

Notice of Meeting



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Dear Elected Member

The next Ordinary meeting of the Shire of Wandering will be held on Thursday 19 October 2023 in the Council Chambers commencing at 2.30pm.

Schedule

2.30pm Ordinary Council Meeting

Alan Hart
Chief Executive Officer

13 October 2023

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
19 October 2023

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 in the Council Chambers on Thursday 19 October 2023 – commencing at 2.30pm.

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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 Max Watts
Cr Gillian Hansen
Cr Sheryl Little

Staff

Alan Hart (Chief Executive Officer)
Karl Mickle (Operations 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

9.1 Ordinary Council Meeting Minutes – 21 September 2023

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 21 September 2023 be confirmed as true and correct.

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts

10. Reports of Committees of Council

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 Shire of Wandering Policy Manual Review

File Reference:	11.111.11101
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	2 October 2023
Disclosure of Interest:	Nil
Attachments:	Policy 0 – Introduction Policy 26 – Asset Management Policy 31 – Amending Policies Policy 54 – Public Library and Internet Access
Previous Reference:	Item 12.1 Ordinary Council Meeting 21 September 2023

Summary:

To continue with 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 90 policies of the Shire it is proposed that each month several policies are reviewed by Council, this will ensure that all policies are reviewed in the stated three year period.

Comment:

Four policies are to be reviewed this month:

- Policy 26 – Asset Management
- Policy 54 – Public Library and Internet Access
- Policy 31 – Amending Policies (this policy to be deleted and text to be inserted into Policy 0 – Introduction)

These policies were presented to the General Planning Forum on 21 September 2023. Changes were made as indicated in the attachments.

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 26 – Asset Management**
- **Policy 54 – Public Library and Internet Access**
- **Policy 31 – Amending Policies (this policy to be deleted and text to be inserted into Policy 0 – Introduction)**

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts

INTRODUCTION TO POLICY MANUAL REVIEW

DATE OF MEETING: 16/09/2021

Council and Management Roles in Policy Making

The Council of the Shire of Wandering has determined to develop Council Policies and Management Policies and Procedures to guide its direction and operations.

This accords with the provisions of s2.7(2)(b) Local Government Act 1995 -

2.7. Role of council

(1) *The council —*

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) *Without limiting subsection (1), the council is to —*

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

In addition, the Local Government Act 1995 and other Acts require, or contemplate, the development of Policies.

Policies that must be adopted by Council under various Acts include;

Local Government Act

- s5.50 Payments to employees in addition to contract or award (can be delegated to CEO under s5.42)
- s5.103 - Code of Conduct for council members, committee members and employees
- A procurement policy under regulation 11A of the Local Government (Functions and General) Regulations 1996

State Records Act, Freedom of Information Act 1992

- Record Keeping

In addition, Council makes policies under the Local Planning Scheme.

Council Policies are high level decisions intended to guide the decision-making processes of the Council, as the local government, and the CEO as the employer of all Shire employees, in implementing decisions of the Council, or under delegated authority (from various Acts). These Policies reflect current practices and procedures for the Shire to ensure compliance with relevant legislative and administrative requirements.

Many of the Council and Management Policies have been developed to support delegations and sub delegations contained within the Register of Delegations. Within the Register of Delegations, each instrument of delegation or sub delegation provides a link to the relevant Council or Management Policy, which serve to guide implementation.

In many cases there will also be detailed operational instructions in place to complement Policies. These may include CEO instructions and procedures, machinery operational instructions etc but such matters are entirely administrative and procedural.

The CEO is responsible for the development and implementation of Management Policies, but this Policy Manual contains both Council and Management Policies for completeness of the record and to ensure transparency for Shire residents and ratepayers.

Management Policies cannot be amended by Council.

Council Policy is over-riden by:

- Commonwealth and State legislation and regulations,
- The Local Planning Scheme
- Local Laws
- Council resolutions
- Decisions made under delegated authority (although all such decisions should comply with Council Policy)

Council Policy overrides:

- Management Policy (where both are in conflict)
- Local Government Guidelines – although are not decisions of Council, close observance is strongly recommended
- Operational/Administrative directions/instructions

Council Policy is not binding on the Council, but is binding on employees, unless discretion is stated. Council Policy is to be considered as Council's standing or permanent instructions.

Council Policy Manual - Governance Context

This Manual is an essential component Council's governance framework and guides Council, Management and residents in the context of Council's decision making.

The Policies in the attached Manual are designed to provide:

- a. Consistency and equity in decision making;
- b. Promptness in responding to customer needs; and
- c. Operational efficiency.

Policies arise generally in response to:

- a. Discretionary legislated powers; and/or
- b. Non-legislated functions/activities of Council; e.g. provision of a range of services, and mainly relate powers under the Local Government Act 1995.

Council Policy provides for "the rationale and guiding principles of what can be done", and Management Practice explains "how" Management will implement or carry out that Policy.

It is important to note that Policies are not legislatively binding and when good reasons prevail and are documented, can be set aside.

Reports to Council should detail relevant Policies as this provides:

- a. Guidance to council members in their deliberations on the matter in hand; and
- b. Information for residents

Policy is not required to be based in legislation but can be a stand-alone instruction of Council or the CEO. However, it cannot be inconsistent with legislation.

The Council and CEO will each review all relevant Policies on an annual basis, but when necessity requires a review to address circumstances this may also occur.

ADDED FROM POLICY 31 – TO ALLOW FOR POLICY 31 TO BE DELETED

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.

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

POLICY NO:	26
DATE LAST REVIEWED:	17/09/2020 18/03/2021 16/09/2021

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Asset Management
OBJECTIVE:	<p>Asset Management is viewed as an important corporate function of the Shire of Wandering and Council are committed to supporting the function. The purpose of this policy is to initiate Asset Management Principles/Framework and Asset Management Responsibilities to achieve the following objectives and outcomes:</p> <ul style="list-style-type: none"> (a) The Shire's services and facilities are provided reliably, with the appropriate level of service to residents, visitors and the environment within the Shire; (b) Safeguarding the Shire's assets including physical assets and employees by implementing appropriate asset management strategies, practices and financial treatment of the assets; (c) Establish an environment where all Shire employees will assist in the overall management of the Shire assets. (d) Meet all legislative compliance for Asset Management; <p>The adoption of an effective asset management approach will provide the following benefits:</p> <ul style="list-style-type: none"> (a) More sustainable decisions by ensuring all lifecycle costs are included in decision processes, so that the emphasis is on sustainable efficiencies not unsustainable short-term gains; (b) Enhance customer service through improved understanding of service requirements and options; (c) Improved financial efficiency by recognition of all costs of owning/operating assets over the lifecycle of the assets.

DEFINITIONS

Asset - a physical item that is owned or controlled by Council and provides or contributes to the provision of service to the community.

Asset Register - a record of asset information considered worthy of separate identification including inventory, historical condition, construction, technical and financial.

Asset Management - the processes applied to assets from their planning, acquisition, operation, maintenance, replacement and disposal to ensure that the assets meet Council's priorities for service delivery.

Asset Management Plan - a plan developed for the management of an infrastructure asset or asset category that combines multi-disciplinary management techniques (including technical and financial) over the lifecycle of the asset. The Asset Management Plan establishes, for each Asset Category:

- (a) Levels of Service (performance, construction, maintenance, and operational standards);
- (b) Future Demand (rational basis for demand forecasting and selection of options for proposed new assets);
- (c) Life Cycle Management Plan (including Operations and Maintenance, Renewals and Replacements, and Expansions and Upgrades);
- (d) Financial Projections;
- (e) Asset Management Practices; and
- (f) Performance Monitoring and Improvement.

Asset Management Strategy - a strategy developed for the management of an asset that combines multi-disciplinary management techniques over the lifecycle of the asset.

Council - the Council of the Shire of Wandering

Fair Value is defined as:

"... the amount for which an asset could be exchanged, or a liability settled between knowledgeable, willing parties in an arm's length transaction."

And, as:

"... the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date."

Level of Service - meeting community expectations in relation to the quality and quantity of services delivered by the Council.

Life Costing - the total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, and disposal and rehabilitation costs.

POLICY STATEMENT

This Asset Management approach will be supported and achieved through the implementation of the Asset Management Strategy and Asset Management Plans for Infrastructure Assets within the Shire of Wandering.

The implementation of this Asset Management Policy will assist the Shire to meet community expectations by providing services in a sustainable manner.

1. PRINCIPLES

Asset Management encompasses all the various actions that Council must take to ensure that its assets are planned, delivered, managed, renewed and retired to serve both present and future communities.

1.1 MANAGING COUNCIL ASSETS

Council assets will be managed by:

- (a) Council allocating enough financial resources (integrated with the Long Term Financial Plan) to ensure effective asset management practices, timely maintenance and renewal of assets so that community services are sustained in the long term.
- (b) Asset information will be accurate and up to date allowing for appropriate asset planning, both in the short and long term, and for informed decision making to occur.

1.2 NEW ASSETS & RENEWAL OR UPGRADE / EXPANSION OF ASSETS

Prior to consideration of new infrastructure works, renewals or an expansion/upgrade:

- (a) A strategic review of the need for, and the life cycle cost of that asset (including capital, maintenance, operating and renewal costs) will be carried out.
- (b) Asset Renewal Plans will be implemented progressively based on priority (condition), the level of service required, and the effectiveness of the current performance of the asset.
- (c) Plans to upgrade existing infrastructure will be considered and evaluated according to the need to increase the asset's Level of Service.
- (d) Council will continually seek opportunities for multiple uses of assets, as well as, strategic community partnerships and for economic extensions to infrastructure life.

1.3 ASSET MANAGEMENT STRATEGY AND ASSET MANAGEMENT PLANS

An Asset Management Strategy will be developed in line with the Strategic Plan and informed by the community's aspirations and service requirements that are set out in the Corporate Business Plan.

In consultation with key stakeholders, Council will determine the Level of Service expected for each asset class to deliver economic, environmental and social values for the benefit of the community. These service levels will be adopted and reflected in the Asset Management Plans for each asset class.

The development of Asset Management Plans will also identify:

- (a) The strategic goals;
- (b) The level of service and performance standards;
- (c) The full cost of providing the service
- (d) The future demand; and
- (e) Monitoring and improvement strategies.

1.4 FAIR VALUE GROUPINGS AND FREQUENCY

1.4.1 DEFINITIONS

Infrastructure Assets – includes roads, bridges, footpaths, recreation, drainage and other.

1.4.2 POLICY STATEMENT

The Shire of Wandering, for the purposes of fair value reporting, have adopted the following two groupings:

- (a) Infrastructure; and
- (b) Land and Buildings

Further to this, the Shire also has adopted the frequency of revaluations for fair value for each grouping be five (5) years commencing with Land and Buildings in 2019/2020.

1.5 LOW VALUE ASSETS

All items of capital nature will be capitalised based on the threshold as determined in the Council's "Significant Accounting Policies", e) Fixed Assets - Capitalisation of Assets. Items that are not capitalised will be recorded in separate Low Value Asset Register.

2. ROLES AND RESPONSIBILITIES

In order to support this policy, the following key roles and responsibilities have been identified:

2.1 COUNCIL

- (a) To act as custodians for Council assets;
- (b) To adopt an Asset Management Policy with linking to the Shire of Wandering's 10 Year Community Strategic Plan
- (c) To provide an advocacy role with State and Federal Governments and the community;
- (d) Demonstrate the organisations commitment to the Council's vision and strategic objectives through an integrated and resourced asset management system to build and maintain intergenerational equity;
- (e) Make informed decisions supported by asset management processes and costs;
- (f) To comply with Integrated Planning Framework and Fair Value Legislation.

2.2 CEO

- (a) Reporting on the status and effectiveness of asset management within Council;
- (b) Continually promote asset management across the organisation;
- (c) To validate and challenge proposals to ensure they meet the Shire's Strategic Plan objectives and community needs;
- (d) To ensure community and key stakeholder's inputs are integrated into Asset Management Plans;
- (e) To ensure employee are appropriately trained and skilled to perform the required Asset Management functions;
- (f) To provide effective communication between Employee, Council and the Community;
- (g) Responsible for implementing asset management systems, policies and procedures;
- (h) Delegate specific assets to responsible project officers;
- (i) Promote networks between the community, key stakeholders, and Council's asset managers to involve and consult with on the management of Council's assets.
- (j) Develop and implement a framework for the evaluation and prioritisation of corporate project proposals incorporating whole of life costing;
- (k) Develop and implement asset management processes and procedures;
- (l) Implementation of Fair Value
- (m) Develop framework, guidelines and processes to deal with Fair Value reporting.

The Level of Service for each asset class will drive the desired funding and when assessed against the Shire's current budget, this will represent the funding gap. Council will work to minimise this gap by renewing its assets at the most optimum time. The budgetary requirements will be fed into the Shire's Long-Term Financial Plan.

3. STRATEGIC IMPLICATIONS

Developing an Asset Management Strategy is a crucial part in contributing to Council's Corporate Business Plan (CBP), ensuring that the Local Government's assets are effectively managed and meet the needs of the community now and into the future.

It is stated in the Shire's CBP that the purpose of the asset management strategy is to:

- (a) Show how Council asset portfolio will meet the service delivery needs of its community into the future,
- (b) Enable Council's asset management policies to be achieved, and ensure the integration of Council's asset management with the Wandering Community Strategic Plan and Corporate Plan

This Asset Management Policy has also been developed to support the vision, goals and objectives in the Shire of Wandering's Strategic Plan 2018-2028: Vision and Values.

"A healthy, harmonious and progressive community where all people are willing to contribute and enjoy opportunities to be successful."

