



Attachments

Ordinary Council Meeting
Wednesday 18 October 2023

Date	Wednesday 18 October 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Thursday 12 October 2023



7.1 Confirmation of Minutes of Previous Meeting



Minutes

Ordinary Council Meeting
Wednesday 13 September 2023

Date	Wednesday 13 September 2023
Time	3:30pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Thursday 14 September 2023



Notice of Meeting

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

A handwritten signature in blue ink that reads "Nathan Cain".

Nathan Cain
Chief Executive Officer
Thursday 14 September 2023

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin 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 / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin 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 Wickepin in respect of the application.

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1 Declaration of Opening

The Presiding Member declared the meeting open at 3.35pm.

2 Attendance

2.1 Present

Councillors

J Russell	Shire President
W Astbury	Deputy Shire President
T Miller	Councillor
F Allan	Councillor
L Corke	Councillor
J Mearns	Councillor
P Thompson	Councillor

Employees

N Cain	Chief Executive Officer
E Clement	Deputy Chief Executive Officer
G Hedditch	Manager of Works and Services
M Martin	Executive Support Officer

3 Public Question Time

3.1 Responses to Previous Public Questions Taken On Notice

Nil

3.2 Public Question Time

Nil

4 Apologies and Leave of Absence

4.1 Apologies

Nil

4.2 Previously Approved Leave of Absence

Nil

4.3 Requests for Leave of Absence

Nil

5 Petitions, Memorials and Deputations

5.1 Petitions

Nil

5.2 Memorials

Nil

5.3 Deputations

Nil

6 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

Nil

7 Confirmation of Minutes of Previous Meetings

7.1 Minutes of the Ordinary Council Meeting held on Wednesday 16 August 2023

Officer Recommendation

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 16 August 2023, as included in the attachments, as a true and accurate record.

Council Decision

Resolution OCM-230913-01

Moved Cr L Corke

Second Cr W Astbury

That Council confirm the minutes of the Ordinary Council Meeting held on Wednesday 16 August 2023 as included in the attachments, as a true and accurate record.

Carried 7/0

For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson

Against Nil

8 Status Report

Key

○ = in progress ✓ = completed ✕ =superseded

Item	Subject	Council Decision	Status	Action
1104-190820-11	Albert Facey Homestead Committee Recommendations	An inventory of all public artefacts and donations within the Shire is to be completed.	○	Commenced, not yet complete. Chief Executive Officer has contacted the Committee regarding progress of the project.
1161-150921-13	Townscape and Cultural Planning Committee Recommendations	That the current Wogolin Road Information Board not be re-sited and that a new board be redesigned.	○	Commenced, researching digital signage. Chief Executive Officer has contacted the Committee regarding progress of the project.
OCM-230517-07	Naming of the Wickepin Independent Living Units	That Council – 1. Call for public submissions regarding suggested names for the Wickepin Independent Living Units Complex / Units, and 2. For any received submissions to be provided to Council for consideration.	✓ ○	Submissions closed on Friday 30 June 2023 and seven (7) submissions were received. Item to be discussed at the October Ordinary Meeting of Council.
OCM – 230816-05	2023-2024 Annual Budget Adoption	That Council, with respect to the adoption of the 2023-2024 Annual Budget, adopts the capital initiatives to be included in the 2023-2024 Annual Budget, as included in the Attachments.	✓	Budget Adopted.
OCM – 230816-06	2023-2024 Annual Budget Adoption	That Council, with respect to the adoption of the 2023-2024 Annual Budget, adopts all remaining Budget items.	✓	Budget Adopted.
OCM – 230816-07	Change of Date for the September 2023	That with respect to the change of date for the September 2023	✓	Meeting date changed to the 13 September 2023.

