b>EFT7597</b>	<b>3/08/2022</b>	<b>Patrick Ronald Dawson</b>			<b>-\$ 275.00</b>
200722			Building Bond refund	\$ 275.00	
<b>EFT7598</b>	<b>3/08/2022</b>	<b>Perfect Computer Solutions</b>			<b>-\$ 1,912.50</b>
27252			Labour- Technical Support	\$ 127.50	
27336			Labour- Technical Support	\$ 425.00	
27340			Labour- Technical Support	\$ 297.50	
27378			Labour- Technical Support	\$ 340.00	
27388			Labour- Technical Support	\$ 722.50	
<b>EFT7599</b>	<b>3/08/2022</b>	<b>Pingelly Transport</b>			<b>-\$ 3,124.00</b>
INV 2811			Water Delivery- Emergency Water for Blackboy Springs, Codjatotone Tanks	\$ 3,124.00	
<b>EFT7600</b>	<b>3/08/2022</b>	<b>Quality Press</b>			<b>-\$ 851.40</b>
INV058586			Printing -Bush Fire Notice 2022/23	\$ 851.40	
<b>EFT7601</b>	<b>3/08/2022</b>	<b>Quest Payment Systems</b>			<b>-\$ 418.00</b>
10832			Monthly maintenance fee - Fuel Facility	\$ 418.00	
<b>EFT7602</b>	<b>3/08/2022</b>	<b>Redfish Technologies</b>			<b>-\$ 2,856.70</b>
INV 4037			2022/23 CCTV system Maintenance & Support	\$ 1,925.00	
INV 4053			Replace Camera, Labour & travel	\$ 931.70	
<b>EFT7603</b>	<b>3/08/2022</b>	<b>SJR Civil Consulting</b>			<b>-\$ 4,235.00</b>
SJR2788			Road Safety Audit-York Williams Rd intersection	\$ 4,235.00	
<b>EFT7604</b>	<b>3/08/2022</b>	<b>Shire of Wandering Christmas Club</b>			<b>-\$ 570.00</b>
DEDUCTION			Payroll Deductions	\$ 570.00	
<b>EFT7605</b>	<b>3/08/2022</b>	<b>Shire of Wandering Staff Lotto</b>			<b>-\$ 65.00</b>
DEDUCTION			Payroll Deductions	\$ 65.00	
<b>EFT7606</b>	<b>3/08/2022</b>	<b>Startrack Express</b>			<b>-\$ 226.88</b>
6230528023001			Freight - Major Motors	\$ 41.42	
6230528023004			Freight - Delnorth	\$ 185.46	
<b>EFT7607</b>	<b>3/08/2022</b>	<b>State Library of Western Australia</b>			<b>-\$ 22.00</b>
RI032775			Better Beginnings - 2022/23 year	\$ 22.00	
<b>EFT7608</b>	<b>3/08/2022</b>	<b>Sunny Industrial Brushware</b>			<b>-\$ 940.50</b>
25270			Parts - Road broom	\$ 940.50	
<b>EFT7609</b>	<b>3/08/2022</b>	<b>The Workwear Group</b>			<b>-\$ 164.85</b>
14053147			Councillor shirts	\$ 164.85	
<b>EFT7610</b>	<b>3/08/2022</b>	<b>Thinkproject Deutschland GmbH</b>			<b>-\$ 7,530.64</b>
RSL 18845			RAMM - Annual support & maintenance	\$ 7,530.64	
<b>EFT7611</b>	<b>3/08/2022</b>	<b>Volt Air</b>			<b>-\$ 293.11</b>
INV 3044			Replace light fitting - 13 Dunmall Dr	\$ 293.11	
<b>EFT7612</b>	<b>3/08/2022</b>	<b>WA Contract Ranger Services</b>			<b>-\$ 522.50</b>
4086			Contract Ranger Service	\$ 522.50	
<b>EFT7613</b>	<b>3/08/2022</b>	<b>WD Auto Repairs</b>			<b>-\$ 993.64</b>
647			Service - 0.WD	\$ 533.29	
661			Replacement Batteries	\$ 460.35	
<b>EFT7614</b>	<b>3/08/2022</b>	<b>Wandering Lions Club</b>			<b>-\$ 75.00</b>
170722			Lions mini cakes	\$ 75.00	
<b>EFT7615</b>	<b>3/08/2022</b>	<b>Wandering Smash Repairs</b>			<b>-\$ 2,156.00</b>
5155			Detail vehicles - WD.821 &WD.270	\$ 2,156.00	
<b>EFT7616</b>	<b>3/08/2022</b>	<b>Waroona Septics</b>			<b>-\$ 5,064.84</b>
8542			Caravan Park, Watts St, Form fee	\$ 2,577.96	
8609			Pumphreys Bridge, Form fee	\$ 2,486.88	
<b>EFT7617</b>	<b>8/08/2022</b>	<b>Child Support Agency</b>			<b>-\$ 129.44</b>
DEDUCTION			Payroll Deduction	\$ 129.44	
<b>EFT7618</b>	<b>8/08/2022</b>	<b>Jozef Majko</b>			<b>-\$ 600.00</b>
DEDUCTION			Rent - 20 Down Street	\$ 600.00	
<b>EFT7619</b>	<b>8/08/2022</b>	<b>Shire of Wandering Christmas Club</b>			<b>-\$ 570.00</b>
DEDUCTION			Payroll Deductions	\$ 570.00	
<b>EFT7620</b>	<b>8/08/2022</b>	<b>Shire of Wandering Staff Lotto</b>			<b>-\$ 70.00</b>
DEDUCTION			Payroll Deductions	\$ 70.00	
<b>EFT7621</b>	<b>31/08/2022</b>	<b>Cr Gillian Hansen</b>			<b>-\$ 2,301.50</b>
HANSON JUN 2022			Councillor Allowances	\$ 2,301.50	
<b>EFT7622</b>	<b>31/08/2022</b>	<b>Gary David Curtis</b>			<b>-\$ 2,301.50</b>
CURTIS JUN 2022			Councillor Allowances	\$ 2,301.50	
<b>EFT7623</b>	<b>31/08/2022</b>	<b>Graeme Robert Parsons</b>			<b>-\$ 2,301.50</b>
PARSONS JUN 2022			Councillor Allowances	\$ 2,301.50	
<b>EFT7624</b>	<b>31/08/2022</b>	<b>Ian Bruce Turton</b>			<b>-\$ 5,281.10</b>
TURTON JUN 2022			Councillor Allowances	\$ 5,281.10	
<b>EFT7625</b>	<b>31/08/2022</b>	<b>Maxwell John Ernest Watts</b>			<b>-\$ 2,301.50</b>
WATTS JUN 2022			Councillor Allowances	\$ 2,301.50	
<b>EFT7626</b>	<b>31/08/2022</b>	<b>Paul Matthew Treasure</b>			<b>-\$ 2,555.50</b>
TREASURE JUN 2022			Councillor Allowances	\$ 2,555.50	
<b>EFT7627</b>	<b>31/08/2022</b>	<b>Sheryl Gaye Little</b>			<b>-\$ 3,061.82</b>
LITTLE JUN 2022			Councillor Allowances	\$ 3,061.82	