Effective asset management ensures that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

The Shire of Wandering 10 Year Community Strategic Plan 2018 – 2028 outlines the goals and objectives relevant to Asset Management:

GOAL 04 – Infrastructure and Services that are Well Planned and Delivered

Outcome 4.1 - Infrastructure that is well constructed, maintained and utilised

- (a) Maintain and further develop roads at appropriate standards
- (b) Develop a strategy for the effective management of Shire owned land and buildings
- (c) Ensure Shire facilities and buildings are maintained to agreed levels of service
- (d) Develop asset management plans for all Shire infrastructure and assets that consider current and future needs and are linked to the Long-Term Financial Plan

Outcome 4.3 - Infrastructure that supports future community needs

- (a) Develop a strategic direction for the use and management of Community Precinct
- (b) Ensure a robust business case is prepared for any new Community Infrastructure
- (c) Promote new infrastructure that is multi - functional

In order to achieve these goals, the Shire must allocate appropriate resources to asset management through its financial plan, define its service level expectations through service delivery plans, and ensure effective risk management.

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

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

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

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.

POLICY TYPE:	COMMUNITY
DATE ADOPTED:	18/07/2019

POLICY NO:	54
DATE LAST REVIEWED:	17/09/2020 16/09/2021

LEGAL (PARENT):	<i>Local Government Act 1995</i>
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LEGAL (SUBSIDIARY):	
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DELEGATION OF AUTHORITY APPLICABLE:	
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DELEGATION NO.	
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ADOPTED POLICY	
TITLE:	Public Library and Internet Access
OBJECTIVE:	<ul style="list-style-type: none"> To ensure there is appropriate use library and public internet by members of the public

POLICY GUIDELINES – PUBLIC LIBRARY AND INTERNET ACCESS:

Standards of Behaviour - While utilising the library service, including internet access, all users must respect the rights of other users.

Parents shall not leave children under the age of 12 unattended on the public internet computer in the library.

The Shire Library has free access during restricted office hours to its library and public internet computer, however, during peak times bookings may be required. Users may not make any alterations to the public internet computer, this includes making modifications to hardware or software, or downloading inappropriate information.

Public library computer users may print information for a fee as per schedule of fees and charges.

- (a) No more than two persons at a time may use the public internet computer.
- (b) All users of the internet must abide by the WA Censorship Act 1996, s102 which bans the use of the internet to transmit restricted material to a minor or make restricted material available to a minor. Users who disregard this will be reported to the Police.

The Shire of Wandering has no control over the information accessed through the Internet and cannot be held responsible for its content.

The Shire of Wandering does not guarantee or accept any liability for the retrieved information's accuracy, authoritativeness, timeliness, or usefulness for a particular purpose.

The Shire of Wandering shall have no liability for any direct or indirect consequential damages related to the use thereof.

12.2 Delegations Review

File Reference:	04.041.04111
Location:	N/A
Applicant:	N/A
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	2 October 2023
Disclosure of Interest:	Nil
Attachments:	Delegations Register
Previous Reference:	Item 12.2 Ordinary Council Meeting 16 June 2022

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 2022.

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 21 September 2023 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: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts

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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 / Reviewed 18/05/2023

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Delegations Deleted 16/09/2021:

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

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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,
- 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,

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- 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;
- 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.

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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
- 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.

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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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s5.27(2)</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s9.10(1); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 22	SUB-DELEGATED TO:	Cannot be sub delegated
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s9.49</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 6	SUB-DELEGATED TO:	Cannot be sub delegated
POLICY REFERENCE:			
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s5.100A; s5.102</i>	
Conditions	<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.

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Delegation No: 08		Private Property and Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> • 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. • 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. • The notice is to be given not less than 24 hours before the power of entry is exercised. • Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates. • Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant). <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 Local Government (Uniform Local Provisions) Regulations 1996.</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) & (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"> • 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. • 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. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. 		

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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.
- 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.

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- 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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.44</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<p><i>In relation to s3.32 (1)</i></p> <ul style="list-style-type: none"> • 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. • 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. • The notice is to be given not less than 24 hours before the power of entry is exercised. • Successive entries for the purpose specified in the notice are to be regarded as entries to which that notice relates. • Approvals given are subject to regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996 (where relevant). <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 Local Government (Uniform Local Provisions) Regulations 1996.</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) & (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"> • 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. • 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. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. 		

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POWER OR DUTY DELEGATED

The Operations Manager 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 Operations Manager 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.
- 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.

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- 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.

SHIRE OF WANDERING

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Delegation No: 12		Donations, Discounts and Debt Write-offs	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 41	SUB-DELEGATED TO:	
POLICY REFERENCE:			
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>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.

SHIRE OF WANDERING

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Delegation No: 14		Investment of Surplus Funds	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 10	SUB-DELEGATE TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.14</i> <i>Local Government (Financial Management) Regulations</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 13	SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.7(2)</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 12 Policy 40	SUB-DELEGATED TO:	Operations Manager CRC Coordinator
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 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 Operations Manager 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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	04/10/2019 16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:	Policy 12 Policy 40	SUB-DELEGATED TO:	Operations Manager CRC Coordinator
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.44</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 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 Operations Manager 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 Operations Manager, 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:

- Operations Manager – \$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.

REVIEW REQUIREMENTS

At least once every financial year.



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 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 Operations Manager 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.

SHIRE OF WANDERING

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Delegation No: 19		Rates – Recovery where Unpaid	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE: POLICY REFERENCE:	Policy 12 - Policy 41 & Policy 71	SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Local Government Act 1995 s6.50(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>	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
 Ph: (08) 6828 1800
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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:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308
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Delegation No: 22 Permits for Stall Holder, Trader and/or Outdoor Eating Facilities

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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<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"> <i>Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i> <i>Have regard to the provisions of s3.50(1).</i> <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.

SHIRE OF WANDERING

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The Chief Executive Officer is delegated authority to:

- 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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): <i>Local Government Act 1995 – s5.44</i>	LEGAL (SUBSIDIARY): <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>		
Conditions	<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 Operations Manager, 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"> <i>1. Sufficient measures are in place to advise affected parties, minimise disruption to road users and to protect public and Shire assets.</i> <i>2. Have regard to the provisions of s3.50(1).</i> <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 Operations Manager 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 Operations Manager 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.

SHIRE OF WANDERING

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The Operations Manager is delegated authority to:

- 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.

SHIRE OF WANDERING

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Delegation No: 24		Obstruction of Thoroughfares	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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 Local Government (Uniform Local Provisions) Regulations 1996.</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.



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:	Operations Manager
LEGAL (PARENT): <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>		LEGAL (SUBSIDIARY): <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</i> <i>- Sch. 9.1 cl. 3(1)(a)</i> <i>r.7A Obstruction of public thoroughfare by fallen things –</i> <i>Sch.9.1 cl.3(1)(b)</i> <i>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</i>	
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .		

POWER OR DUTY DELEGATED

The Operations Manager 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.

SHIRE OF WANDERING

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Delegation No: 25		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:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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.

SHIRE OF WANDERING

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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:	Operations Manager
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 Operations Manager 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.

SHIRE OF WANDERING

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Delegation No: 28		Group Values on Contiguous Land	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 20	SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

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Delegation No: 29		Street Stalls/Appeals	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 – s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Building Act 2011: various, as detailed Building Regulations 2012: various, as detailed</i>	
Conditions	<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.

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These delegations include the powers and duties specified at:

- 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.

SHIRE OF WANDERING

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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<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"> <i>1. Propose the creation of a vacant lot;</i> <i>2. Proposed vacant air stratas in multi-tiered strata scheme developments;</i> <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"> <i>a) type of development; and/or</i> <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> <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> 		

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	
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 <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>	
Conditions	<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)].

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	
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	<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

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>		<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> <i>s.52(1) Approved area may be declared</i> <i>s.58 General penalty and recovery of expenses incurred</i> <i>s.59 Prosecution of offences</i> <i>s.59A(2) Alternative procedure – infringement notices</i>	
Conditions	<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 and Chief Bush Fire Control Officer prior to exercising this delegation.</i>		

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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 plant 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 air 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)].
- 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)].

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- 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)].
- 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)].

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- 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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	
LEGAL (PARENT): POWER TO DELEGATE <i>Cat Act 2011 – s44</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Cat Act Regulations 2012</i>	
Conditions	<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	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Ranger Operations Manager</i>
LEGAL (PARENT): POWER TO DELEGATE <i>Dog Act 1976 – s10AA(1) and (3)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Dog Act 1976 - as detailed below</i>	
Conditions	<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.

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Delegation No: 36a		Dog Act – Duties and Functions	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Contract Ranger Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Dog Act 1976 – s10AA(1) and (3)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<i>Must comply with relevant policies</i> <i>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

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

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.

SHIRE OF WANDERING

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Delegation No: 38		Food Act – Payment of Compensation	
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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.56(2) Compensation to be paid in certain circumstances</i> <i>s.70(2) and (3) Compensation</i>	
Conditions	<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.

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Delegation No: 39		Food Act – Prohibition Orders	
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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <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>	
Conditions	<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.

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Delegation No: 40		Food Act – Food Business Registrations	
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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses	
Conditions	<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

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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.122(1) Appointment of authorised officers</i> <i>s.126(6), (7) and (13) Infringement Officers</i>	
Conditions	<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> <i>Appointment of Authorised Officers as Meat Inspectors</i> <i>Appointment of Authorised Officers</i> <i>Appointment of Authorised Officers – Designated Officers only</i> <i>Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</i>		

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.

SHIRE OF WANDERING

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Delegation No: 42 Food Act – Debt Recovery and Prosecutions Officers			
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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>s.54 Cost of destruction or disposal of forfeited item</i> <i>s.125 Institution of proceedings</i>	
Conditions	<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:

- 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.

SHIRE OF WANDERING

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Delegation No: 43		Food Act – Food Businesses List – Public Access	
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:	NA
LEGAL (PARENT): POWER TO DELEGATE <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>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Food Act 2008:</i> <i>r.51 Enforcement agency may make list of food</i>	
Conditions	<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.

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Delegation No: 44		Graffiti Vandalism Act – General Delegation	
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	<i>Operations Manager</i>
LEGAL (PARENT): POWER TO DELEGATE <i>Graffiti Vandalism Act 2016 – s16(1)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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.

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Sub Delegation No: 44a Graffiti Vandalism Act – General Delegation

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	Yes
POLICY REFERENCE:		SUB-DELEGATED TO:	Operations Manager
LEGAL (PARENT): POWER TO DELEGATE <i>Graffiti Vandalism Act 2016 – s16(1)</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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 Operations Manager 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

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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016</i> <i>s.24(1) and (3) Designation of authorised officers</i>	
Conditions	<p><i>Subject to each person so appointed being;</i></p> <ul style="list-style-type: none"> • <i>Appropriately qualified and experienced [s.25(1)(a)]; and</i> • <i>Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</i> <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			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016: s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016 s.264 Compensation</i>	
Conditions	<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			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Public Health Act 2016:</i> <i>s.21 Enforcement agency may delegate</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Public Health Act 2016</i> <i>s.280 Commencing Proceedings</i>	
Conditions			

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

DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Shire of Wandering Town Planning Scheme No. 3</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED <i>Planning and Development Act 2005</i>	
Conditions	<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. 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>		

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

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.

SHIRE OF WANDERING

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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.

SHIRE OF WANDERING

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Delegation No: 52 Fence Line Clearing within Road and Other Reserves			
DATE ADOPTED:	15/08/2019	DELEGATE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:	Policy 52	SUB-DELEGATED TO:	NA
LEGAL (PARENT): POWER TO DELEGATE <i>Local Government Act 1995 s5.42</i>		LEGAL (SUBSIDIARY): POWER OR DUTY DELEGATED	
Conditions	<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

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

DELEGATE:	CEO
SUB-DELEGATED:	No
SUB-DELEGATED TO:	Nil

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

LEGAL (SUBSIDIARY):

Conditions	<i>Must comply with relevant policies</i>
-------------------	---

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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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.



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.



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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 *2nd* day of *June* 2016

A handwritten signature in black ink, appearing to read 'Donald Redman', is written above the printed name.

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



SCHEDULE

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

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the 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. <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 152 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bussellton City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Cannington Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Denmark Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halla Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of 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</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

SHIRE OF WANDERING

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

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickpin
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



PI409

**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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

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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 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 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:



4. APPOINTMENTS AND AUTHORISATIONS

Appointment/Authorisation No: 1		Animal Welfare Act 2002 – General Inspector	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	No
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT):	<i>Animal Welfare Act 2002 – s33(2)(a)(v)</i>	LEGAL (SUBSIDIARY):	
Conditions	<p><i>General Inspectors must be employees.</i></p> <p><i>General Inspectors are only able to issue infringement notices and cannot be appointed as both General Inspectors and Authorised Persons.</i></p>		

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.

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

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

APPOINTMENT

The Chief Executive Officer, Operations Manager, 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.

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Appointment/Authorisation No: 3		Caravan Parks and Camping Grounds Act 1995 - Enforcement	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Operations Manager
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Caravan Parks and Camping Grounds Act 1995 –s22; s23(2), (5), (7), (11)</i>		LEGAL (SUBSIDIARY): <i>Caravan Parks and Camping Grounds Regulations 1997</i>	
Conditions	<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 Operations Manager is appointed as an Authorised Person under s23(2) *Caravan Parks and Camping Grounds Act 1995.*
2. The Operations Manager 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

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Operations Manager
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
PREVIOUS APPOINTMENT / AUTHORISATION:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Control of Vehicles (Off Road Areas) Act 1978 – s38(3)</i>		LEGAL (SUBSIDIARY): <i>Control of Vehicles (Off-Road Areas) Regulations 1979</i>	
Conditions	<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 Operations Manager 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	
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>Criminal Code Act Compilation Act 1913 – S70A(1)(a)</i>	LEGAL (SUBSIDIARY):	
Conditions			

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

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

APPOINTMENT

1. The Operations Manager 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 Manger Technical Services will be the Principal Decision Maker.