Item	Subject	Council Decision	Status	Action
	Ordinary Council Meeting	Ordinary Council Meeting, Council, in accordance with the Local Government Act 1995 section 5.25 amends the date of the September 2023 Ordinary Council Meeting to Wednesday 13 September 2023, with the time to remain unchanged (commencing 3.30pm).		
OCM – 230816-09	Contract Performance – Wickepin Independent Living Units Construction	That Council, a. in accordance with the “Instrument of Agreement for design and construct contract: RFT 6: 019/20: Aged persons units, Johnston Street, Wickepin” (executed 14 August 2020) (“the Contract”) between the Shire of Wickepin and KBuilt Construction Pty Ltd, to cancel the Contract as per clause 18 (Default or bankruptcy of contractor) noting the Contractor has – •Failed to carry out the works at a rate of progress satisfactory to the Principal’s Representative (clause 18(b)); and •Failed to complete the whole of the works within the time specified for completion or such extended time as the Principal’s Representative may approve (clause 18(d)), And b.to advise the Building Commissioner of	✓	Actioned accordingly. The Shire of Wickepin took official possession on Monday 4/9/2023. WA Building Commissioner to be advised following receipt of a structural engineer report.

Item	Subject	Council Decision	Status	Action
		Western Australia of Council's decision to cancel the Contract.		

Where a resolution is formal, procedural or lost it has not been recorded (e.g. confirmation of minutes, meeting behind closed doors, lapsed, etc).

9 Motions of Which Notice Has Been Given

Nil

10 Receipt of Committee Minutes or Reports and Consideration of Recommendations

10.1 Minutes of the Townscape and Cultural Planning Committee Meeting held on Wednesday 6 September 2023.

Officer Recommendation

That Council receive the minutes of the Townscape and Cultural Planning Committee Meeting held on Wednesday 6 September 2023, as included in the attachments.

Council Decision

Resolution OCM-230913-02

Moved Cr F Allan

Second Cr W Astbury

That Council receive the minutes of the Townscape and Cultural Planning Committee Meeting held on Wednesday 6 September 2023, as included in the attachments.

Carried 7/0

For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson

Against Nil

11 President's Report

A warm welcome is extended to Olivia Melville-Main who has joined us as our Community and Economic Development Officer. We look forward to working with you on future projects.

On Friday 25th August Chief Executive Officer, Nathan and myself travelled to Kulin to attend the Central Country Zone of WALGA meeting.

Before the full meeting, WALGA facilitated a Strategic Forum where we discussed in groups the "Role and Purpose of the Central Country Zone". The information gathered will be presented back to the members at a future Zone meeting for further analysis and discussions.

Presenting to the full Zone meeting were NBN Local WA, Regional Development WA, Main Roads WA, Members of State Parliament before Zone business was attended to.

Monday 4th September 2023 saw Wickepin Shire Council formally acknowledge the taking over from contracted builder – Kbuilt- of the Independent Living Unit Complex building site in Johnston Street. Construction of the units can now be finished completely by local tradespeople.

On Friday 8th September CEO Nathan, MOW Graeme and myself attended the Wheatbelt South Regional Road Group meeting in Wickepin. Presentations were made by Peter Hall, program Manager of WSNF; Rodney Thornton, WALGA Roadwise; and Main Roads WA Asset Management team. Robust discussion was held regarding the Annual Works Program and the ageing road network.

Friday evening saw Wickepin Shire say "Thank You and Good-bye" to our long term employee in Colin Plumb, who came originally from Main Roads Department in Kalgoorlie as our Manager of Works in 1998, but quickly decided that was not his cup of tea, and he reverted back to plant operating, and in particular, grader driving. He did a fabulous job of looking after our gravel roads and will be missed within the community at the various activities that he participated in, and especially raising the flag at our annual ANZAC Day Service.

Thank You Colin, and Good Luck in your new home in Moora with your family.

Update of WSFN:



- WSFN PROGRAM DESIGNED TO INCREASE FREIGHT EFFICIENCY, PRODUCTIVITY AND SAFETY. A MAJOR AIM IS TO REDUCE FREIGHT INPUT COSTS AND INCREASE AUSTRALIA'S INTERNATIONAL COMPETITIVENESS IN AGRICULTURAL MARKETS
- THE NETWORK CONSISTS OF 4400KMS OF LOCAL GOVERNMENT ROADS WITH THE FULL SUPPORT OF ALL 42 SHIRES—THE LARGEST LOCAL GOVERNMENT COLLABORATION IN AUSTRALIA
- GOVERNANCE IS PROVIDED BY A STEERING COMMITTEE AND A TECHNICAL COMMITTEE ALONG WITH A PROGRAM MANAGEMENT TEAM. ALL 42 LG'S ARE REPRESENTED ON THESE COMMITTEES
- FUNDING FOR THE PROGRAM IS PROVIDED BY FEDERAL GOVERNMENT (80%) STATE GOVERNMENT (13.4%) AND LOCAL GOVERNMENT (6.6%).
- AT THE CLOSE OF YEAR 4 (2022/23 FINANCIAL YEAR), OVER \$73 MILLION HAS BEEN SPENT ON DEVELOPMENT AND CONSTRUCTION PROJECTS. THIS HAS DELIVERED MORE THAN 500KM OF REGIONAL ROAD UPGRADES TO THE MINIMUM 8M SEAL WIDTH (WSFN SPEC)
- AS AT YEAR 4, PRIORITY 1 AND PRIORITY 2 ROUTES APPROVED FOR \$97.29 MILLION (\$\$77.83 MILLION AUSTRALIAN GOVERNMENT, \$12.97 MILLION STATE GOVERNMENT AND \$6.49 MILLION LOCAL GOVERNMENT)
- RECENT WSFN INITIATIVES:
 - BASIS OF DESIGN TO ENSURE STANDARDS ARE MAINTAINED AND TO PROVIDE ASSISTANCE TO SHIRES WEBSITE INCLUDING ONLINE PORTAL WITH ACCESS FOR ALL LGS
 - INDIGENOUS PARTICIPATION COMPLIANCE (14% OF ALL HOURS AND 2% OF ALL SPEND)

WSFN'S DESIRE IS TO TURN THE FUND INTO A ROLLING PROGRAM TO ALLOW THE FOLLOWING:

- CONTINUED UPGRADE TO THESE VITAL ROUTES TO INCREASE EFFICIENCY, PRODUCTIVITY AND SAFETY
- CERTAINTY OF FUNDING TO ALLOW CONTINUED DEVELOPMENT WORKS ACROSS THE NETWORK
- ALLOW ONGOING REVIEW OF PRIORITIES AS CHANGES OCCUR SUCH AS BIN CLOSURES, SEASONAL HARVEST VARIANCE, INCREASED SIZE AND WEIGHT OF FREIGHT

BENEFITS:

- **IMPROVED FREIGHT EFFICIENCY**
- **IMPROVED ROAD SAFETY**
- **WHEATBELT LG'S BENEFIT THROUGH CAPABILITY AND CAPACITY BUILDING**
- **WHEATBELT COMMUNITIES BENEFIT - AGRICULTURE, TOURISM, MINING, ROAD SAFETY, FINANCIALLY**

3.38pm G Hedditch left the meeting.

12 Report by the Chief Executive Officer

A summary of some of the activities undertaken by the Chief Executive Officer for August 2023 is below –

Regional Development Projects

Met with the Director Regional Development (M Walker) at Regional Development Australia (Wheatbelt), and other Wheatbelt Chief Executive Officers, to discuss current projects being undertaken and those which are coming up. The purpose of the meeting is to identify opportunities for local government collaboration, for efficiency and cost-reductions, and also to identify potential resourcing issues through competing projects.

Community Resource Centre Agreement

Met with the Executive Officer (L McColl) of the Wickepin Community Resource Centre regarding the current funding agreement with the Shire and potential amendments to the agreement.

Bushfire Training and Development

Met with the Chief Bushfire Control Officer (T Leeson) to discuss the upcoming fire season and agreed on minimum training requirements for those volunteers who will be active firefighters. Discussion was also had regarding the status of volunteers and insurance requirements.

Regional Water Supply

Met with the Manager Customer and Stakeholder (K Walker) from Water Corporation regarding the current water supply network servicing the district and future works to ensure sufficient supply for WA Kaolin. Discussion was also held regarding water supply requirements for any future land release in the district.

Wickepin Skate Park

Along with council members and local children, met with D Rooney from the Narrogin Observer to promote the works which have started for the Wickepin Skate Park.