Shire of Wandering- List of Payments Submitted to Council - August 2022					
Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
EFT7628	31/08/2022	Mcleods			-\$ 185.12
122832			Fire break Easement - lot 97 echidna wandering	\$ 185.12	
EFT7629	31/08/2022	Pingelly IGA			-\$ 400.00
MAY-JUNE 2022			Purchase of The West Australian, May 2022, Purchase of The West Australian, JUNE 2022	\$ 400.00	
EFT7630	31/08/2022	WD Auto Repairs			-\$ 1,310.61
00000622			Service tipper	\$ 1,310.61	
EFT7631	31/08/2022	AMPAC			-\$ 165.00
86050			Debt Collection -Judgement professional fee	\$ 165.00	
EFT7632	31/08/2022	Allwest Plant Hire			-\$ 3,960.00
26298			Dry Hire Multi Tyre Roller 04/07/2022 - 31/07/2022	\$ 3,960.00	
EFT7633	31/08/2022	Australia Post			-\$ 851.35
1011706339			Generic envelope, Generic Booklet 1.10 stamps, Generic roll 1.10, Padded Mailer size 2, Padded Mailer small, Padded mailer medium, Tough bag small, Tough bag medium, Tough bag large, Generic roll 1.10. Padded mailer large	\$ 851.35	
EFT7634	31/08/2022	Australian Safety Engineers			-\$ 418.00
0155985W			Annual service- Oxy viva regulator	\$ 418.00	
EFT7635	31/08/2022	Avon Waste			-\$ 4,593.45
00051214			General waste services Domestic & commercial general waste services, Fuel facility bin, North Bannister bins, General waste to landfill gate fee, Recycling Services, Recycle processing fee, Transfer Station general waste bins, General waste to landfill gate fee, Transfer Station recycle bins, Recycle processing fee, Building waste bin hire	\$ 4,593.45	
EFT7636	31/08/2022	BOC			-\$ 85.24
5005812238			Oxygen, Acetylene, Argoshield, Medical Oxygen	\$ 85.24	
EFT7637	31/08/2022	Benara Nurseries			-\$ 1,164.71
380414			Plants, Plants, Plants, Plants	\$ 305.66	
383758			Assorted plants	\$ 89.93	
383764			Plants for Plant a Tree Day	\$ 769.12	
EFT7638	31/08/2022	Bob Waddell & Associates			-\$ 5,032.50
2911			Assist with the 2022/23 annual budget including statutory budget, Assit with the setup of the new monthly financial statements	\$ 4,702.50	
2926			Assist with annual budget including statutory budget	\$ 330.00	
EFT7639	31/08/2022	Boddington Hardware & Newsagency			-\$ 864.50
741639			Glyphosate	\$ 514.00	
742686			Star pickets	\$ 243.00	
742687			Hand sprayers, Red Dye	\$ 107.50	
EFT7640	31/08/2022	Boddington IGA			-\$ 142.64
01/9791			Catering - History Group Meeting Catering, History Group Meeting Catering	\$ 87.88	
02/7369			cafe supplies, cafe supplies	\$ 54.76	
EFT7641	31/08/2022	Boddington News			-\$ 27.00
4/84			Boddington News, Edition #692	\$ 9.00	
4/94			Boddington News, Edition #693	\$ 9.00	
5/59			Boddington News, Edition #694	\$ 9.00	
EFT7642	31/08/2022	Boral Construction Materials			-\$ 1,056.00
WA16845805			Materials - Rural road maintenance	\$ 1,056.00	
EFT7643	31/08/2022	Bullivants			-\$ 1,089.00
DMI 401208634			Test chains and lifting attachments and Certification	\$ 1,089.00	
EFT7644	31/08/2022	Child Support Agency			-\$ 129.44
DEDUCTION			Payroll Deduction	\$ 129.44	
EFT7645	31/08/2022	Corsign WA			-\$ 744.92
67643			Signs -Community Centre, Admin office	\$ 172.92	
00067509			RAV network road sign	\$ 572.00	
EFT7646	31/08/2022	Crossman Hot Water & Plumbing			-\$ 7,668.00
00008882			Installation Septic system as per quotation	\$ 7,668.00	
EFT7647	31/08/2022	Dallcon			-\$ 37,237.20
318602			Supply & delivery 1200mm long culverts as per quotation, Supply & delivery 1200mm long link pads as per quotation	\$ 37,237.20	
EFT7648	31/08/2022	Delnorth			-\$ 916.85
54711AA			Guide posts	\$ 916.85	
EFT7649	31/08/2022	Ecowater Services			-\$ 939.79
Z1736			Retic refurbish - 19 Humes Way	\$ 939.79	
EFT7650	31/08/2022	Hamel Nursery			-\$ 747.20
500147			Plant a Tree Day Trees	\$ 747.20	
EFT7651	31/08/2022	IT Vision			-\$ 33,617.25
37207			Software Licencing 2022/23 year	\$ 30,188.00	
37339			Rates Service 2022-23, July 2022	\$ 2,329.25	
37340			Configuration of workflow menu, outstanding records and purchase orders for Synergysoft	\$ 825.00	
37361			Reverse Asset Disposal for EMTS Vehicle	\$ 275.00	
EFT7652	31/08/2022	Jozef Majko			-\$ 600.00
DEDUCTION			Rent - 20 Down Street	\$ 600.00	
EFT7653	31/08/2022	Liberty Rural			-\$ 46,861.11
F1311003065			Diesel and ULP for fuel outlet	\$ 46,861.11	
EFT7654	31/08/2022	Local Health Authorities Analytical Committee			-\$ 396.00
MA2022 123			Analytical Expenses	\$ 396.00	
EFT7655	31/08/2022	Marketforce			-\$ 387.46
44655			Notice of Intention to Levy Differential Rates	\$ 387.46	
EFT7656	31/08/2022	Mcleods			-\$ 411.80
125355			Fire break Easement - lot 97 echidna wandering	\$ 411.80	