REVIEW REQUIREMENTS

Although these Appointments are not required to be 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 8 Local Government Act 1995 - Authorised Person – Legal Proceedings, Infringements and Enforcements

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>Local Government Act 1995 - s9.10(1), (2); s9.11; s9.13; s9.16; s9.17; s9.19; s9.20; s9.24</i>		LEGAL (SUBSIDIARY):	
Conditions	<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.

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Appointment/Authorisation No: 9		Public Health Act 2016 – Appointment of Authorised Officers	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract Environmental Health Officer
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Public Health Act 2016</i> <i>Health (Miscellaneous Provisions) Act 1911</i>		LEGAL (SUBSIDIARY):	
Conditions	<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 designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with S30 of the Public Health Act 2016.</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.

SHIRE OF WANDERING

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Appointment/Authorisation No: 10 Public Interest Disclosure Act 2003 - Public Interest Disclosure 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): <i>Public Interest Disclosure Act 2003 – s23(1)(a)</i>		LEGAL (SUBSIDIARY):	
Conditions			

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.

SHIRE OF WANDERING

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

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

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.

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

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

APPOINTMENT

1. The Operations Manager 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

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>Bush Fires Act 1954 – s59(1), (3); s59A(2)</i>		LEGAL (SUBSIDIARY):	
Conditions	<p><i>Only the Chief Executive Officer may institute legal proceedings.</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>		

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.

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

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>Environmental Protection Act 1986 – s38</i>		LEGAL (SUBSIDIARY):	
Conditions	<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.

SHIRE OF WANDERING

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Appointment/Authorisation No: 15 Equal Employment Opportunity Management Plans

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>Equal Employment Opportunity Act 1984 –s145</i>		LEGAL (SUBSIDIARY):	
Conditions			

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	
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>Liquor Control Act 1988 – s39; s40; s61(1)(d), (2); s69(7), (8)</i>		
Conditions	<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	
DATE ADOPTED:	15/08/2019	APPOINTEE:	All council members, CEO and all employees
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Litter Act 1978 – s26(1)(c)(i), (ii)</i>		LEGAL (SUBSIDIARY):	
Conditions	<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

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Shire President
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Litter Act 1978 – s30(4a)</i>		LEGAL (SUBSIDIARY):	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



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):	LEGAL (SUBSIDIARY):		
	<i>Building Act 2011</i>		
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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



Appointment/Authorisation No: 20		Cat Act 2011 – Authorised persons	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Shire Administration Officers Contract Ranger
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Cat Act 2011 – s9; s10; s11; s12; s13; s26; s27; s37; s38; s39; s40; s48; s49; s62; s63; s64.,</i>		LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



Appointment/Authorisation No: 21		Dog Act 1976 – Authorised Persons	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract Ranger Shire Administration Officers
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <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>		LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>	
Conditions	<i>Must comply with relevant policies Cannot delegate authority to commence enforcement proceedings at S44 of the Dog Act 1976.</i>		

APPOINTMENT

1. 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.

2. 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.

3. 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.

4. The Chief Executive Officer, Contract Ranger, and Shire Administration Officers as Registration Officers under the following sections of the Dog Act 1976:

s14 Register of dogs; and
s16(2), s16(3A), s16(3), s16(3c), s16(6) Registration.

REVIEW REQUIREMENTS

At least once every financial year.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



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

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>s13 Fines Penalties and Infringement Notices Enforcement Act 1994.</i>		LEGAL (SUBSIDIARY): <i>Cat Act 2011 – s45</i>	
Conditions	<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.

SHIRE OF WANDERING

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



Appointment/Authorisation No: 23		Food Act - Authorised Persons	
DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Contract EHO
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Food Act 2008 – s38; s56; s62; s65; s66; s67; s110; s112; s122; s125; s126</i>		LEGAL (SUBSIDIARY): <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>	
Conditions	<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:

1. 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.

2. 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

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

22 Watts Street, Wandering WA 6308

Ph: (08) 6828 1800

www.wandering.wa.gov.au



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

DATE ADOPTED:	15/08/2019	APPOINTEE:	CEO Operations Manager
DATE LAST REVIEWED:	16/09/2021	SUB-DELEGATED:	NA
POLICY REFERENCE:		SUB-DELEGATED TO:	NA
LEGAL (PARENT): <i>Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</i>		LEGAL (SUBSIDIARY):	
Conditions	<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) & (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 Operations Manager 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.

12.3 Shire of Wandering Council Meeting Dates 2024

File Reference:	04.041.04115
Location:	N/A
Applicant:	N/A
Author:	Lisa Boddy, Customer Service Coordinator
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	3 October 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Item 12.1 Ordinary Council Meeting 20 October 2022

Summary:

To advertise meeting dates for 2024.

Background:

It is a requirement of the *Local Government (Administration) Regulations 1996* that Local Governments give local public notice of the dates and times and place of upcoming Council Meetings.

Comment:

Nothing further.

Consultation:

Shire Councillors
Chief Executive Officer

Statutory Environment:

Local Government (Administration) Regulations 1996:

r12. Meetings, public notice of (Act s. 5.25(1)(g))

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

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:

Nil.

Voting Requirements:

Simple Majority

Officer Recommendation:

That Council adopts the following meeting dates for 2024 Ordinary Council Meetings:

- 15 February 2024
- 21 March 2024
- 18 April 2024
- 16 May 2024
- 20 June 2024
- 18 July 2024
- 15 August 2024
- 19 September 2024
- 17 October 2024
- 21 November 2024
- 12 December 2024

Note: Each meeting is held on the third Thursday of the month commencing at 3.30pm unless otherwise advertised.

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts

12.4 Proposed Lease – Cel Peace Pty Ltd & Shire of Wandering

File Reference:	A12
Location:	N/A
Applicant:	N/A
Author:	Alan Hart, Chief Executive Officer
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	12 September 2023
Disclosure of Interest:	Nil
Attachments:	Proposed Lease
Previous Reference:	N/A

Summary:

For Council to enter into a Management Agreement with Cel Peace Pty Ltd trading as the Wandering Tavern for a period of five (5) years with a five (5) year option for 27 Watts Street Wandering.

Background:

The Wandering Tavern approached the Council to use the vacant land next to the Tavern for the purpose of holding markets on the property. Attached is a proposed licence agreement enabling the Wandering Tavern to use the land for this purpose.

Comment:

The details of the licence agreement are attached.

The Management Agreement is considered to be a disposition of property under the *Local Government Act*, the Functions and General Regulations also provide exemptions from the requirements of the act.

The land is currently vacant and is unused. A consideration for exemption is if the ownership of the land would be of significant benefit to anyone other than the transferee (Tavern). In this instance the assessment has been made that no one other than the transferee will benefit from this agreement.

Consultation:

Council

Statutory Environment:

Section 3.58 *Local Government Act 1995*, as amended
Regulation 30 *Local Government (Functions and General) Regulations 1996*.

Policy Implications:

Nil

Financial Implications:

The Wandering Tavern will maintain the property in accordance with the Management Agreement. The Shire will no longer be responsible for maintaining the property.

Strategic Implications:

Improve the Economic Growth of our Community

Our Goals	Our Strategies
Facilitate increased business opportunities	Support Business Development and facilitate opportunities for startup and growth

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:

1. Does not consider that the disposition of 27 Watts Street Wandering would be of benefit to anyone other than Cel Peace Pty Ltd due to the ownership of the land adjacent to 27 Watts Street Wandering being owned by the Shire of Wandering.
2. Agree to a five (5) year Management Agreement, with a further five (5) year term with Cel Peace Pty Ltd t/as Wandering Tavern for the land at 27 Watts Street Wandering.
3. That Council approves the Shire President and Chief Executive Officer to sign the Management Agreement.

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts



MANAGEMENT (LICENSE) AGREEMENT

SHIRE OF WANDERING

AND

CEL PEACE PTY LTD T/AS
WANDERING TAVERN

COMMENCING

1 October 2023

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1.0 AGREEMENT

This document represents a 'Management Agreement' made between the Shire of Wandering of 22 Watts Street, Wandering ("the Shire")

AND ("the **Organisation**") The Wandering Tavern

Addressing the proportioned responsibility for the '**day-to-day management**' of the Land of the Shire (located at the land) to the Organisation for a period, subject to the agreed terms contained in this Agreement.

2.0 INTERPRETATION

Definition used in this Agreement,

"**Organisation**" means the community body who by this Agreement undertakes to manage the 'day-to-day' operation of Land for the use by the whole community;

"**Land**" means the land described in Schedule 10.1;

"**Shire**" includes its successors and the reversioner for the time being immediately expectant upon the term created by this Agreement;

"**Plan**" means any plan annexed to this Agreement;

"Schedules" **The included Schedules form part of this Agreement.**

3.0 LAND USAGE

3.1 PERMITTED USE

By this Agreement the Organisation is permitted to;

- ❖ use the Land as per item 10.2.

3.2 NOT PERMITTED USE

The Organisation is not permitted to;

- ❖ Use the land or to permit them to be used for any purpose whatsoever other than for the purposes and objects for which this agreement
- ❖ The Organisation will not permit to exhibit or affix to or upon any part of the land, any placard, poster, sign, board or other advertisement unless first obtaining the written approval of the Shire
- ❖ Not to sell or dispense alcohol from the land without a current licence obtained and the prior written consent of the Shire's Chief Executive Officer and Director of Liquor Licensing and compliance with all terms and conditions imposed.
- ❖ The Organisation is not to assign, mortgage, or part with management of the land or any part thereof.

4.0 SHIRE TERMS

Under the terms of this Agreement the Shire agrees to:

4.1 Quiet Enjoyment

Grant the Organisation the peaceable enjoyment of the Land without unreasonable interruption by the Shire or authorised officer, subject to the Organisation observing the rights the Shire.

4.2 Maintenance Costs

- ❖ Responsible for Water Use Charges
- ❖ Maintenance of 'Access Road' and 'Car Parking Area'.

WORKS THAT ARE THE RESPONSIBILITY OF THE SHIRE MUST BE ORGANISED THROUGH THE SHIRE AND A PURCHASE ORDER OR WORK ORDER IS TO BE ISSUED BY THE SHIRE PRIOR TO ANY WORKS COMMENCING.

5.0 ORGANISATIONS TERMS

By the terms of this Agreement, the Organisation will undertake:

5.1 Public Liability

The Organisation is responsible for any 'Public Liability Claim' deriving from the use of the Land and are therefore to insure and keep insured, with an insurance office approved by the Shire, a public risk policy for an amount of TWENTY MILLION DOLLARS (\$20,000,000).

Insurance shall include coverage for Volunteers of the Wandering Tavern.

The Organisation will deposit with the Shire, a renewed copy of the policy of insurance, within seven (7) days of the renewal and payment of premiums.

5.2 Indemnity

The Organisation on behalf of itself, any separate entity (Business or non incorporated body) or affiliated group, will indemnify and keep indemnified the Shire against any claim, demand, action, suit or proceeding that may be made or brought by any person, volunteer employee, contractor, sub-contractor, against the Shire, any staff member of the Shire or any agent of the Shire in respect of personal injury to, or the death of, any person whom-so-ever or loss or damage to any property whatsoever arising out of, or as a consequence of, the activities of the Organisation under this Agreement, and also from any costs and expenses that may be incurred in connection with any such claim, demand, action, suit or proceeding;

5.3 Alterations and Additions

The Organisation will not erect or alter any building or structure on the land without prior written consent of the Shire.

Any consent granted for alterations and/or additions will be under the direct supervision and to the satisfaction of the Shire's Chief Executive Officer.

5.4 Insurance of Assets of the Organisation

Any assets / equipment of the Organisation kept at the land that are not included in schedule 10.8 will not be insured by the Shire. It is recommended therefore the Organisation insure and keep insured the assets against loss or damage by fire, storm, tempest, earthquake and any other risks. The organisation will be responsible for any excess as a result of a claim on insurances.

5.5 Cleaning

The Organisation will undertake to remove loose or blown rubbish from the immediate surrounds.

The Shire will undertake an annual inspection in conjunction with the organisation to determine priority and required works for the next Shire budget cycle.

5.6 Fire Hazard Reduction Zone

The Organisation is to keep maintained around the Land the prescribed 'Fire Hazard Reduction Zone', as determined by the Fire and Emergency Services Authority (FESA) or instructed by the Shire.

6.0 NOTICES

Any notice between the parties to this Agreement, shall be sufficiently served if sent to it by post to the address hereinbefore mentioned or last known and shall be deemed to have been served on the day on which it would in the ordinary course of post reach the address to which it was sent.

7.0 FINANCIAL CONSIDERATION

Under the terms of this Agreement the Shire is to pay the organisation the amount of \$1 per year on demand (ex GST) as a management grant payable in August of each year, for the financial year in advance.

Any proposed application for improvements to the Land must first be approved in writing by the Shire

8.0 TERMINATION OF AGREEMENT

Reflecting the nature of this Agreement, this agreement will expire on the date as provided for within the schedules.

If the Organisation seeks to renew the term the Organisation will give the Shire notice in writing not earlier than six months but no later than three months prior to the expiration of this agreement.

Accordingly, should the Shire wish to terminate this agreement for any reason whatsoever the Shire will give notice in writing not earlier than six (6) months but no later than three months prior to the expiration of this agreement.

9.0 DISPUTES

Given the nature of this agreement, dispute or difference between the parties, shall be addressed through consultation between the parties.