Toolibin Tennis Club

Met with representatives of the Toolibin Tennis Club to discuss their grant application for the installation of transportable toilets and showers at the facility.

RAC Connecting Communities Fund

Attended an online seminar hosted by RAC for possible funding towards road safety and pathway projects.

Regional Road Group

Along with the Shire President, attended an online meeting with the Lakes Sub-Group of the Wheatbelt South Regional Road Group to discuss road matters and funding prior to the full Road Group meeting.

Local Jobs and Employment

Met with the Regional Employment Facilitator (E Everett) from Workforce Australia Local Jobs to discuss emerging employment opportunities in the Wickepin district.

Waste Facility Security

Met with Sgt Mark Langford from WA Police (Wickepin) to discuss security matters and illegal dumping at Shire of Wickepin waste facilities.

Wickepin Independent Living Units

Met with local tradespeople to discuss works required to finish the construction of the Wickepin Independent Living Units.

Regional Collaboration

Along with other employees of the Shire of Wickepin, met with representatives from the Shire of Narrogin to discuss details associated with the Regional Collaboration Agreement between the two (2) shires.

Wheatbelt Community Health

Attended an online seminar hosted by the Wheatbelt Public Health Unit regarding healthy aging in the Wheatbelt region and services which can assist those who are aging in place.

2023 Local Government Elections

Along with the Deputy Chief Executive Officer, met with the 2023 Local Government Election Wickepin Returning Officer (G Macnab) to discuss the upcoming elections.

Central Country Zone

Along with the Shire President, attended the Central Country Zone meeting in Kulin. NBN Co provided a presentation on emergency preparedness and gave an overview of works in the region. Proposed new gun laws, non-standard water services, heavy vehicle management, and disaster ready funding were amongst the discussion topics.

13 Notices of Motions for the Following Meeting

Nil

14 Reports and Information

14.1 Monthly Schedule of Accounts Paid – August 2023

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	7 September 2023
Attachments	Monthly Schedule of Accounts Paid – August 2023

Summary

Council is required to have a Schedule of Accounts Paid produced each month containing relevant information, as legislated.

The purpose of this report is to present the –

- Schedule of Creditor Accounts Paid, including Corporate Credit Card Reconciliations, for August 2023, and
- Trust Fund Payments for August 2023.

Council is requested to confirm the Monthly Schedule of Accounts Paid, as included in the attachments.

Background

The *Local Government (Financial Management) Regulations 1996* requires Shire officers to, monthly and within a prescribed timeframe, prepare a schedule of payments made from the Municipal Fund and the Trust Fund and present this to Council for confirmation.

Comments

Shire officers have prepared the Monthly Schedule of Accounts Paid, in accordance with legislative requirements, and this is attached.

The schedule of accounts, covering vouchers as listed below, have been checked and are fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been remitted.

For the month under review the following summarised details are presented –

Municipal Fund	Vouchers	Amounts
Electronic Funds Transfer	13746-13824, 13828-13863	\$373,049.41
Cheques		\$18,985.99
Direct Deductions	August 2023	\$1,506.98
Superannuation	August 2023	\$14,466.55
Credit Card	August 2023	\$4,948.84
BPay Payments	August 2023	\$3,356.30
Payroll	August 2023	\$93,122.00
Licensing	August 2023	\$24,278.80
Municipal Fund Total		\$533,714.87
Trust Fund		
Electronic Funds Transfer	13825-13827	\$130.00
Cheques		\$0.00
Trust Fund Total		\$130.00
Total	August 2023	\$533,844.87

Statutory Environment

Local Government (Financial Management) Regulations 1996 – Regulation 13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

Where the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing details for each account paid.

This list is to be presented to the council at the next ordinary meeting of the council and recorded in the minutes.

Policy Implications

Council Policy 3.1.7 – EFT Payment and Cheque Issue

Council has authorised the Chief Executive Officer to make payments from the municipal fund and the trust fund.

Financial Implications

Current Financial Year

Payments included on the Schedule of Accounts Paid have been undertaken in accordance with appropriate processes and the Annual Budget.

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$533,714.87 and from the Trust Fund of \$130.00, as included in the attachments, for August 2023.