**Shire of Wandering- List of Payments Submitted to Council - August 2022**

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
<b>EFT7657</b>	<b>31/08/2022</b>	<b>Mining Ag Civil Hose and Fittings</b>			<b>-\$ 1,613.39</b>
INV-0293			Update hydraulic fittings on mulching head to comply with the excavator	\$ 1,613.39	
<b>EFT7658</b>	<b>31/08/2022</b>	<b>Moore Australia</b>			<b>-\$ 3,190.00</b>
2967			Employee Tax Obligations workshop	\$ 880.00	
425820			Monthly Financial Preparation & Review, June 2022	\$ 2,310.00	
<b>EFT7659</b>	<b>31/08/2022</b>	<b>Officeworks</b>			<b>-\$ 125.80</b>
602128342			A4 Card, Delivery	\$ 125.80	
<b>EFT7660</b>	<b>31/08/2022</b>	<b>Perfect Computer Solutions</b>			<b>-\$ 5,068.90</b>
27421			IT Maintenance, Labour	\$ 170.00	
27422			Micosoft Surface Pro, Surface Dock, Type Cover including Pen	\$ 4,898.90	
<b>EFT7661</b>	<b>31/08/2022</b>	<b>Pingelly Times</b>			<b>-\$ 60.00</b>
00002837			Advertisements - Pingelly Times - Technical Services Admin Officer and Finance/Customer Service Officer	\$ 60.00	
<b>EFT7662</b>	<b>31/08/2022</b>	<b>Quest Payment Systems</b>			<b>-\$ 418.00</b>
13035			Monthly maintenance fee - Fuel Facility, 01/08/2022 - 31/08/2022	\$ 418.00	
<b>EFT7663</b>	<b>31/08/2022</b>	<b>Resonline</b>			<b>-\$ 242.00</b>
146784			Caravan Park Booking System- Jul 2022	\$ 242.00	
<b>EFT7664</b>	<b>31/08/2022</b>	<b>Rhonie's Wandering Mop &amp; Bucket</b>			<b>-\$ 3,757.60</b>
JULY 2022			Cleaning contract, Public conveniences - Watts St, Caravan Park, Administration Office, CRC, Depot, Public conveniences - Codjatotine/Pumphreys Bridge, Community Centre, Travel, New Units - Caravan Park	\$ 3,757.60	
<b>EFT7665</b>	<b>31/08/2022</b>	<b>Shire of Wandering Christmas Club</b>			<b>-\$ 370.00</b>
DEDUCTION			Payroll Deductions	\$ 370.00	
<b>EFT7666</b>	<b>31/08/2022</b>	<b>Shire of Wandering Staff Lotto</b>			<b>-\$ 55.00</b>
DEDUCTION			Payroll Deductions	\$ 55.00	
<b>EFT7667</b>	<b>31/08/2022</b>	<b>Simoco Wireless Solutions</b>			<b>-\$ 8,433.52</b>
42638 1			Install DMR Radios into Works Vehicles	\$ 8,433.52	
<b>EFT7668</b>	<b>31/08/2022</b>	<b>Startrack Express</b>			<b>-\$ 435.15</b>
230528023005			Freight - library books, Freight - Library Books	\$ 52.56	
230528023006			Freight - library books	\$ 382.59	
<b>EFT7669</b>	<b>31/08/2022</b>	<b>Volt Air</b>			<b>-\$ 648.00</b>
INV-3081			Caravan Park-Repair bay 5 power outlet	\$ 360.00	
INV-3082			Community Centre - Repair airconditioner	\$ 288.00	
<b>EFT7670</b>	<b>31/08/2022</b>	<b>WA Contract Ranger Services</b>			<b>-\$ 888.25</b>
00004124			Contract Ranger Service, Labour & Travel	\$ 888.25	
<b>EFT7671</b>	<b>31/08/2022</b>	<b>WALGA</b>			<b>-\$ 27,145.81</b>
SI 000437			Association subscription, Procurement subscription, Council Connect, Council Connect, Employee relations subscription, Local Laws subscription. Governance Service	\$ 27,145.81	
<b>EFT7672</b>	<b>31/08/2022</b>	<b>Wandering Tavern</b>			<b>-\$ 255.00</b>
00000014			Forklift gas bottle	\$ 80.00	
00000015			Gas bottle	\$ 175.00	
<b>EFT7673</b>	<b>31/08/2022</b>	<b>Westrac</b>			<b>-\$ 194.08</b>
PI7244713			Repairs Grader Valve Solenoid	\$ 194.08	
<b>DD3987.1</b>	<b>5/08/2022</b>	<b>Pivotel</b>			<b>-\$ 60.00</b>
3347405			Bushfire radios	\$ 60.00	
<b>DD3987.2</b>	<b>5/08/2022</b>	<b>Synergy</b>			<b>-\$ 2,236.25</b>
237 026 0322			Electricity Use- Depot	\$ 598.15	
312 287 7928			Electricity Use- Administration Building	\$ 803.08	
506 026 8916			Electricity Use - Fuel facility	\$ 266.90	
995 311 2328			Electricity Use-CRC, Public conveniences	\$ 568.12	
<b>DD3990.1</b>	<b>3/08/2022</b>	<b>Aware Super</b>			<b>-\$ 5,701.10</b>
SUPER			Payroll Deductions	\$ 4,576.46	
DEDUCTION			Payroll Deductions	\$ 1,124.64	
<b>DD3990.2</b>	<b>3/08/2022</b>	<b>ANZ OnePath Masterfund</b>			<b>-\$ 303.00</b>
DEDUCTION			Payroll Deductions	\$ 73.90	
SUPER			Payroll Deductions	\$ 229.10	
<b>DD3990.3</b>	<b>3/08/2022</b>	<b>HostPlus Super Fund</b>			<b>-\$ 761.65</b>
DEDUCTION			Payroll Deductions	\$ 185.77	
SUPER			Payroll Deductions	\$ 575.88	
<b>DD3990.4</b>	<b>3/08/2022</b>	<b>Australian Super</b>			<b>-\$ 618.19</b>
DEDUCTION			Payroll Deductions	\$ 150.78	
SUPER			Payroll Deductions	\$ 467.41	
<b>DD3990.5</b>	<b>3/08/2022</b>	<b>MobiSuper</b>			<b>-\$ 221.76</b>
DEDUCTION			Payroll Deductions	\$ 54.09	
SUPER			Payroll Deductions	\$ 167.67	
<b>DD3990.6</b>	<b>3/08/2022</b>	<b>Macquarie Super</b>			<b>-\$ 134.37</b>
SUPER			Payroll Deductions	\$ 134.37	
<b>DD3990.7</b>	<b>3/08/2022</b>	<b>CBUS</b>			<b>-\$ 117.21</b>
SUPER			Payroll Deductions	\$ 117.21	
<b>DD3990.8</b>	<b>3/08/2022</b>	<b>Prime Super</b>			<b>-\$ 231.53</b>
SUPER			Payroll Deductions	\$ 231.53	
<b>DD3993.5</b>	<b>15/08/2022</b>	<b>Water Corporation</b>			<b>-\$ 53.57</b>
90 17752 64 8			Water use	\$ 53.57	
<b>DD3997.1</b>	<b>17/08/2022</b>	<b>Aware Super</b>			<b>-\$ 5,746.84</b>
SUPER			Payroll Deductions	\$ 4,611.05	
DEDUCTION			Payroll Deductions	\$ 1,135.79	
<b>DD3997.2</b>	<b>17/08/2022</b>	<b>ANZ OnePath Masterfund</b>			<b>-\$ 381.60</b>
DEDUCTION			Payroll Deductions	\$ 93.07	
SUPER			Payroll Deductions	\$ 288.53	