10.0 SCHEDULES

10.1 – Description of Land

Vacant land situated at 27 Watts Street, Wandering

10.2 – Purpose for which Land to be used

Local markets and other events

10.3 – Term

5 years with 5 year review

Date of Commencement – 1 October 2023

Date of Expiry – 30 September 2028

10.4 – Rent

Rent payable shall be \$1.00pa payable on demand by the Shire

10.5 – Business Name

Cel Peace Pty Ltd

10.6 – Public Risk Insurance

Minimum \$20,000,000

10.7 – Address for Service

Shire of Wandering, 22 Watts Street Wandering WA 6308

Wandering Tavern, 31 Watts Street Wandering WA 6308

11.0 EXECUTION

The Signatures of the SHIRE OF WANDERING President and Chief Executive Officer were hereunto affixed by authority of a resolution of the Council:

.....
President (Shire)

.....
Name of President

.....
Chief Executive Officer

Alan Hart
Name of Chief Executive Officer

The signatures of the Owners were hereunto affixed

.....
Signature

.....
Name of Owner

.....
Signature

.....
Name of Owner

13. Finance

13.1 Financial Reports September 2023

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Bob Waddell
Authorising Officer	Alan Hart– Chief Executive Officer
Date:	2 October 2023
Disclosure of Interest:	N/A
Attachments:	September 2023 Financial Statements
Previous Reference:	Nil

Summary:

Consideration of the financial reports for the period ending 31 July 2023.

Background:

The financial reports for the periods ending 30 September 2023 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.

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:

Improve Our Financial Position

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	<ul style="list-style-type: none"> • 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 • Reduce reliance on operational grants

Improve Our Financial Position

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	<ul style="list-style-type: none"> • 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 • Reduce reliance on operational grants

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 30 September 2023 as presented be accepted.

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts



SHIRE OF WANDERING

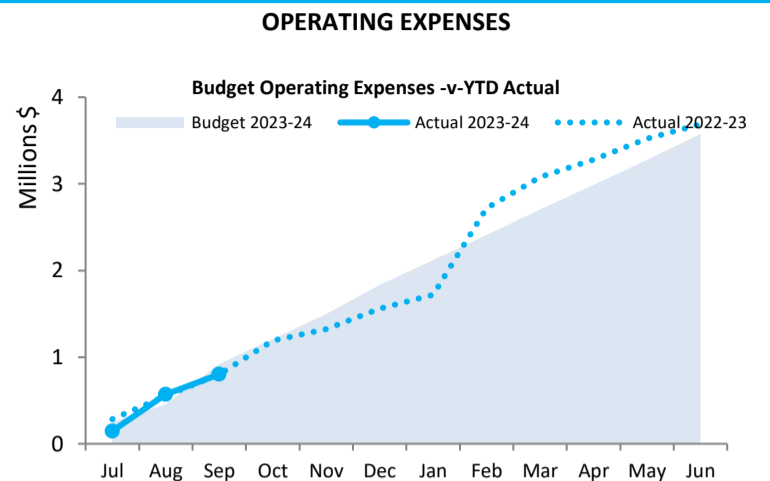
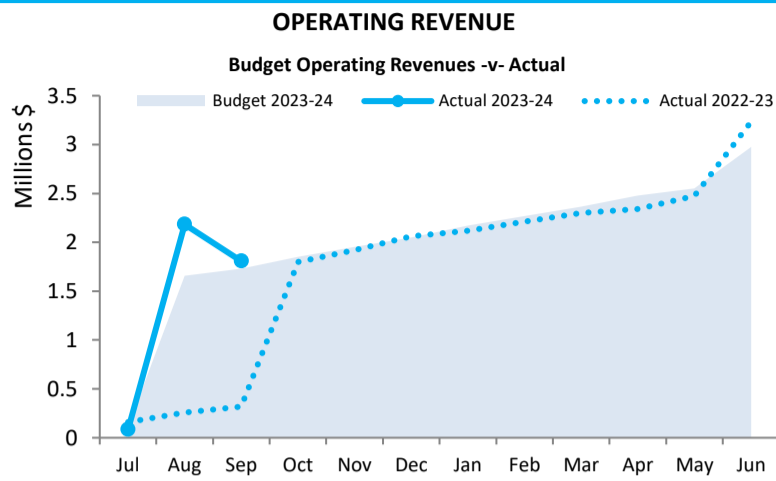
MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) FOR THE PERIOD ENDED 30 SEPTEMBER 2023

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

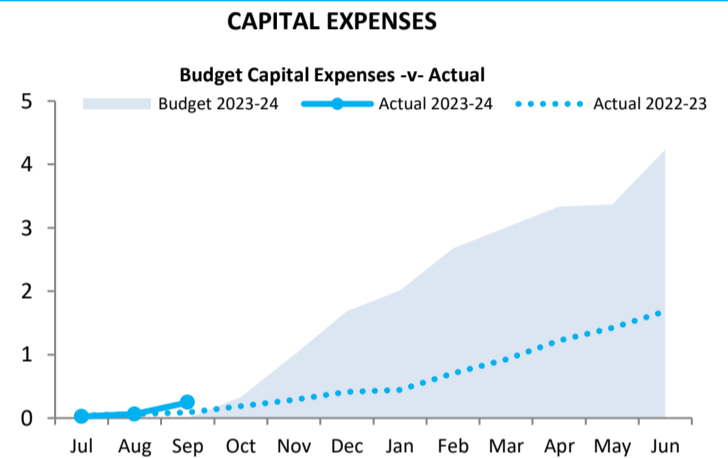
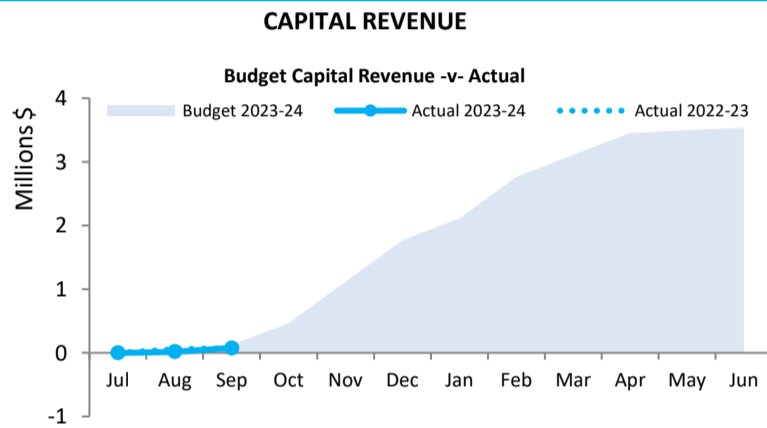
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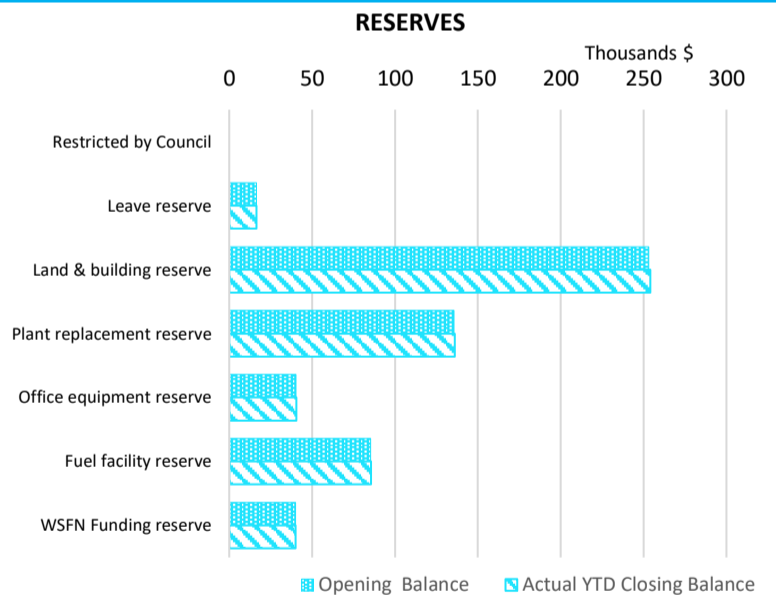
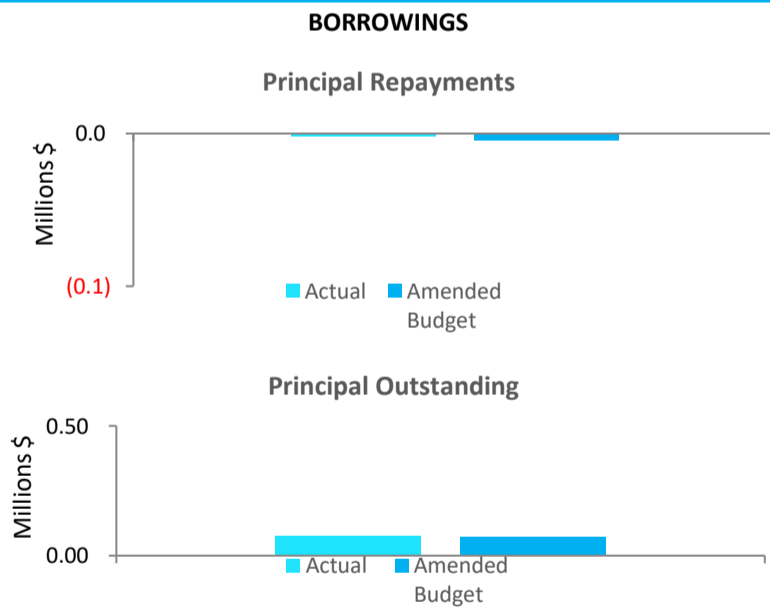
OPERATING ACTIVITIES



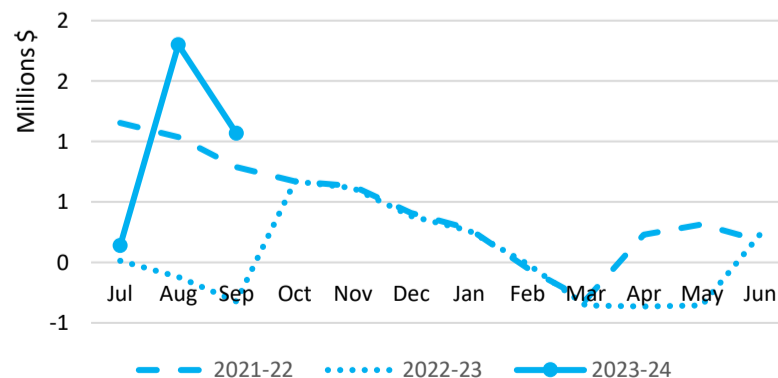
INVESTING ACTIVITIES



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 30 SEPTEMBER 2023

BY NATURE

	Ref	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)	(b)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	\$	%	
OPERATING ACTIVITIES								
Revenue from operating activities								
Rates		1,463,898	1,463,898	1,463,898	1,458,948	(4,950)	(0.34%)	
Operating grants, subsidies and contributions	10	270,000	270,000	38,748	113,995	75,247	194.20%	▲
Fees and charges		834,770	834,770	212,757	212,077	(680)	(0.32%)	
Interest earnings		15,200	15,200	3,798	4,613	815	21.46%	
Other revenue		391,121	391,121	10,677	17,063	6,386	59.81%	
		2,974,989	2,974,989	1,729,878	1,806,696	76,818	4.44%	
Expenditure from operating activities								
Employee costs		(1,103,394)	(1,103,394)	(275,709)	(347,792)	(72,083)	(26.14%)	▼
Materials and contracts		(1,242,492)	(1,242,492)	(316,801)	(377,538)	(60,737)	(19.17%)	▼
Utility charges		(41,200)	(41,200)	(10,272)	(7,332)	2,940	28.63%	
Depreciation on non-current assets		(1,047,948)	(1,047,948)	(261,975)	0	261,975	100.00%	▲
Interest expenses		(3,302)	(3,302)	(825)	(881)	(56)	(6.83%)	
Insurance expenses		(104,971)	(104,971)	(48,706)	(66,698)	(17,992)	(36.94%)	▼
Other expenditure		(32,500)	(32,500)	(8,125)	(2,196)	5,929	72.97%	
		(3,575,807)	(3,575,807)	(922,413)	(802,437)	119,976	(13.01%)	
Non-cash amounts excluded from operating activities	1(a)	1,053,077	1,053,077	267,104	59	(267,045)	(99.98%)	▼
Amount attributable to operating activities		452,259	452,259	1,074,569	1,004,318	(70,251)	(6.54%)	
INVESTING ACTIVITIES								
Inflows from investing activities								
Proceeds from capital grants, subsidies and contributions	11	3,535,296	3,535,296	122,595	76,867	(45,728)	(37.30%)	▼
		3,535,296	3,535,296	122,595	76,867	(45,728)	(37.30%)	
Outflows from investing activities								
Payments for inventories, property, plant and equipment and infrastructure	6	(3,855,368)	(3,855,368)	0	(244,384)	(244,384)	0.00%	▼
		(3,855,368)	(3,855,368)	0	(244,384)	(244,384)	0.00%	
Amount attributable to investing activities		(320,072)	(320,072)	122,595	(167,516)	(290,111)	(236.64%)	
FINANCING ACTIVITIES								
Inflows from financing activities								
		0	0	0	0			
Outflows from financing activities								
Repayment of borrowings	7	(4,570)	(4,570)	0	(1,483)	(1,483)	0.00%	
Transfer to reserves	8	(373,878)	(373,878)	0	(1,912)	(1,912)	0.00%	
		(378,448)	(378,448)	0	(3,395)	(3,395)	0.00%	
Amount attributable to financing activities		(378,448)	(378,448)	0	(3,395)	(3,395)	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT								
Surplus or deficit at the start of the financial year	1(c)	246,261	232,754	232,754	232,754	0	0.00%	
Amount attributable to operating activities		452,259	452,259	1,074,569	1,004,318	(70,251)	(6.54%)	
Amount attributable to investing activities		(320,072)	(320,072)	122,595	(167,516)	(290,111)	(236.64%)	▼
Amount attributable to financing activities		(378,448)	(378,448)	0	(3,395)	(3,395)	0.00%	
Surplus or deficit at the end of the financial year	1(c)	(0)	(13,507)	1,429,918	1,066,161	(363,757)	25.44%	▼

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 30 SEPTEMBER 2023

BY PROGRAM

	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. \$
		\$	\$	\$	\$	\$	%		
OPERATING ACTIVITIES									
Revenue from operating activities									
Governance		3,500	3,500	873	0	(873)	(100.00%)	▼	
General Purpose Funding - Rates	6	1,463,898	1,463,898	1,463,898	1,458,948	(4,950)	(0.34%)	▼	
General Purpose Funding - Other		22,200	22,200	5,544	13,633	8,089	145.90%	▲	
Law, Order and Public Safety		46,250	46,250	14,556	12,558	(1,998)	(13.73%)	▼	
Health		2,500	2,500	2,123	343	(1,780)	(83.83%)	▼	
Education and Welfare		0	0	0	0	0			
Housing		38,480	38,480	9,618	9,811	193	2.01%	▲	
Community Amenities		58,500	58,500	14,613	45,963	31,350	214.54%	▲	\$
Recreation and Culture		2,420	2,420	600	898	298	49.62%	▲	
Transport		116,500	116,500	0	71,619	71,619		▲	\$
Economic Services		818,120	818,120	204,499	183,073	(21,426)	(10.48%)	▼	\$
Other Property and Services		402,621	402,621	13,554	9,850	(3,704)	(27.33%)	▼	
		2,974,989	2,974,989	1,729,878	1,806,696				
Expenditure from operating activities									
Governance		(216,291)	(216,291)	(62,494)	(67,659)	(5,165)	(8.26%)	▼	
General Purpose Funding		(100,024)	(100,024)	(24,999)	(20,260)	4,739	18.96%	▲	
Law, Order and Public Safety		(118,341)	(118,341)	(32,075)	(22,304)	9,771	30.46%	▲	
Health		(18,649)	(18,649)	(4,653)	(4,966)	(313)	(6.72%)	▼	
Education and Welfare		(6,234)	(6,234)	(1,551)	(1,763)	(212)	(13.69%)	▼	
Housing		(49,921)	(49,921)	(12,426)	(8,081)	4,345	34.96%	▲	
Community Amenities		(233,767)	(233,767)	(58,922)	(62,577)	(3,655)	(6.20%)	▼	
Recreation and Culture		(254,102)	(254,102)	(66,432)	(48,128)	18,304	27.55%	▲	\$
Transport		(1,585,714)	(1,585,714)	(396,939)	(333,816)	63,123	15.90%	▲	\$
Economic Services		(972,474)	(972,474)	(243,449)	(241,988)	1,461	0.60%	▲	
Other Property and Services		(20,290)	(20,290)	(18,473)	9,107	27,580	149.30%	▲	\$
		(3,575,807)	(3,575,807)	(922,413)	(802,437)				
Non-cash amounts excluded from operating activities	1(a)	1,053,077	1,053,077	267,104	59	(267,045)	(99.98%)	▼	
Amount attributable to operating activities		452,259	452,259	1,074,569	1,004,318	(70,251)	(6.54%)		
INVESTING ACTIVITIES									
Inflows from investing activities									
Proceeds from capital grants, subsidies and contributions	11	3,535,296	3,535,296	122,595	76,867	(45,728)	(37.30%)	▼	\$
Proceeds from Disposal of Assets	5	0	0	0	0	0			
		3,535,296	3,535,296	122,595	76,867				
Outflows from investing activities									
Payments for inventories, property, plant and equipment and infrastructure	6	(3,855,368)	(3,855,368)	0	(244,384)	(244,384)		▼	\$
		(3,855,368)	(3,855,368)	0	(244,384)				
Amount attributable to investing activities		(320,072)	(320,072)	122,595	(167,516)				
FINANCING ACTIVITIES									
Inflows from financing activities									
Proceeds from New Debentures	7	0	0	0	0	0			
Transfer from Reserves	8	0	0	0	0	0			
		0	0	0	0				
Outflows from financing activities									
Payments for principal portion of lease liabilities	7	0	0	0	0	0			
Repayment of Debentures	7	(4,570)	(4,570)	0	(1,483)	(1,483)		▼	
Transfer to Reserves	8	(373,878)	(373,878)	0	(1,912)	(1,912)		▼	
		(378,448)	(378,448)	0	(3,395)				
Amount attributable to financing activities		(378,448)	(378,448)	0	(3,395)				
MOVEMENT IN SURPLUS OR DEFICIT									
Surplus or deficit at the start of the financial year	1	246,261	232,754	232,754	232,754	0	0.00%		
Amount attributable to operating activities		452,259	452,259	1,074,569	1,004,318				
Amount attributable to investing activities		(320,072)	(320,072)	122,595	(167,516)				
Amount attributable to financing activities		(378,448)	(378,448)	0	(3,395)				
Surplus or deficit at the end of the financial year	1	(0)	(13,507)	1,429,918	1,066,161				

KEY INFORMATION

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

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

SHIRE OF WANDERING
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

	30 June 2023	30 September 2023
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	1,336,298	2,253,048
Trade and other receivables	256,682	758,553
Other financial assets	0	0
Inventories	35,951	18,515
Contract assets	0	0
Other assets	17,897	2,020
Assets classified as held for sale	0	0
TOTAL CURRENT ASSETS	1,646,829	3,032,136
NON-CURRENT ASSETS		
Trade and other receivables	7,911	7,911
Other financial assets	20,372	20,372
Inventories	0	89,253
Investment in associate	0	0
Property, plant and equipment	7,562,666	7,543,287
Infrastructure	87,514,167	87,688,676
Right-of-use assets	0	0
Investment property	0	0
Intangible assets	0	0
TOTAL NON-CURRENT ASSETS	95,105,116	95,349,500
TOTAL ASSETS	96,751,945	98,381,636
CURRENT LIABILITIES		
Trade and other payables	292,870	233,481
Other liabilities	425,101	1,034,537
Lease liabilities	0	0
Borrowings	4,570	3,087
Employee related provisions	141,662	141,662
Other provisions	0	0
TOTAL CURRENT LIABILITIES	864,203	1,412,767
NON-CURRENT LIABILITIES		
Other liabilities	0	0
Lease liabilities	0	0
Borrowings	70,972	70,972
Employee related provisions	34,659	34,659
Other provisions	0	0
TOTAL NON-CURRENT LIABILITIES	105,631	105,631
TOTAL LIABILITIES	969,834	1,518,398
NET ASSETS	95,782,111	96,863,238
EQUITY		
Retained surplus	21,127,881	22,207,095
Reserve accounts	570,806	572,719
Revaluation surplus	74,083,424	74,083,424
TOTAL EQUITY	95,782,111	96,863,238

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

(a) Non-cash items excluded from operating activities

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

	Notes	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)
		\$	\$	\$	\$
Non-cash items excluded from operating activities					
Adjustments to operating activities					
Less: Movement in liabilities associated with restricted cash		5,129	5,129	5,129	59
Add: Depreciation on assets		1,047,948	1,047,948	261,975	0
Total non-cash items excluded from operating activities		1,053,077	1,053,077	267,104	59

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

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation*

32 to agree to the surplus/(deficit) after imposition of general rates.

		Adopted Budget Opening	Amended Budget Opening	Last Year Closing	Year to Date
		30 June 2023	30 June 2023	30 June 2023	30 September 2023
Adjustments to net current assets					
Less: Reserves - restricted cash	8	(570,806)	(570,806)	(570,806)	(572,719)
Add: Borrowings	7	0	4,570	4,570	3,087
Add: Current portion of employee benefit provisions held in reserve		16,365	16,365	16,365	16,424
Total adjustments to net current assets		(554,441)	(549,872)	(549,872)	(553,208)

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

Current assets

Cash and cash equivalents	3	1,336,298	1,336,298	1,336,298	2,253,048
Rates receivables	4	44,780	43,483	43,483	416,013
Receivables	4	176,014	213,199	213,199	342,541
Other current assets	5	35,951	53,849	53,849	20,535
Less: Current liabilities					
Payables	6	(279,329)	(292,870)	(292,870)	(233,481)
Borrowings	7	0	(4,570)	(4,570)	(3,087)
Contract and Capital Grant/Contribution liabilities	9	(425,512)	(425,101)	(425,101)	(1,034,537)
Provisions	9	(87,500)	(141,662)	(141,662)	(141,662)
Less: Total adjustments to net current assets	1(b)	(554,441)	(549,872)	(549,872)	(553,208)
Closing funding surplus / (deficit)		246,261	232,754	232,754	1,066,161

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 30 SEPTEMBER 2023

NOTE 1

STATEMENT OF FINANCIAL ACTIVITY INFORMATION (ALTERNATE PRESENTATION)

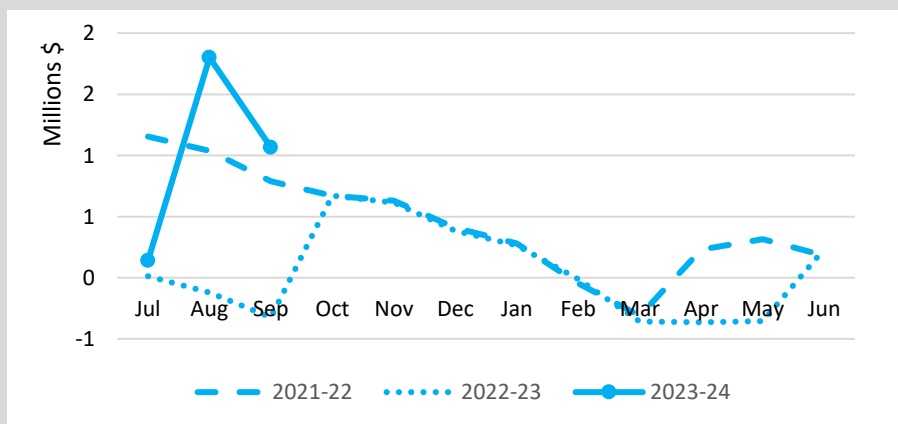
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2023	This Time Last Year 30/09/2022	Year to Date Actual 30/09/2023
		\$	\$	\$
Current Assets				
Cash Unrestricted	3	765,492	274,026	1,680,330
Cash Restricted - Reserves	3	570,806	534,998	572,719
Cash Restricted - Bonds & Deposits	3	0	0	0
Receivables - Rates	4	43,483	47,571	416,013
Receivables - Other	4	213,199	122,884	342,541
Other Assets Other Than Inventories	5	17,897	0	2,020
Inventories	5	35,951	14,095	18,515
		1,646,829	993,575	3,032,136
Less: Current Liabilities				
Payables	6	(293,223)	(206,431)	(236,034)
Contract and Capital Grant/Contribution Liabilities	9	(415,553)	(485,925)	(1,024,989)
Bonds & Deposits	6	(9,195)	(14,471)	(6,995)
Loan and Lease Liability	7	(4,570)	0	(3,087)
Provisions	9	(141,662)	(87,501)	(141,662)
		(864,203)	(794,328)	(1,412,767)
Less: Cash Reserves	8	(570,806)	(534,998)	(572,719)
Add Back: Component of Leave Liability not Required to be funded		16,365	11,284	16,424
Add Back: Loan and Lease Liability		4,570	0	3,087
Less : Loan Receivable - clubs/institutions		0	0	0
Less : Trust Transactions Within Muni		0	0	0
Net Current Funding Position		232,754	(324,467)	1,066,161

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting polices 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)
\$1.07 M

Last Year YTD
Surplus(Deficit)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**NOTE 2
EXPLANATION OF MATERIAL VARIANCES**

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

The material variance adopted by Council for the 2023-24 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
	\$	%				
Revenue from operating activities						
Operating grants, subsidies and contributions	75,247	194.20%	▲	Positive variance due to the receipt of the MRWA Grant prior to budget phasing.		
Expenditure from operating activities						
Employee costs	(72,083)	(26.14%)	▼		Negative variance due to Transport employee cost tracking higher than budgeted figure.	
Materials and contracts	(60,737)	(19.17%)	▼		Negative variance due to Wandering Community Centre Construction expenditure budgeted for June 24, expenses already occurring and Rural Road maintenance tracking higher than budgeted.	
Depreciation on non-current assets	261,975	100.00%	▲	Positive variance due to Depreciation not being run year to date.		
Insurance expenses	(17,992)	(36.94%)	▼		Negative variance is due to phasing of Admin - Insurance expenditure.	
Non-cash amounts excluded from operating activities	(267,045)	(99.98%)	▼		Depreciation expense has not been run for 23/24. This is a non-cash expense which is added back in the finance statement.	
Investing activities						
Proceeds from capital grants, subsidies and contributions	(45,728)	(37.30%)	▼		Budget Allocations for completed projects which are grant related in this FY are ahead of actuals.	