Shire of Wandering- List of Payments Submitted to Council - August 2022					
Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount
<b>DD3997.3</b>	<b>17/08/2022</b>	<b>HostPlus Super Fund</b>			<b>-\$ 761.65</b>
DEDUCTION			Payroll Deductions	\$ 185.77	
SUPER			Payroll Deductions	\$ 575.88	
<b>DD3997.4</b>	<b>17/08/2022</b>	<b>Australian Super</b>			<b>-\$ 618.19</b>
DEDUCTION			Payroll Deductions	\$ 150.78	
SUPER			Payroll Deductions	\$ 467.41	
<b>DD3997.5</b>	<b>17/08/2022</b>	<b>MobiSuper</b>			<b>-\$ 200.74</b>
DEDUCTION			Payroll Deductions	\$ 48.96	
SUPER			Payroll Deductions	\$ 151.78	
<b>DD3997.6</b>	<b>17/08/2022</b>	<b>Macquarie Super</b>			<b>-\$ 105.76</b>
SUPER			Payroll Deductions	\$ 105.76	
<b>DD3997.7</b>	<b>17/08/2022</b>	<b>CBUS</b>			<b>-\$ 179.61</b>
SUPER			Payroll Deductions	\$ 179.61	
<b>DD3997.8</b>	<b>17/08/2022</b>	<b>Prime Super</b>			<b>-\$ 264.88</b>
SUPER			Payroll Deductions	\$ 264.88	
<b>DD3999.1</b>	<b>17/08/2022</b>	<b>HostPlus Super Fund</b>			<b>-\$ 25.83</b>
SUPER			Payroll Deductions	\$ 19.53	
DEDUCTION			Payroll Deductions	\$ 6.30	
<b>DD4010.1</b>	<b>31/08/2022</b>	<b>Aware Super</b>			<b>-\$ 5,856.56</b>
SUPER			Payroll Deductions	\$ 4,694.01	
DEDUCTION			Payroll Deductions	\$ 1,162.55	
<b>DD4010.2</b>	<b>31/08/2022</b>	<b>ANZ OnePath Masterfund</b>			<b>-\$ 239.77</b>
DEDUCTION			Payroll Deductions	\$ 58.48	
SUPER			Payroll Deductions	\$ 181.29	
<b>DD4010.3</b>	<b>31/08/2022</b>	<b>Australian Super</b>			<b>-\$ 618.19</b>
DEDUCTION			Payroll Deductions	\$ 150.78	
SUPER			Payroll Deductions	\$ 467.41	
<b>DD4010.4</b>	<b>31/08/2022</b>	<b>MobiSuper</b>			<b>-\$ 240.88</b>
DEDUCTION			Payroll Deductions	\$ 58.75	
SUPER			Payroll Deductions	\$ 182.13	
<b>DD4010.5</b>	<b>31/08/2022</b>	<b>HostPlus Super Fund</b>			<b>-\$ 381.82</b>
DEDUCTION			Payroll Deductions	\$ 59.79	
SUPER			Payroll Deductions	\$ 322.03	
<b>DD4010.6</b>	<b>31/08/2022</b>	<b>Macquarie Super</b>			<b>-\$ 126.95</b>
SUPER			Payroll Deductions	\$ 126.95	
<b>DD4010.7</b>	<b>31/08/2022</b>	<b>CBUS</b>			<b>-\$ 77.63</b>
SUPER			Payroll Deductions	\$ 77.63	
<b>DD4010.8</b>	<b>31/08/2022</b>	<b>Prime Super</b>			<b>-\$ 206.02</b>
SUPER			Payroll Deductions	\$ 206.02	
<b>DD4014.1</b>	<b>26/08/2022</b>	<b>Telstra</b>			<b>-\$ 82.48</b>
4204285060			Tims Messaging Councillors to the 6 August 2022, , Tims Messaging Fire Control to the 6 August 2022, Tims Messaging Fuel Facility to the 6 August 2022	\$ 82.48	
<b>DD4014.2</b>	<b>22/08/2022</b>	<b>Synergy</b>			<b>-\$ 760.35</b>
2061583072			Street Lighting Period ending 25 Jun 2022 - 24 Jul 2022	\$ 760.35	
<b>DD4015.1</b>	<b>2/08/2022</b>	<b>Telstra</b>			<b>-\$ 346.29</b>
K098404990-9			Phone charges Admin office, Harvest ban, Admin office, Fuel facility, CRC, Admin office, Admin office, CRC, CRC, Admin office, Consulting room, Admin iPad, Caravan Park, Supervisor, Remote Internet, Fuel Facility, Fuel Facility, Fuel Facility, CRC Internet Connection, Office Internet Connection, Phone plan, Rounding, 13 Dunmall St, CEO	\$ 346.29	
<b>DD4015.2</b>	<b>9/08/2022</b>	<b>Synergy</b>			<b>-\$ 951.87</b>
2085571102			19 Humes Way Electricity Supply - 180522 - 150722	\$ 249.26	
2041582500			13 Dunmall Drive Electricity Supply 180522 - 150722	\$ 400.38	
2021595609			Wandering Community Centre Electricity Supply 180522 - 150722	\$ 302.23	
<b>DD4015.3</b>	<b>10/08/2022</b>	<b>Synergy</b>			<b>-\$ 1,321.63</b>
2013599540			Caravan Park, Fire Station Usage	\$ 1,321.63	
<b>DD4018.1</b>	<b>3/08/2022</b>	<b>Bankwest</b>			<b>-\$ 1,639.10</b>
AUG 2022			Credit Card June-July 2022	\$ 1,639.10	
<b>DD4020.1</b>	<b>25/08/2022</b>	<b>Department of Transport</b>			<b>-\$ 10,409.25</b>
AUGUST 2022			DOT Payments August 2022 - 28/7/2022 - 25/8/2022	\$ 10,409.25	
<b>1000010</b>	<b>8/08/2022</b>	<b>Department of Transport</b>			<b>-\$ 1,077.05</b>
WD.300			Vehicle Registration Recording fee, Insurance	\$ 263.65	
WD.011			Vehicle Registration Recording fee, Insurance	\$ 406.70	
WD.422			Vehicle Registration Recording fee, Insurance	\$ 406.70	
<b>TOTAL</b>					<b>-\$ 455,183.78</b>