Description	Classification	Unrestricted	Restricted	Total Cash	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Cash on hand								
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
At Call Deposits								
Municipal Cash at Bank	Cash and cash equivalents	1,679,230		1,679,230		Bankwest	0.00%	N/A
Reserves Fund Bank	Cash and cash equivalents	0	572,719	572,719		Bankwest	0.05%	N/A
Total		1,680,330	572,719	2,253,048	0			
Comprising								
Cash and cash equivalents		1,680,330	572,719	2,253,048	0			
		1,680,330	572,719	2,253,048	0			

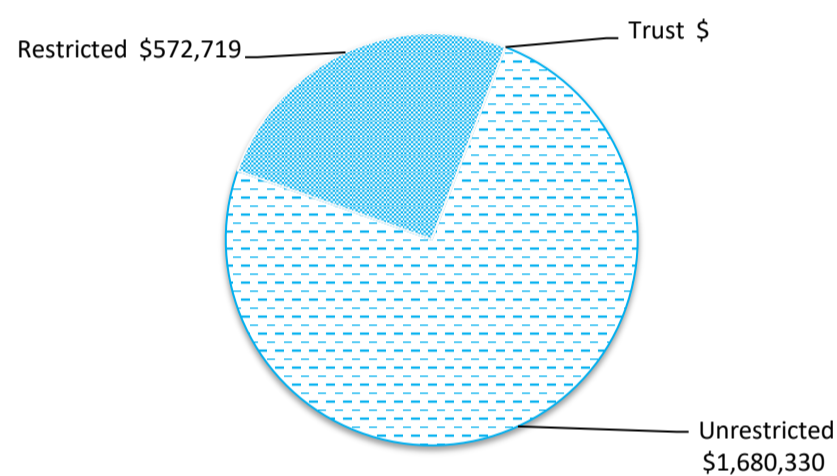
KEY INFORMATION

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

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

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

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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

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				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
GRV Residential	0.140620	51	577,616	81,224	0	0	81,224	81,224	0	0	81,224
GRV Special Use	0.150750	3	137,893	20,787	0	0	20,787	20,787	0	0	20,787
GRV Rural Residential	0.115620	53	723,850	83,692	0	0	83,692	83,692	0	0	83,692
GRV Industrial	0.115620	2	35,360	4,088	0	0	4,088	4,088	0	0	4,088
Unimproved value											
UV Rural, Rural Residential and Mining Tenements	0.005370	131	202,259,000	1,086,131	0	0	1,086,131	1,086,131	0	0	1,086,131
Non Rateable											
Non Rateable	0.00000	32	17,365	0	0	0	0	0	0	0	0
Sub-Total		272	203,751,084	1,275,922	0	0	1,275,922	1,275,922	0	0	1,275,922
Minimum payment	Minimum \$										
Gross rental value											
GRV Residential	1,312	29	76,792	38,048	0	0	38,048	38,048	0	0	38,048
GRV Special Use	1,312	1	4,160	1,312	0	0	1,312	1,312	0	0	1,312
GRV Rural Residential	1,312	47	232,564	61,664	0	0	61,664	61,664	0	0	61,664
GRV Industrial	1,312	2	0	2,624	0	0	2,624	2,624	0	0	2,624
UV Rural, Rural Residential and Mining Tenements	1,312	94	12,920,836	123,328	0	0	123,328	123,328	0	0	123,328
Sub-total		173	13,234,352	226,976	0	0	226,976	226,976	0	0	226,976
		445	216,985,436	1,502,898	0	0	1,502,898	1,502,898	0	0	1,502,898
Discount							(43,000)				(47,808)
Amount from general rates							1,459,898				1,455,090.91
Rates Written Off		0	0	0	0	0	0	0	0	0	(110)
Ex-gratia rates		0	0	0	0	0	4,000	3,967	0	0	3,967
Total general rates							1,463,898				1,458,948

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)
	Transport	\$	\$	\$	\$	\$	\$	\$	\$

Capital acquisitions	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$	\$	\$	\$	\$
Buildings	490,380	490,380	0	66,921	66,921
Infrastructure - roads	3,239,740	3,239,740	0	174,509	174,509
Payments for Capital Acquisitions	3,855,368	3,855,368	0	244,384	244,384
Capital Acquisitions Funded By:					
	\$	\$	\$	\$	\$
Capital grants and contributions	3,535,296	3,535,296	122,595	76,867	(45,728)
Contribution - operations	266,072	320,072	(122,595)	167,516	290,111
Capital funding total	3,855,368	3,855,368	0	244,384	244,384

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.

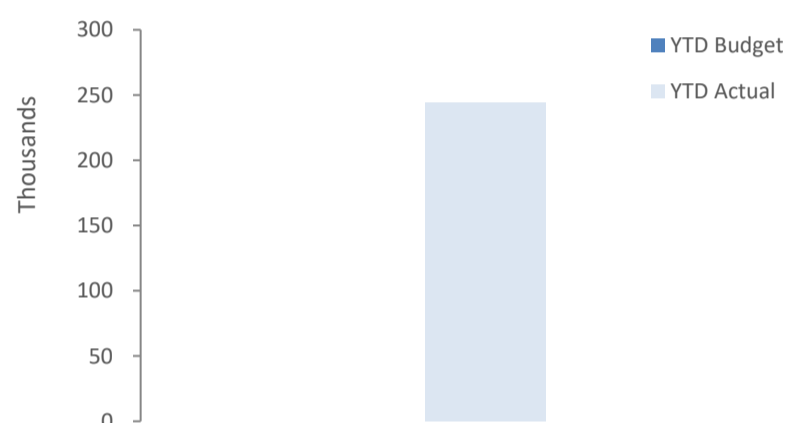
Initial recognition and measurement for assets held at cost

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 recognised at fair value. Assets held at cost are depreciated and assessed for impairment annually.

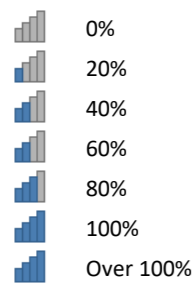
Initial recognition and measurement between mandatory revaluation dates for assets held at fair value

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		
				\$	\$	\$	\$	\$
Buildings								
Law, Order & Public Safety								
E05111		521	Fire Station - New Toilet and Change Room	0	0	0	(4,592)	(4,592)
Total - Law, Order & Public Safety				0	0	0	(4,592)	(4,592)
Recreation And Culture								
E11383	WCC231	521	Wandering Community Centre Construction - Water Tanks DWER	0	0	0	(11,896)	(11,896)
E11383	WCC233	521	Wandering Community Centre Construction - New Veranda Grant	(120,000)	(120,000)	0	(48,582)	(48,582)
E11383	WCC234	521	Wandering Community Centre Upgrade - Kitchen Upgrade Grant	(370,380)	(370,380)	0	(1,851)	(1,851)
Total - Recreation And Culture				(490,380)	(490,380)	0	(62,329)	(62,329)
Total - Buildings				(490,380)	(490,380)	0	(66,921)	(66,921)
Plant & Equipment								
Transport								
E12360		525	Purchase Plant & Equipment	(55,000)	(55,000)	0	0	0
Total - Transport				(55,000)	(55,000)	0	0	0
Total - Plant & Equipment				(55,000)	(55,000)	0	0	0
Furniture & Equipment								
Governance								
E04116		523	Purchase Furniture & Equipment	(7,000)	(7,000)	0	0	0
Total - Governance				(7,000)	(7,000)	0	0	0
Total - Furniture & Equipment				(7,000)	(7,000)	0	0	0
Infrastructure - Roads								
Transport								
E12101	RRSP241	541	Bridge Upgrade Culverts (0425)	(582,000)	(582,000)	0	0	0
E12102	RRG233	541	RRG - Kubbine Road - Gravel Resheeting - SLK 0.0 -6.16	0	0	0	(26,830)	(26,830)
E12102	RRG241	541	York Williams Road- SLK21.75-26.71 Bitumen Seal	(860,505)	(860,505)	0	(2,402)	(2,402)
E12103	R2R232	541	R2R - Wandering Pingelly Road , Bridge 0424A over Biberkine Bro	(234,551)	(234,551)	0	0	0
E12103	R2R234	541	R2R-Kubbine Road - Gravel Resheet	0	0	0	(18,091)	(18,091)
E12103	R2R241	541	Drainage Repairs down hill Wandoo Crescent	(43,376)	(43,376)	0	(28,400)	(28,400)
E12103	R2R242	541	Bridge Repairs	(61,734)	(61,734)	0	0	0
E12104	BS241	541	York Williams Road -Intersection Seal on north Approach SLK 8.7!	(169,323)	(169,323)	0	0	0
E12105	WSFN231	541	North Bannister Wandering - Rd SLK 9.1 -22.0 - project developm	(29,948)	(29,948)	0	(42,048)	(42,048)
E12105	WSFN232	541	Wandering Narrogin Rd SLK 2.35 - 6.15 - project development fun	(8,656)	(8,656)	0	(41,144)	(41,144)
E12105	WSFN233	541	Wandering Pingelly Rd SLK 3.90 - 19.10 - project development fur	(72,767)	(72,767)	0	(15,595)	(15,595)
E12105	WSFN241	541	North Bannister Wandering Road-Upgrade and Overlay Pavemen	(1,101,343)	(1,101,343)	0	0	0
E12105	WSFN242	541	WSFN North Bannister Wandering Road - Replace and Upgrade C	(75,537)	(75,537)	0	0	0
Total - Transport				(3,239,740)	(3,239,740)	0	(174,509)	(174,509)
Total - Infrastructure - Roads				(3,239,740)	(3,239,740)	0	(174,509)	(174,509)
Infrastructure - Footpaths								
Transport								
E12140	BN01	543	Bike Network-Gnowing Street 185m new Path	(63,248)	(63,248)	0	0	0
Total - Transport				(63,248)	(63,248)	0	0	0
Total - Infrastructure - Footpaths				(63,248)	(63,248)	0	0	0
Grand Total				(3,855,368)	(3,855,368)	0	(244,384)	(244,384)

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**FINANCING ACTIVITIES
NOTE 7
BORROWINGS**

Repayments - borrowings

Information on borrowings			New Loans			Principal Repayments			Principal Outstanding			Interest Repayments		
Particulars	Loan No.	1 July 2023	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget	Actual	Adopted Budget	Amended Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Community amenities														
Industrial Estate Development	1	75,542	0	0	0	(1,483)	(4,570)	(4,570)	74,059	70,972	70,972	(881)	(3,302)	(3,302)
Total		75,542	0	0	0	(1,483)	(4,570)	(4,570)	74,059	70,972	70,972	(881)	(3,302)	(3,302)
Current borrowings		4,570							3,087					
Non-current borrowings		70,972							70,972					
		75,542							74,059					

All debenture repayments were financed by general purpose revenue.

The Shire has no unspent debenture funds as at 30th June 2023, nor is it expected to have unspent funds as at 30th June 2024.

KEY INFORMATION

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**OPERATING ACTIVITIES
NOTE 8
RESERVE ACCOUNTS**

Reserve accounts

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council									
Leave reserve	16,364.70	129.00	58.96	5,000.00	0.00	0.00	0.00	21,493.70	16,423.66
Land & building reserve	253,164.86	1,996.00	912.13	0.00	0.00	0.00	0.00	255,160.86	254,076.99
Plant replacement reserve	135,588.37	1,069.00	488.54	348,378.00	0.00	0.00	0.00	485,035.37	136,076.91
Office equipment reserve	40,335.67	318.00	145.33	0.00	0.00	0.00	0.00	40,653.67	40,481.00
Fuel facility reserve	85,352.65	673.00	307.52	16,000.00	0.00	0.00	0.00	102,025.65	85,660.17
WSFN Funding reserve	40,000.00	0.00	0.00	315.00	0.00	0.00	0.00	40,315.00	40,000.00
	570,806.25	4,185.00	1,912.48	369,693.00	0.00	0.00	0.00	944,684.25	572,718.73

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**NOTE 9
BUDGET AMENDMENTS**

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget adoption						0
			Opening Surplus(Deficit)			(13,507)	(13,507)
				0	0	(13,507)	(13,507)

13.2 Accounts for Payment September 2023

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Alan Hart – Chief Executive Officer
Authorising Officer	Alan Hart – Chief Executive Officer
Date:	2 October 2023
Disclosure of Interest:	N/A
Attachments:	Payment Listing and Credit Card Statement September 2023
Previous Reference:	Nil

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.

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 presented.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

Improve Our Financial Position

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	<ul style="list-style-type: none"> • 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 • Reduce reliance on operational grants

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

Shire of Wandering

Certificate of Expenditure – 30 September 2023

This Schedule of Accounts to be passed for payment covering:

Payment Method	Cheque/EFT/DD Number	Amount
Municipal Fund:		
Electronic Funds Transfers	EFT8530 – EFT8597	\$441,769.09
Direct Debits	DD210923.1 – DD4495.10	\$ 23,330.87
Cheques	-	Nil
	TOTAL	\$465,099.96

to the Municipal and Trust Accounts, totalling \$465,099.96 which were submitted to each member of the Council on 19 October 2023, have been checked and fully supported by vouchers and invoices which are submitted herewith, have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings.

Alan Hart
Chief Executive Officer

Officer Recommendation:

That in accordance with section 13 of the Financial Management Regulations of the *Local Government Act 1995* and in accordance with delegation, payment of Municipal Fund vouchers, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$465,099.96 (attached) be noted as approved for payment and credit card statement be noted.