<b>Credit Card Breakdown -June-July 2022</b>			
<b>Date</b>	<b>Supplier</b>	<b>Description</b>	<b>Amount</b>
12/07/2022	Bev Martin Textiles	Caravan Park Cabins Sheets & Towels	\$ 435.03
18/06/2022	Bunnings	Step Ladder for Depot	\$ 166.25
18/06/2022	South West Butchers	Hotham BBQ -Pumphries Bridge	\$ 93.17
18/06/2022	Woolworths	Council Refreshments	\$ 45.00
20/06/2022	Shire of Wandering	Licence Plate Remake-WD229	\$ 42.40
20/06/2022	Shire of Wandering	Transfer of Vehicle -1BCB374 Fire Truck	\$ 18.90
26/06/2022	Mobile Repairs	Screen Protector	\$ 40.00
26/06/2022	Officeworks	Stationery Supplies	\$ 299.00
26/06/2022	BP	Fuel 0-WD	\$ 148.91
07/07/2022	Adobe	Monthly Licencing Fee-Adobe Pro	\$ 349.89
14/07/2022	Bankwest	Bank Fee	\$ 0.55
		<b>TOTAL</b>	<b>\$ 1,639.10</b>

### 13.4 Community Financial Assistance Grants Program Application

<b>File Reference:</b>	<b>08.084.08406</b>
<b>Location:</b>	
<b>Applicant:</b>	<b>Wandering Camp Out Weekend Committee</b>
<b>Author:</b>	<b>Lisa Boddy, Customer Service Coordinator</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>31 August 2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Grant Application</b>
<b>Previous Reference:</b>	<b>Item 13.6 – Ordinary Council Meeting 18 August 2022</b>

#### Summary:

Council is requested to consider a funding application for the 2022/23 Community Financial Grants Program.

#### Background:

The Shire's Community Grant Scheme provides financial assistance to community groups to build an engaged and vibrant community that delivers benefits to the local community and the local economy. Funds are available for projects or events which benefit the local community. Applications have been invited from eligible organisations and fall into two categories – Major Community Grants (Over \$2,000) and Minor Community Grants (up to \$2,000). In-kind services and volunteer labour are eligible components of the total project costs. Successful projects will have clearly identified and evidenced the need for the project. Funding is for undertaking projects and programs within the Shire of Wandering or that provide benefit to residents and visitors of the Shire of Wandering.

At the Ordinary Council Meeting held on 18 August 2022 the following decision was made:

**090822      Moved:      Cr M Watts      Seconded: Cr G Curtis**

- **Wandering Camp Out Weekend – In Kind Support - Traffic Management Plan (TMP), setup TMP Friday 21 October 2022 and remove after event. Sunday 23 October 2022 to the estimated value of \$1300, subject to receipt of information as per funding guidelines for consideration at the September Ordinary Council Meeting.**

Carried 6/0

#### Comment:

At the Ordinary Council Meeting held on 17 February 2022 (Item 10.2) the Wandering Campout Weekend applied to use the Caravan Park and Oval for their event and the Council decision was as follows:

*Moved Cr Treasure*

*Seconded Cr Hansen*

*That Council approve:*

- 1) The exclusive hire of the Wandering Caravan Park including the chalets for the period 19 October to 24 October 2022 to the Wandering Camp Out Weekend for a reduced fee of \$2,000 inclusive of GST.*
- 2) The Shire administration negotiating the level of in-kind support requested from the Shire of Wandering in support of the 2022 event subject to funds being available in the 2023/23 Annual Budget.*

Carried 6/0

The Wandering Camp Out Weekend Committee have resubmitted their grant application as requested, clarifying what is being requested from the Community Grants Program.

The amended grant application requests funding for the following;

- Preparation of the Traffic Management Plan (Undertaken by the Shire for both Campout and the Wandering Fair)
- Supply of directional signage for use over the weekend (The Shire borrows the signs from the Shire of Narrogin.)

**Consultation:**

Wandering Camp Out Weekend Committee President.

**Statutory Environment:**

*Local Government Act 1995 – Part 6 Financial Management*

**Policy Implications:**

Policy 48 – Community Funding, Grants and Donations

**Financial Implications:**

A total of \$11,500 has been allocated in the 2022/23 budget. As of 8 August 2022 \$6,200 remained available as \$5,300 had been offered to the Wandering Fair and the Wandering CWA.

The Wandering Camp Out Weekend’s share of the cost of the Traffic Management Plan will be \$1,500.

If Council approve this grant application, the total cost of the first round of Community Grant Applications is \$6,800. The amount available for the second round of funding will be \$4,700.

At the Ordinary Council Meeting held on 18 August 2022 the following decisions were made:

**100822          Moved:          Cr P Treasure    Seconded: Cr G Curtis**

- **Wandering CWA – In Kind Support – Supply and install colorbond fence estimated value of \$3,800.**

Carried 6/0

**110822          Moved:          Cr P Treasure    Seconded: Cr G Curtis**

- **Wandering Fair – In Kind Support – Traffic Management Plan (TMP), setup TMP Friday 21 October 2022 and remove after event Saturday 22 October 2022 to the value of \$1,500.**

Carried 6/0

**Strategic Implications:**

**Retain and Grow our Population**

<b>Our Goals</b>	<b>Our Strategies</b>
Our permanent and transient population grows	We promote the lifestyle and business opportunities of Wandering We support Early Years and Youth We encourage Aging in Place
People feel safe, connected and actively involved in the community	Facilitate and support activities that optimise use of our facilities Assist Community and sporting organisations to remain sustainable and active Engage and celebrate local culture, both indigenous and non-indigenous



**Sustainability Implications:**

- **Environmental:** There are no known significant economic considerations
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

**Risk Implications:**

Nil.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

**That Council endorse the following recommendations for the community grant applications as detailed below:**

- **Wandering Camp Out Weekend – In Kind Support - Traffic Management Plan (TMP) and signage to the estimated value of \$1500.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_



SHIRE OF WANDERING

# GRANTS

Address: 22 Watts St Wandering WA 6308  
Telephone: 08 9884 1056  
Email: csc@wandering.wa.gov.au

ABN 27 552 059 809

## GRANT APPLICATION FORM – Minor Grants (Up to \$2000)

Name of Organisation:	Wandering Camp out Weekend Inc.	
Type of Organisation: (eg sport and recreation, community based, general interest, health and welfare, religious etc)	Community	
Organisation Membership:	Committee of 12 Volunteers	
Nature of service / facility provided:	Community Event	
Contact Person:	Helen Herbert	
Position:	President	
Phone Number:	0427 984 045	
Email Address:	presidentwcow@outlook.com	
Postal Address:	Po Box 52 Wandering WA 6308	
ABN: 48305810416	Are you registered for GST: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Are you incorporated: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of event or activity:	Friday 21 <sup>st</sup> October 2022 → Sunday 23 <sup>rd</sup> Oct 2022	
Project / Event Title:	Wandering Camp out weekend	
Amount requested:		
Do you require in-kind support:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If so please provide details:	We would like to borrow the appropriate signage from Narrogin Shire. Happy to split cost of TMP with Wandering Fair.	
What is the purpose of your project:	To showcase local talent, businesses and natural beauty of wandering and surrounds	
How will it benefit the Wandering community?	The event itself will attract visitors from near and far. If our event is profitable, we aim to fund various community projects eg water fountain @ Skate park, school camp etc	
Applicants financial position:	Event budget \$27,934.50 from public please	

**Shire of Wandering  
CONFIDENTIAL**

Please include a detailed project budget including GST breakdown (on separate sheet if necessary).

Details of applications to other possible funding sources:

Lotterywest has provided a grant for Ag Show component - no charge to patrons  
most support is in kind.

Ongoing management:

This event will hopefully continue each year with the ongoing support of our sponsors and the effort of the committee and volunteers

How will you acknowledge support from the Shire of Wandering?:

Logo will be displayed in social media, event program etc

#### Declaration

I acknowledge that:

- I am authorised to make this application on behalf of the organisation.
  - The information provided is true and correct.
  - I may be required to supply further information to enable consideration of this application.
  - Licensed clubs, under the Liquor Act, must disclose the amount of income generated from the sale of alcohol
- I give my permission for the Shire of Wandering to promote this grant as part of any communications or public relations activity.

Name: Helen Herbert

Signed: 

Date: 09/09/2020

#### Office Use Only

Central Records Ref:

N&A Updated

Name:

Date:



Government of Western Australia  
Department of Mines, Industry Regulation and Safety  
Consumer Protection

WESTERN AUSTRALIA  
*Associations Incorporation Act 2015*  
(Section 10)

IARN: A1037522Y

## Certificate of Incorporation

This is to certify that

**WANDERING CAMP OUT WEEKEND INC.**

is an association incorporated under the  
*Associations Incorporation Act 2015*

The date of incorporation is the  
fifth day of October 2020

Lanie Chopping  
Commissioner for Consumer Protection

CERTIFICATE

### 13.5 2022/2023 Differential General Rates and General Minimum Payments

<b>File Reference:</b>	<b>03.031.03103</b>
<b>Location:</b>	
<b>Applicant:</b>	
<b>Author:</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Authorising Officer</b>	<b>Alan Hart, Chief Executive Officer</b>
<b>Date:</b>	<b>12 September 2022</b>
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<b>Nil</b>
<b>Previous Reference:</b>	<b>Special Council Meeting 4 August 2022 – Item 10.1</b>

#### Summary

The purpose of this report is to recommend to Council to re-adopt for local public advertising for a minimum period of 21 days the updated Differential General Rates and General Minimum Payments for 2022-23.

#### Background

Council have previously resolved to impose differential rates for the 2022/23 financial year. During the process of obtaining ministerial approval, the Department of Local Government have advised the Shire that approval cannot be given due to the rate categories changing after the close of the advertising period. This type of approval is given by officers in the Department under Delegated Authority and the officers do not have delegated authority if the differential rating strategy changes after the advertising period.

#### Statutory / Legal Implications

##### **Local Government Act 1995:**

##### **S6.33. Differential general rates**

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
  - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
  - (b) *a purpose for which the land is held or used as determined by the local government; or*
  - (c) *whether or not the land is vacant land; or*
  - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
  - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
  - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*
- (5) *A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.*

**s6.35. Minimum payment**

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
  - (a) *50% of the total number of separately rated properties in the district; or*
  - (b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
  - (a) *the number of separately rated properties in the district; or*
  - (b) *the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
  - (a) *to land rated on gross rental value; and*
  - (b) *to land rated on unimproved value; and*
  - (c) *to each differential rating category where a differential general rate is imposed.*

**s6.36. Local government to give notice of certain rates**

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) —*
  - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*
  - (b) *is to contain —*
    - (i) *details of each rate or minimum payment the local government intends to impose; and*
    - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
    - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
  - (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*

- (5) *Where a local government —*
- (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
  - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.*

### **Policy Implications**

In accordance with the Department of Local Government Rating Policy – Differential Rates, Council must demonstrate that consideration has been given to the key values of Objectivity, Fairness and Equity, Consistency, Transparency and Administrative Efficiency.

### **Financial Implications**

The differential rates model as endorsed by Council will directly influence Council’s ability to fund expenditure requirements proposed to be included in the 2022/2023 budget. Expenses will be incurred in relation to advertising, which are accommodated within the current budget.

### **Strategic Implications**

#### **IMPROVE OUR FINANCIAL POSITION**

<b>Our Goals</b>	<b>Our Strategies</b>	<b>Our Measurement</b>
<b>The Wandering Shire is financially sustainable</b>	Improve accountability and transparency Develop an investment strategy that plans for the future and provides cash backed reserves to meet operational needs Prudently manage our financial resources to ensure value for money	Rate review implemented over a staged process by 2020 Balanced budget delivered annually Annual external financial audit identifies no adverse issues Long Term Financial Plan updated annually Investment Strategy

### **Consultation / Communication**

Via local public notice.

### **Comment**

Council have previously resolved to advertise a differential rating and general minimum payments for 2022/23 year and to seek the Ministers approval to levy the rates as required under the Local Government Act.

This process was completed and the request was lodged. During the assessment process, departmental officers found that the differential rate categories had changed after the advertising period closed and ministerial approval cannot be granted if rate categories change after the close of the advertising period. The Department have also requested that the Shire change the Rate in the \$ amounts for Rural Residential Vacant and Industrial Vacant so that differential rates apply to the different rate categories. This will not change the outcome of the rate model.

When the original request was lodged with the Department on 5 August 2022, the department required the Shire to write to two ratepayers in the industrial area to seek their comments on applying the minimum rate to their property, it is State Government policy (not legislation) that where the strategy affects a small number of properties that the local government individually write to those ratepayers seeking their input on the differential rating strategy. This extended the public consultation period from 21 days to 42 days (as the two ratepayers had 21 days to comment).

The department has had all of the required information since 5 August to assess the application and on 9 September the Shire was advised that the application for approval to apply the minimum rate cannot be approved due to the separation of the vacant properties in the rural residential and industrial areas at the close of the public advertising period, so that ministerial approval can be given to apply the minimum rate to more than 50% of properties that are classified as vacant.

The Department now require that the Council re-commence the advertising period again (another 21 days) and apply to the Minister for approval in accordance with Section 6.35 (5) of the Local Government Act 1995 (as amended).

The Shire of Wandering has adopted a differential general rate and general minimum rate payment model for a number of years.

In arriving at the proposed rates in the dollar, the need for revenue to fund the requirements of local government services, activities, maintenance of assets, financing costs and capital infrastructure requirements with the desire to limit any increase on the ratepayer to affordable levels has been established.

In the 2021/22 year, there was change in basis of rates for the Industrial and Rural Residential zoned properties from UV to GRV. Within these categories there are a high number of properties that are classified as vacant land and it is not possible to comply with the legislation and maintain a minimum rate of no more than 50% of the properties within these differential rating categories.