Moved: _____

Seconded: _____

Carried

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Cr Watts

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8530	01/09/2023	WA Reticulation Supplies	Storm water pipe to feed water to the tanks. As per Quote# N7354	-\$ 2,167.30
N3635	02/02/2023	WA Reticulation Supplies	Retic supplies	\$ 62.30
N3657	03/02/2023	WA Reticulation Supplies	3 inch transfer pump, Various Retic Supplies	-\$ 85.00
7354	26/06/2023	WA Reticulation Supplies	Storm water pipe to feed water to the tanks. As per Quote# N7354	\$ 2,149.10
7892	11/07/2023	WA Reticulation Supplies	20mm blue line	\$ 40.90
EFT8534	01/09/2023	DOT Licencing	Licencing Services	-\$ 112.95
WADO01092023	01/09/2023	DOT Licencing	Transport WADO01092023	\$ 112.95
EFT8535	05/09/2023	Pivotel	Satellite Sleeves Bushfire radios 15 August - 14 September 2023	-\$ 60.00
3664358	15/08/2023	Pivotel	Satellite Sleeves Bushfire radios 15 August - 14 September 2023	\$ 60.00
EFT8537	08/09/2023	Altus Planning	Planning Services	-\$ 4,757.50
3199	02/08/2023	Altus Planning	Planning services for period July 2023	\$ 1,815.00
3238	01/09/2023	Altus Planning	Services August 2023	\$ 2,942.50
EFT8538	08/09/2023	Best Office Systems	Copier Contract	-\$ 486.02
619985	31/07/2023	Best Office Systems	Copier Contract - Shire B&W copies, Colour copies	\$ 486.02
EFT8539	08/09/2023	Bill & Ben's Hot Bread Shop	Café Supplies	-\$ 179.60
92	24/08/2023	Bill & Ben's Hot Bread Shop	Various Cakes and Slices for Cafe	\$ 179.60
EFT8540	08/09/2023	Bob Waddell & Associates	Financial Support	-\$ 3,093.75
3506	21/08/2023	Bob Waddell & Associates	Prepare monthly financial statements - Assistance 23/24 Budget & Aug Monthly Financials.	\$ 3,093.75
EFT8541	08/09/2023	Boddington Medical Centre	Pre employment Medical	-\$ 660.00
144219	31/07/2023	Boddington Medical Centre	Pre employment Medical	\$ 330.00
144218	31/07/2023	Boddington Medical Centre	Pre employment Medical	\$ 330.00
EFT8542	08/09/2023	Boddington News	Boddington News Edition #718	-\$ 18.00
36	18/08/2023	Boddington News	Boddington News Edition #718	\$ 9.00
45	31/08/2023	Boddington News	Boddington News Edition #719	\$ 9.00
EFT8543	08/09/2023	Child Support Agency	Payroll deductions	-\$ 119.36
DEDUCTION	29/08/2023	Child Support Agency	Payroll Deduction	\$ 119.36
EFT8544	08/09/2023	Department of Fire & Emergency Services	ESL Levy 2023/24 year	-\$ 40,376.00
156079	21/08/2023	Department of Fire & Emergency Services	ESL In Accordance with Department of Fire and Emergency Services of WA Act - Option B	\$ 40,376.00

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8545	08/09/2023	Focus Networks	IT Services	-\$ 6,540.31
10201	01/08/2023	Focus Networks	4 x 10TB External Backup Hard Drives, setup configuration	\$ 1,992.01
13407	02/08/2023	Focus Networks	Managed Firewall Service Sonicwall TZ270, SSL VPN Five Licences Monthly, Managed Proactive Service-Managed Computer, Managed Proactive Service - Server, Managed Proactive Service - Network Devices, Email Protection Service-Monthly Fee, Hosted Anti-Virus Corporate-Pre Computer Monthly Fee, DUO Multi-Factor Authentication Licence-Monthly Fee	\$ 1,893.30
13430	03/08/2023	Focus Networks	Managed Firewall Service Sonicwall TZ270, SSL VPN Five Licences Monthly, Email Protection Service- Monthly Fee, Hosted Anti-Virus Corporate-Pre Computer Monthly Fee, DUO Multi-Factor Authentication Licence-Monthly Fee	\$ 618.48
10286	06/09/2023	Focus Networks	HP Elite Book X360	\$ 2,036.52
EFT8546	08/09/2023	Jani Murphy & Associates	CRC Programs and Events	-\$ 274.45
3581	31/08/2023	Jani Murphy & Associates	Email mastery course	\$ 274.45
EFT8547	08/09/2023	Jozef Majko	Payroll deductions	-\$ 600.00
DEDUCTION	29/08/2023	Jozef Majko	Payroll Deduction	\$ 600.00
EFT8548	08/09/2023	Lucy Home and Outdoor Art	Collective Sales	-\$ 64.00
51	22/08/2023	Lucy Home and Outdoor Art	Collective Sales	\$ 64.00
EFT8549	08/09/2023	MJB Industries	Culverts and Headwalls	-\$ 19,964.47
11520-1	12/06/2023	MJB Industries	Culverts and Headwalls	\$ 19,964.47
EFT8550	08/09/2023	Main Roads Western Australia	Refund	-\$ 146,206.28
30001318	30/08/2023	Main Roads Western Australia	Refund of Main Roads Grant for Blackspot Project 3000318. Wandering-Pingelly Road. Now WSFN project	\$ 146,206.28
EFT8551	08/09/2023	Manaaki Brook Naturally	CRC Programs and Events	-\$ 888.40
21072023	21/07/2023	Manaaki Brook Naturally	Collective Sales	\$ 238.40
6092023	08/09/2023	Manaaki Brook Naturally	Workshop Fee	\$ 650.00

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8552	08/09/2023	Mcleods	Settlement Fees	-\$ 1,381.25
130901	28/07/2023	Mcleods	Settlement for Subdivision Lot 9001 Ferguson Way Wandering \$ 1,381.25 DP75227, Settlement for Subdivision Lot 9001 Ferguson Way Wandering DP75227	
EFT8553	08/09/2023	Perth McIntosh & Son WA	Plant Maintenance-Loader	-\$ 2,270.70
1835184	29/08/2023	Perth McIntosh & Son WA	1500 hour service and fault repair \$ 2,270.70	
EFT8554	08/09/2023	Perth Patios & Home Improvements (MCI Building Company P/L)	Wandering Community Centre Upgrade	-\$ 8,440.00
3325	30/08/2023	Perth Patios & Home Improvements (MCI Building Company P/L)	Deposit - Supply and install outdoor area at Wandering Community Centre \$ 8,440.00	
EFT8555	08/09/2023	RingCentral	Phone system Administration	-\$ 684.00
637866	06/08/2023	RingCentral	Phone system Administration, Phone system Harvest Ban Line, Phone system Council Chambers, Phone system Engineering and Works, Phone system CRC \$ 684.00	
EFT8556	08/09/2023	Shire of Cuballing	Elected Members Golf day	-\$ 530.00
6033	16/08/2023	Shire of Cuballing	Elected Members Golf day \$ 530.00	
EFT8557	08/09/2023	Shire of Wandering Christmas Club	Payroll deductions	-\$ 260.00
DEDUCTION	29/08/2023	Shire of Wandering Christmas Club	Payroll Deduction \$ 260.00	
EFT8558	08/09/2023	Shire of Wandering Petty Cash	Petty Cash 1 July - 31Aug2023	-\$ 493.20
1JULY-31AUG2023	31/08/2023	Shire of Wandering Petty Cash	Milk for month, spiffy Lawns - Supply Plants, Refreshments, Water, T-Quip - Filter oil - Oval, Jaycar - WO - Cover rub water rist, Crc Cake & Cafe, Ampol Fuel Black reimb 2023, IGA Bod Mens night, IGA Bod Quiz night, Bod Hardware - Cobweb brush, CLark rubber - Building CRC \$ 493.20	
EFT8559	08/09/2023	Shire of Wandering Staff Lotto	Payroll deductions	-\$ 85.00
DEDUCTION	29/08/2023	Shire of Wandering Staff Lotto	Payroll Deduction \$ 85.00	
EFT8560	08/09/2023	Startrack Express	Postage Expenses GEN	-\$ 54.45
54.45	23/08/2023	Startrack Express	Postage Expenses GEN, Postage Expenses GEN \$ 54.45	
EFT8561	08/09/2023	Treasury Consolidated - Unclaimed Money Operating	Unclaimed Money	-\$ 2,000.00
110228	23/08/2023	Treasury Consolidated - Unclaimed Money Operating	Payment of Unclaimed Town Planning Bond A11 to WA Treasury \$ 2,000.00	
EFT8562	08/09/2023	WA Contract Ranger Services	Ranger service	-\$ 627.00
4947	20/08/2023	WA Contract Ranger Services	Contract Ranger Service Labour & travel - 31.7 & 16.8.23 \$ 627.00	

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8563	08/09/2023	Waroona Septics	Septic tank pump out	-\$ 1,415.70
32365	30/08/2023	Waroona Septics	Septic tank pump out, Septic tank pump out,	\$ 1,415.70
EFT8564	08/09/2023	Westrac	Air Filters	-\$ 609.07
8591949	03/08/2023	Westrac	Air Filters, Air Filters, Delivery,	\$ 609.07
EFT8565	12/09/2023	Australia Post	Stamps purchased August 2023	-\$ 466.29
1012661130	03/09/2023	Australia Post	Variuous Stamps & Express Label, 2 Boxes 1.20 x 100 stamps	\$ 466.29
EFT8566	12/09/2023	Australian Taxation Office	BAS	-\$ 25,878.00
31AUG2023	01/09/2023	Australian Taxation Office	GST on Sales August 2023, Group Tax Clearing, GST on Purchases, Fuel Credits, Rounding	\$ 25,878.00
EFT8567	22/09/2023	AMPAC	Debt collections costs	-\$ 374.00
99336	18/08/2023	AMPAC	Debt collections costs - 15 August 2023	\$ 374.00
EFT8568	22/09/2023	Armadale Lock & Key Service	Carbine Lock for Fire Shed	-\$ 311.50
7833	23/08/2023	Armadale Lock & Key Service	Carbine Lock for Fire Shed	\$ 311.50
EFT8569	22/09/2023	BOC	Containter Rental	-\$ 32.74
5006164578	29/08/2023	BOC	Container Service, Oxygen, Acetylene, Medical Oxygen	\$ 32.74
EFT8570	22/09/2023	Best Office Systems	Copier Contract	-\$ 427.05
621302	30/08/2023	Best Office Systems	Copier Contract - Shire B&W copies 20/7 - 20/8/2023, Colour copies 20/7 - 20/8/2023	\$ 427.05
EFT8571	22/09/2023	Bob Waddell & Associates	Financial Support	-\$ 13,530.00
3529	04/09/2023	Bob Waddell & Associates	Prepare monthly financial statements Assistance AUgust 2023	\$ 6,187.50
3542	11/09/2023	Bob Waddell & Associates	Prepare monthly financial statements - Assist with 2022/23 annual financial	\$ 7,342.50
EFT8572	22/09/2023	Boddington IGA	Refreshments	-\$ 48.50
19	16/08/2023	Boddington IGA	Receptions Expenses GEN	\$ 48.50
EFT8573	22/09/2023	Boddington Medical Centre	Pre employment Medical	-\$ 330.00
146454	13/09/2023	Boddington Medical Centre	Pre employment Medical	\$ 330.00
EFT8574	22/09/2023	CJD Equipment	Plant Maintenance-Excavator	-\$ 16,372.23
6476750	14/08/2023	CJD Equipment	Coolant line fix and hydraulic Repair	\$ 9,497.49
6476751	14/08/2023	CJD Equipment	6000 hour service	\$ 6,874.74
EFT8575	22/09/2023	Canopy Adventures Pty Ltd	Childrens Week	-\$ 100.00
DEPOSIT	24/08/2023	Canopy Adventures Pty Ltd	Deposit to secure booking for Childrens Week Event	\$ 100.00

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8576	22/09/2023	Child Support Agency	Payroll deductions	-\$ 119.36
DEDUCTION	12/09/2023	Child Support Agency	Payroll Deduction	\$ 119.36
EFT8577	22/09/2023	Focus Networks	Standalone PC and Screens for Communications Office at Fire Station	-\$ 2,900.60
10231	15/08/2023	Focus Networks	Standalone PC and Screens for Communications Office at Fire Station	\$ 2,611.40
10225	15/08/2023	Focus Networks	Desktop Computer Build- Existing Image for Microsoft Surface Pro	\$ 289.20
EFT8578	22/09/2023	Fuel Distributors of WA	Plant Maintenance	-\$ 386.68
492373	15/08/2023	Fuel Distributors of WA	20 litres of Bar Oil, 20 litres of truck wash	\$ 386.68
EFT8579	22/09/2023	Great Southern Fuel Supplies	Fuel	-\$ 319.71
28082023	28/08/2023	Great Southern Fuel Supplies	Fuel Purchases	\$ 319.71
EFT8580	22/09/2023	Jozef Majko	Payroll deductions	-\$ 600.00
DEDUCTION	12/09/2023	Jozef Majko	Payroll Deduction	\$ 600.00
EFT8581	22/09/2023	Knight Industrial Brake and Clutch Co	Repairs to Float	-\$ 1,431.54
99648	14/09/2023	Knight Industrial Brake and Clutch Co	Strip/reline Truck shoes, Lining Disposal, York 19.5 Lining Set, Support Washer, Weld Shoe Reinforcing Washer, Shoe Hardware Kit	\$ 1,431.54
EFT8582	22/09/2023	LG Best Practices	Staff Training	-\$ 1,336.50
22239	31/08/2023	LG Best Practices	Training and Rates Support 2023/24 Financial Year	\$ 1,336.50
EFT8583	22/09/2023	Major Motors	Plant Repairs	-\$ 1,536.40
1409900	22/08/2023	Major Motors	Air Filter Parts and Filters, Freight	\$ 1,536.40
EFT8584	22/09/2023	Narrogin Auto Electrics & Airconditioning	UHF Handheld Radios	-\$ 600.00
265940	07/08/2023	Narrogin Auto Electrics & Airconditioning	UHF Handheld Radios 5 Watt	\$ 600.00
EFT8585	22/09/2023	Narrogin Whitford Fertilisers	Parks and Gardens Maintenance	-\$ 935.00
10431	05/09/2023	Narrogin Whitford Fertilisers	Fertiliser for Oval	\$ 935.00
EFT8586	22/09/2023	Pingelly IGA	The West Australian	-\$ 202.20
AUG2023	29/08/2023	Pingelly IGA	Purchase of The West Australian 4 Aug - 29 Aug 2023	\$ 202.20
EFT8587	22/09/2023	Resonline	Online booking system fee - Caravan Park	-\$ 242.00
158167	31/08/2023	Resonline	Online booking system fee - Caravan Park - August 2023 Ref 1211369,	\$ 242.00