The legislation does allow for the Shire to not comply with the 50% minimum if a differential rate is set for land that is vacant on the basis that it is vacant land, the Council must seek the approval of the Minister to impose these rates and minimum charges. It is therefore recommended that the following differential rates be adopted for the 2022/23 financial year:

<b>Rate Category</b>	<b>Minimum Payment</b>	<b>Rate in the dollar (expressed as cents in the \$)</b>	<b>Yield \$</b>
GRV Residential	\$1,204	13.7841	\$114,679.11
GRV Special Use	\$1,204	15.6112	\$22,730.76
GRV Rural Residential	\$1,204	9.2758	\$103,627.45
GRV Rural Residential Vacant	\$1,204	9.2759	\$27,692.00
GRV Industrial	\$1,204	7.8200	\$4,034.56
GRV Industrial Vacant	\$1,204	7.8300	\$2,408.00
UV Rural	\$1,204	0.6160	\$1,094,323.44
UV Mining Tenement	\$1,204	0.6160	\$7,224.00

<b>Rate Category</b>	<b>Minimum Payment</b>	<b>Total Properties</b>	<b>No of Minimums</b>	<b>% of Minimums</b>
GRV Residential	\$1,204	80	26	33%
GRV Special Use	\$1,204	4	1	25%
GRV Rural Residential	\$1,204	83	41	49%
GRV Rural Residential Vacant	\$1,204	23	23	100%
GRV Industrial	\$1,204	2	1	50%
GRV Industrial Vacant	\$1,204	3	3	100%
UV Rural	\$1,204	212	79	37%
UV Mining Tenement	\$1,204	6	6	100%



**Voting Requirements**

Simple Majority

**Officers Recommendation**

**That Council:**

1. having considered the Long-Term Financial Plan 2021-2031 and its expenditure and revenue forecasts, approves for re-advertising the following differential rating categories:

**DIFFERENTIAL RATES CATEGORIES 2022/2023**

	<b>PROPOSED RATE IN \$</b>	<b>MINIMUM RATE</b>
<b>GRV - Residential</b>	<b>0.137841</b>	<b>\$1,204</b>
<b>GRV - Special Use</b>	<b>0.156112</b>	<b>\$1,204</b>
<b>GRV - Rural Residential</b>	<b>0.92758</b>	<b>\$1,204</b>
<b>GRV - Rural Residential Vacant</b>	<b>0.92759</b>	<b>\$1,204</b>
<b>GRV - Industrial</b>	<b>0.78200</b>	<b>\$1,204</b>
<b>GRV - Industrial Vacant</b>	<b>0.78300</b>	<b>\$1,204</b>
<b>UV -Rural</b>	<b>0.00616</b>	<b>\$1,204</b>
<b>UV - Mining</b>	<b>0.00616</b>	<b>\$1,204</b>

2. Advertises these rates in the dollar and minimum payments and invites written feedback from ratepayers within 21 days from giving local public notice.

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

## **14 Planning and Technical Services**

### **14.1 Revocation of Bushfire Management Plan Condition**

<b>File Reference:</b>	<b>PA292</b>
<b>Location:</b>	<b>Lot 12 (No.7841) Albany Highway, Bannister</b>
<b>Applicant:</b>	<b>Glenn Burke</b>
<b>Author:</b>	<b>Maureen Mertyn, Technical Services Administration Officer</b>
<b>Authorising Officer</b>	<b>Barry Gibbs – Executive Manager Technical Services</b>
<b>Date:</b>	<b>22/08/2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Attachment 1 – Planning Approval Attachment 2 – Letter from Preplan Pty Ltd</b>
<b>Previous Reference:</b>	<b>PA292 and Development Approval Resolution 080722</b>

#### **Summary:**

A Development Approval under Resolution number 080722 was issued for a “Use Not Listed”, being a Tourist Facility and associated signage at Lot 12 (No. 7841) Albany Highway, Bannister.

The Bush Fire Management Plan condition is found to be insignificant based on consultation with a Bushfire consultant.

This report therefore recommends revoking the Bushfire Management Plan condition.

#### **Background:**

In respect to a planning framework, the decision-maker (Council) has the discretion of requiring a Bushfire Management Plan.

#### **Comment:**

Kelly Brown, a registered Fire Engineer with over 35 years industry experience recommends waiving the condition of a Bushfire Management Plan as it cannot mitigate the hazard as hazard is not on this title and therefore outside the legal scope of a BMP for this lot.

According to D Gossage, Director at Preplan, an evacuation plan irrespective of whether required or not is pointless in the bushfire perspective as the Emergency Planning Committee (as specified in AS3745), would create plans and procedures that would require safe evacuation from the premises that is literally only a few steps, any occupant is on public space/ road reserve and outside the scope of such plans and procedures.

Barry Gibbs, Executive Manager Technical Services conducted a site inspection and confirms that the recommendation of Preplan is suitable.

#### **Consultation:**

Alan Hart, CEO  
Barry Gibbs, Executive Manager Technical Services  
Kelly Brown, Bushfire consultant at Preplan Pty Ltd  
D Gossage, Director at Preplan Pty Ltd  
Cody Meyer, Altus Planning

#### **Statutory Environment:**

Nil

#### **Policy Implications:**

Nil

**Financial Implications:**

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

**Risk Implications:**

Nil

**Voting Requirements:**

Absolute Majority

**Officer Recommendation:**

**That Council revokes the Bushfire Management Plan condition of Development Approval Resolution number 080722 , as listed below:**

***“The applicant, within 30 days of the date of approval or whichever time period is appropriate by Council, is to submit a Bushfire Management Plan to the satisfaction of the Shire and in accordance with the provisions of State Planning Policy 3.7, prior to commencement of the use”.***

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

# SHIRE OF WANDERING

22 Watts Street, Wandering, WA. 6308  
Ph: 08 9884 1056  
www.wandering.wa.gov.au



Our Ref: 10.106.10606 / PA292

Your Ref:

Enquiries: Maureen Mertyn

## NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl.10.4.1] Town Planning Act 1928

### PROPERTY DETAILS

Determination No:	PA292	Date of Determination:	21/07/2022
Assessment No:	A472	Owner:	GP Burke
Date of Meeting:	21/07/2022	Date Received:	22/07/2022
Lot/Location No:	12		
Street Name	Albany Highway	Suburb:	BANNISTER

### PURPOSE

Description of Proposed Use:	Description as defined in Zoning Table:
1.	Approval of Application for Planning Approval - Commence a "Use Not Listed", being a Tourist Facility and associated signage - Lot 12 (7841) Albany Highway, Bannister
(Please attach details if insufficient room)	
Nature of any existing buildings and or/use:	Shed
Zoning:	Rural
Zoning Use Code:	Use not listed
Heritage Listed:	N
Setback variation required:	Not Applicable
Policy Applicable:	Nil

# SHIRE OF WANDERING

22 Watts Street, Wandering, WA. 6308

Ph: 08 9884 1056

[www.wandering.wa.gov.au](http://www.wandering.wa.gov.au)



Approval is hereby granted for Approval of Application for Planning Approval - Commence a Use Not Listed" - Lot 12 Albany Highway subject to the following conditions:

- The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
- Manufacturing of furniture and art to be undertaken between the hours of 7:00 and 19:00 Monday to Saturday. Manufacturing of furniture is not permitted outside of these hours.
- The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is to submit a Waste Management Plan to the satisfaction of the Shire which provides detail on the size, quantity, type and location of bin storage as well as the method and frequency of disposal, prior to commencement of the use.
- The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is to submit a Bushfire Management Plan to the satisfaction of the Shire and in accordance with the provisions of State Planning Policy 3.7, prior to commencement of the use.
- The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is required to submit a septic application and to pay the relevant application fee for approval.
- Suitable arrangements being made with Main Roads WA for the upgrade of the direct vehicular access onto the Main Roads network.
- Suitable arrangements being made with Main Roads WA for the approval of signage is visible from the Main Roads network.

#### Advice Notes:

With respect to Conditions 1, 6 and 7:

- The applicant is encouraged to contact the Main Roads WA Wheatbelt Region for advice in relation to vehicular access and signage.
- The applicant is required to submit an Application for Advertising Signs within and beyond State Road Reserves and receive approval prior to the installation of signage.
- The applicant is required to submit an Application for Highway Access and Application to Undertake Works within the Road Reserve, and receive approval, prior to undertaking any works within the road reserve.
- Your attention is drawn to that fact that this consent constitutes development approval under the Planning and Development Act 2005 only and that a Building Permit may be required to be obtained prior to commencement of the land use that demonstrates compliance with the Building Code of Australia. It is the responsibility of the applicant to liaise with the Shire obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

# SHIRE OF WANDERING

22 Watts Street, Wandering, WA. 6308

Ph: 08 9884 1056

[www.wandering.wa.gov.au](http://www.wandering.wa.gov.au)



- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: If an applicant is aggrieved by this determination there is a right of appeal under Part V of the Town Planning Act 1928. An appeal must be lodged within 60 days of the determination.
- Note 4: All building applications received will now be forwarded to Council's Building Surveyor for assessment. You will be contacted regarding your building application in due course.

---

Alan Hart, Chief Executive Officer

For and on behalf of the Shire of Wandering

Date: **22/07/2022**

2022 08 17

Att: Barry Gibb



Shire of Wandering

22 Watts Street,

Wandering

WA 6308

Dear Barry,

**Re: Requirement of a BMP for Lot 12, 7841 Albany Highway  
Bannister WA**

Following on from your conversation with Glenn Burke we confirm a BMP is not required in this instance as it cannot mitigate the hazard as the hazard is not on this title and therefore outside the legal scope of a BMP for this lot. A BMP is therefore pointless and places an unnecessary encumbrance upon the owner without any change to the actual hazard which is on another title.

An evacuation plan is covered by AS3745 and invoked by NCC if required. An evacuation plan irrespective of whether required or not is pointless (from a bushfire perspective) as the emergency planning committee (EPC) as specified in the standard, would create plans and procedures that would require safe evacuation from the premises, which, with literally only a few steps, any occupant is on public space/road reserve and outside the scope of such a plan/procedure. Thus an evacuation plan does not improve safety from a bushfire perspective – if anything it may decrease the safety (from a bushfire perspective).

We hope this clarifies the issue and should you have any queries please feel free to contact me on 0457323814.

Yours faithfully,

*D Gossage*

D Gossage AFSM

Director



## 14.2 Grant of Easement – Lot 97, Echidna Close, Wandering

<b>File Reference:</b>	<b>05.051.02109; RA377</b>
<b>Location:</b>	<b>Lot 97, Echidna Close, Blackboy Springs</b>
<b>Applicant:</b>	<b>Daniel and Juliet Young</b>
<b>Author:</b>	<b>Barry Gibbs</b>
<b>Authorising Officer</b>	<b>Barry Gibbs – Executive Manager Technical Services</b>
<b>Date:</b>	<b>7/09/2022</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachments:</b>	<b>Confidential Under Separate Cover - Grant of Easement - Lot 97, Echidna Close, Wandering</b>
<b>Previous Reference:</b>	<b>Item 11.3 -18 March 2021 – Fire Break Easement</b>

### Summary:

This report seeks Council's consideration to apply the Common Seal of the Shire of Wandering so to progress an outstanding Fire Break Easement/Emergency Access Track misalignment on Lot 97 Echidna Close, Wandering.

### Background:

When stage two of the development for Blackboy Springs Estate was approved the terrain was not considered when the alignment of the Easement was granted.

This has meant that the physical alignment of the current access track is not located within the allocated easement and varies up to 20 metres at some points from the easement within Lot 97, Echidna Close, Blackboy Springs Estate.

The Shire of Wandering has engaged McLeods as Solicitors for legal services to proceed arrangements with Daniel and Juliet Young for the realignment of the Fire Break Easement.

The Shire of Wandering needs to sign and affix its Common Seal on the agreement for lodgement with Landgate.

### Comment:

This process has taken several years and is now nearing the final stages for the realignment to be completed.

### Consultation:

Alan Hart – Chief Executive Officer

### Statutory Environment:

*Land Administration Act 1997*

*s195. Easement in gross in favour of State etc., creation of etc.*

*It is possible, and is deemed always to have been possible —*

*(a) to create in favour of the State of Western Australia or in favour of a State instrumentality, statutory body corporate or local government, an easement without a dominant tenement; and*

*(b) to annex to or make appurtenant to an easement, another easement or the benefit of a restriction as to the user of land.*

*Transfer of Land Act 1983*

### Policy Implications:

No policy applies



**Financial Implications:**

Only minor financial costs for Solicitors fees for the lodgement. Separate funding will be required once the agreement is finalised to undertake fencing as per the original arrangement with the Youngs in March 2021.

**Strategic Implications:**

**Provide Strong Leadership**

Our Goals	Our Strategies
We plan for the future and are strategically focused	Ensure accountable, ethical and best practice governance

**Improve Our Financial Position**

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	Improve accountability and transparency Prudently manage our financial resources to ensure value for money

**Sustainability Implications:**

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

**Risk Implications:**

If the easement is not realigned the property owner has the right to deny access to the current section of track which is not within the easement which may have significant impact and slow response during a Bushfire in the area of Blackboy Springs Estate.

**Voting Requirements:**

Simple Majority

**Officer Recommendation:**

**That Council authorise the Shire President and Chief Executive Officer to Sign and apply the Common Seal to the Grant of Easement as shown on Deposited Plan 418061 for Lot 97 Echidna Close, Wandering.**

Moved: \_\_\_\_\_

Seconded: \_\_\_\_\_

**15. Elected Members Motions of Which Previous Notice Has Been Given**

**16. New Business or Urgent Business Introduced by Decision of the Meeting**

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

**16.1 Elected Members**

**16.2 Officers**

**17. Matters Behind Closed Doors**

**18. Closure of Meeting**

The Presiding Member to declare the meeting closed.