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8588	22/09/2023	Rhonie's Wandering Mop & Bucket	Cleaning contract	-\$ 13,481.60
APRIL2023	20/07/2023	Rhonie's Wandering Mop & Bucket	Cleaning contract, Public conveniences - Watts St, Caravan Park, Administration Office, Depot, Public conveniences - Codjatotine /, Public conveniences - Pumphreys Bridge, Community Centre, Travel	\$ 3,511.20
MAY2023	20/07/2023	Rhonie's Wandering Mop & Bucket	Cleaning contract, Public conveniences - Watts St, Caravan Park, Administration Office, Depot, Public conveniences - Codjatotine, Public conveniences - Pumphreys Bridge, Community Centre, Travel	\$ 3,071.20
JUNE2023	20/07/2023	Rhonie's Wandering Mop & Bucket	Cleaning contract, Public conveniences - Watts St, Caravan Park, Administration Office, Depot, Public conveniences - Codjatotine, Public conveniences - Pumphreys Bridge, Community Centre, Travel	\$ 3,449.60
JULY 2023	20/07/2023	Rhonie's Wandering Mop & Bucket	Cleaning contract, Public conveniences - Watts St, Caravan Park, Administration Office, Depot, Public conveniences - Codjatotine, Public conveniences - Pumphreys Bridge, Community Centre, Travel	\$ 3,449.60
EFT8589	22/09/2023	Shire of Wandering Christmas Club	Payroll deductions	-\$ 260.00
DEDUCTION	12/09/2023	Shire of Wandering Christmas Club	Payroll Deduction	\$ 260.00
EFT8590	22/09/2023	Shire of Wandering Staff Lotto	Payroll deductions	-\$ 85.00
DEDUCTION	12/09/2023	Shire of Wandering Staff Lotto	Payroll Deduction	\$ 85.00
EFT8591	22/09/2023	Startrack Express	Postage Expenses GEN	-\$ 5.39
6230528024005	02/08/2023	Startrack Express	Postage Expenses GEN	\$ 5.39
EFT8592	22/09/2023	WA Fuel Supplies	Diesel & Fuel Supplied Aug 2023	-\$ 62,837.50
132941	07/09/2023	WA Fuel Supplies	Diesel, ULP	\$ 62,837.50
EFT8593	22/09/2023	WD Auto Repairs	Service and fuel fault repair and exhaust	-\$ 2,503.61
1296	09/08/2023	WD Auto Repairs	Service and fuel fault repair and exhaust	\$ 1,695.78
1325	28/08/2023	WD Auto Repairs	Tyre Repair, Clamps, Cable made to length	\$ 115.94
1341	12/09/2023	WD Auto Repairs	Carried out service and checkover replaced oil, replaced air,oil and fuel filter. All ok, WZ456 Oil Filter, WA5211 Air Filter, WCF207NM Fuel Filter, 8 ltrs 5W30 Synplus, Consumables	\$ 491.03
1353	13/09/2023	WD Auto Repairs	12N24-4MF Alekro Battery, Freight	\$ 200.86

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
EFT8594	22/09/2023	Wandering Tavern	CRC Programs and Events	-\$ 50.00
41	13/09/2023	Wandering Tavern	Men's Night Ice	\$ 50.00
EFT8595	22/09/2023	Waroona Septics	Dump point pump out	-\$ 1,282.60
32366	30/08/2023	Waroona Septics	Dump point pump out,	\$ 1,282.60
EFT8596	28/09/2023	Perth Patios & Home Improvements (MCI Building Company P/L)	Wandering Community Centre Upgrade	-\$ 45,000.00
3354	26/09/2023	Perth Patios & Home Improvements (MCI Building Company P/L)	1st Installment -Supply and install outdoor area at Wandering Community Centre	\$ 45,000.00
EFT8597	28/09/2023	Western Australian Treasury Corporation	Loan No. 10 Interest payment -	-\$ 2,364.33
10	28/09/2023	Western Australian Treasury Corporation	Loan No. 10 Principal payment -, Loan No. 10 Interest payment -	\$ 2,364.33
DD210923.1	21/09/2023	Bankwest	Credit Card Payment	-\$ 4,064.79
	21/09/2023	Credit Card	Credit Card August-September 2023	\$ 4,064.79
DD4491.1	12/09/2023	Macquarie Super	Superannuation contributions	-\$ 145.85
SUPER	12/09/2023	Macquarie Super	Payroll Deduction	\$ 145.85
DD4491.2	12/09/2023	HESTA	Payroll deductions	-\$ 207.81
SUPER	12/09/2023	HESTA	Payroll Deduction	\$ 158.33
DEDUCTION	12/09/2023	HESTA	Payroll Deduction	\$ 49.48
DD4491.3	12/09/2023	Aware Super	Superannuation contributions	-\$ 5,973.66
DEDUCTION	12/09/2023	Aware Super	Payroll Deduction	\$ 1,131.90
SUPER	12/09/2023	Aware Super	Payroll Deduction	\$ 4,841.76
DD4491.4	12/09/2023	ANZ OnePath Masterfund	Superannuation contributions	-\$ 267.03
DEDUCTION	12/09/2023	ANZ OnePath Masterfund	Payroll Deduction	\$ 63.58
SUPER	12/09/2023	ANZ OnePath Masterfund	Payroll Deduction	\$ 203.45
DD4491.5	12/09/2023	Australian Super	Superannuation contributions	-\$ 1,104.65
DEDUCTION	12/09/2023	Australian Super	Payroll Deduction	\$ 164.97
SUPER	12/09/2023	Australian Super	Payroll Deduction	\$ 939.68
DD4491.6	12/09/2023	HostPlus Super Fund	Superannuation contributions	-\$ 266.75
DEDUCTION	12/09/2023	HostPlus Super Fund	Payroll Deduction	\$ 63.51
SUPER	12/09/2023	HostPlus Super Fund	Payroll Deduction	\$ 203.24
DD4491.7	12/09/2023	AMP Superannuation Savings Trust	Superannuation contributions	-\$ 417.34
DEDUCTION	12/09/2023	AMP Superannuation Savings Trust	Payroll Deduction	\$ 99.37
SUPER	12/09/2023	AMP Superannuation Savings Trust	Payroll Deduction	\$ 317.97

Shire of Wandering
List of Accounts for Payments for September 2023

Chq/EFT	Date	Name	Description	Amount
DD4491.8	12/09/2023	MLC Masterkey	Superannuation contributions	-\$ 293.07
DEDUCTION	12/09/2023	MLC Masterkey	Payroll Deduction	\$ 69.78
SUPER	12/09/2023	MLC Masterkey	Payroll Deduction	\$ 223.29
DD4491.9	12/09/2023	CBUS	Superannuation contributions	-\$ 159.51
SUPER	12/09/2023	CBUS	Payroll Deduction	\$ 159.51
DD4495.1	26/09/2023	Australian Super	Payroll deductions	-\$ 1,233.86
SUPER	26/09/2023	Australian Super	Payroll Deduction	\$ 1,068.89
DEDUCTION	26/09/2023	Australian Super	Payroll Deduction	\$ 164.97
DD4495.2	26/09/2023	HESTA	Payroll deductions	-\$ 197.44
SUPER	26/09/2023	HESTA	Payroll Deduction	\$ 150.43
DEDUCTION	26/09/2023	HESTA	Payroll Deduction	\$ 47.01
DD4495.3	26/09/2023	Aware Super	Superannuation contributions	-\$ 6,896.26
DEDUCTION	26/09/2023	Aware Super	Payroll Deduction	\$ 1,763.46
SUPER	26/09/2023	Aware Super	Payroll Deduction	\$ 5,132.80
DD4495.4	26/09/2023	ANZ OnePath Masterfund	Superannuation contributions	-\$ 234.78
DEDUCTION	26/09/2023	ANZ OnePath Masterfund	Payroll Deduction	\$ 55.90
SUPER	26/09/2023	ANZ OnePath Masterfund	Payroll Deduction	\$ 178.88
DD4495.5	26/09/2023	HostPlus Super Fund	Superannuation contributions	-\$ 266.75
DEDUCTION	26/09/2023	HostPlus Super Fund	Payroll Deduction	\$ 63.51
SUPER	26/09/2023	HostPlus Super Fund	Payroll Deduction	\$ 203.24
DD4495.6	26/09/2023	AMP Superannuation Savings Trust	Superannuation contributions	-\$ 522.25
DEDUCTION	26/09/2023	AMP Superannuation Savings Trust	Payroll Deduction	\$ 204.28
SUPER	26/09/2023	AMP Superannuation Savings Trust	Payroll Deduction	\$ 317.97
DD4495.7	26/09/2023	Macquarie Super	Superannuation contributions	-\$ 134.18
SUPER	26/09/2023	Macquarie Super	Payroll Deduction	\$ 134.18
DD4495.8	26/09/2023	MLC Masterkey	Superannuation contributions	-\$ 293.07
DEDUCTION	26/09/2023	MLC Masterkey	Payroll Deduction	\$ 69.78
SUPER	26/09/2023	MLC Masterkey	Payroll Deduction	\$ 223.29
DD4495.9	26/09/2023	CBUS	Superannuation contributions	-\$ 85.64
SUPER	26/09/2023	CBUS	Payroll Deduction	\$ 85.64
DD4491.10	12/09/2023	Prime Super	Superannuation contributions	-\$ 283.09
SUPER	12/09/2023	Prime Super	Payroll Deduction	\$ 283.09
DD4495.10	26/09/2023	Prime Super	Superannuation contributions	-\$ 283.09
SUPER	26/09/2023	Prime Super	Payroll Deduction	\$ 283.09

TOTAL

-\$ 465,099.96

Credit Card Breakdown -August-September 2023

Date	Supplier	Description	Amount
17/08/2023	Wandering Tavern	Council Meeting Refreshments and Meal	\$ 299.49
23/08/2023	One Music Aust	Music Licencing -Shire Venues	\$ 364.00
24/08/2023	Shire of Wandering	Motor Vehicle Registration-WD422	\$ 414.70
29/08/2023	Shire of Wandering	Motor Vehicle Registration-WD11 and WD300	\$ 685.10
30/08/2023	Aussie Broadband	Internet -Shire	\$ 79.00
30/08/2023	Imazing	Mobile Phone Backup Software	\$ 89.99
01/09/2023	Swan Pools	Pool Supplies	\$ 64.50
06/09/2023	Ryans Quality Meats	Meat for Mens Night Event	\$ 382.44
06/09/2023	BWS	Refreshments for Mens Night Event	\$ 218.00
06/09/2023	Woolworths	Food for Mens Night Event	\$ 37.58
06/09/2023	Aldi	Food for Mens Night Event	\$ 108.30
08/09/2023	Dell	Laptop Docking Station	\$ 364.19
08/09/2023	Adobe	Acrobat Licencing	\$ 576.86
13/09/2023	Nespresso	Coffee	\$ 161.00
12/09/2023	Zoom	Video Conferencing Licences	\$ 209.90
	Bankwest	Bank Fee	\$ 9.74
		TOTAL	\$ 4,064.79

14 Planning and Technical Services

14.1 Variable Message Signs - Plant Replacement Program 2023-24

File Reference:	12.123.12360
Location:	N/A
Applicant:	Shire of Wandering
Author:	Karl Mickle, Operations Manager
Authorising Officer	Alan Hart, Chief Executive Officer
Date:	12 October 2023
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	General Planning Forum 22 September 2023

Summary:

The purpose of this report is for Council to consider purchasing plant items instead of hiring them for the Capital Works Program.

Background:

Council will be hiring plant items that we do not own, and for the foreseeable future to undertake our capital works program and in some circumstances, it is more economical to purchase rather than rent.

In 2023/24 the Shire will be renting variable message signboards as part of the capital works program to advise motorists that there are road works ahead and to slow down.

Comment:

Included in the adopted capital works budget this year, on the Wheatbelt Secondary Freight Network, and Regional Road Group Funding, there has been allowances for the hire of variable message signboards on each of the jobs, it is needed for safety reasons and to provide motorists with information about roadworks ahead.

Variable message signs (VMS) are electronic signs that can display different messages to inform drivers about road conditions, traffic incidents, travel times, weather alerts, and other relevant information. Some of the benefits of variable message signs are:

- They can improve road safety by providing timely and accurate information to drivers, such as warnings of hazards, speed limits, lane closures, detours, and emergency messages. This can help drivers make better decisions, avoid collisions, and reduce stress.
- They can reduce traffic congestion by informing drivers of alternative routes, travel times, and traffic flow. This can help drivers plan their trips, avoid delays, and optimize their travel efficiency.

Variable message signs can be either fixed or mobile, depending on the purpose and location of the sign. They are an effective and versatile tool for improving road safety and traffic management.

The estimated budgeted cost to hire two signboards this year of the period of these jobs, is around \$24,700 (for approximately 6 months). To purchase one variable message sign board is around \$24,239.

With the cost to hire each year being similar to the cost of purchasing one sign board, it makes sense to for Council to consider purchasing the sign boards as the payback period is only 2 years.

The advantage of purchasing the sign boards is that the Shire has access to them all year round so they can be used for other purposes when they are not being used for capital works.

The operating costs of the sign boards are minimal as they are self-contained solar powered units. Maintenance is minimal on these units, with the most expensive cost being insurance each year and the Shire will be required to insure them irrespective of if they are rented or purchased as the rental companies require them to be insured as part of our insurance.

It is proposed that the units be purchased from the Plant Reserve and the cost of the units be recovered over two financial years from the Capital Works Program.

Consultation:

Council
Works Staff

Statutory Environment:

Nil

Policy Implications:

Purchasing and Procurement Policy – to deliver a best practice approach and procedures for the internal purchasing of the Local Government.

Financial Implications:

The cost of the sign boards will be approximately \$50,000, funded from the Plant Reserve which will be recovered from the Capital Works program over two financial years. The Capital works program includes the cost of renting sign boards. The 2023/24 budget projects that at 30 June 2024 the Plant Reserve will have a balance of \$485,035, with the purchase of these variable message boards the reserve balance will decrease to \$465,035 (purchase price \$50,000 less \$25,000 in internal hire rates) and the balance of the cost of the signboards will be recovered in 2024/25 financial year.

Strategic Implications:

Our Goals	Our Strategies
The Wandering Shire is financially sustainable	<ul style="list-style-type: none"> • 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

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

- 1. Approve the purchase of two variable message sign boards at an approximate cost of \$50,000 and amend the 2023/24 Annual Budget accordingly, funding the items from the Plant Replacement Reserve.**
- 2. Include the two variable message sign boards into the Long-Term Plant Replacement Program.**

Moved: _____

Seconded: _____

For/Against: Cr Turton Cr Treasure Cr Hansen Cr Little Cr Parsons Carried
Cr Watts

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.