Council Decision**Resolution** OCM-230913-03**Moved** Cr F Allan**Second** Cr P Thompson

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 acknowledges payments from the Municipal Fund of \$533,714.87 and from the Trust Fund of \$130.00, as included in the attachments, for August 2023.

Carried 7/0**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson**Against** Nil

14.2 Statement of Financial Activity – August 2023

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.FR.1212
Author	E Clement – Deputy Chief Executive Officer
Interest Disclosures	-
Report Written Date	9 August 2023
Attachments	Statement of Financial Activity – August 2023

Summary

Council is required to have a Statement of Financial Activity produced each month containing relevant information, as legislated.

The purpose of this report is to present the Statement of Financial Activity for the period ended August 2023.

Council is requested to accept the Statement of Financial Activity.

Background

The *Local Government (Financial Management) Regulations 1996* require Shire officers, monthly and within a prescribed timeframe, to prepare financial reports covering prescribed information and present these to Council.

Comments

Shire officers have prepared the Statement of Financial Activity, and supporting documentation, in accordance with legislative requirements, and this is attached.

Statutory Environment

Local Government Act 1995 – Section 6.4 Financial report

Local governments are required to prepare and present financial reports, on an annual basis and at any other time, and in any other format, as prescribed.

Local Government (Financial Management) Regulations 1996 – Regulation 34 Financial activity statement required each month (Act s. 6.4)

Shire officers are to prepare each month a statement of financial activity reporting on revenue and expenditure as set out in the annual budget. Each statement of financial activity is to be accompanied by information explaining the composition of net assets less committed and restricted assets, any material variances and any other supporting information considered relevant.

Policy Implications

Council Policy 3.1.14.2 – Monthly Financial Reporting

The Chief Executive Officer shall ensure a monthly statement of financial activity complies with all aspects of the Act and *Local Government (Financial Management) Regulations 1996*.

Financial ImplicationsCurrent Financial Year

Commentary on the current financial position is outlined within the body of the attached reports.

Future Financial Years

Nil

Strategic Implications

Nil

Voting Requirement

Simple majority

Officer Recommendation

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for August 2023, as included in the attachments.

Council Decision

Resolution **OCM-230913-04**
Moved **Cr F Allan**
Second **Cr T Miller**

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Statement of Financial Activity and associated documentation for August 2023, as included in the attachments.

Carried **7/0**
For **Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson**
Against **Nil**

3.40pm G Hedditch returned to the meeting.

14.3 Local Roads and Community Infrastructure Program – Phase Four (4) Grant – Proposed Work Schedules

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	GS.PRG.1556
Author	N Cain –Chief Executive Officer
Interest Disclosures	-
Report Written Date	6 September 2023
Attachments	-

Summary

The Shire of Wickepin has been allocated \$573,783 in Phase Four (4) of the Commonwealth’s Local Roads and Community Infrastructure Program.

Council is requested to approve the proposed Work Schedules for submission to the Local Roads and Community Infrastructure Program – Phase Four (4) Grant.

Background

The Commonwealth of Australia, represented by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, has recently released the conditions and guidelines for the Phase Four (4) Grant of the Local Roads and Community Infrastructure Program (“LRCI Program”).

Phase Four (4) of the LRCI Program is a temporary measure of direct funding to local councils to deliver local road and community infrastructure projects, supporting local jobs, firms and procurement.

The objective of the LRCI Program is to support additional infrastructure construction activities in local communities across Australia.

The intended outcome of the LRCI Program is to deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The LRCI Program is administered by the Department of Infrastructure, Transport, Regional Development and Communication (“the Department”).

The Shire of Wickepin has been allocated a total maximum grant of \$573,783, broken down as follows –

- \$363,886 for approved local road and community infrastructure projects (Part A projects), and
- \$209,897 for approved road projects in regional, rural and outer-urban areas only (Part B projects), unless otherwise agreed by the Department.

Below is a list of previous initiatives in the Shire of Wickepin which have been funded with the assistance of the LRCI Program –

- Closed circuit TV (CCTV) system in Wickepin
- Improvements to the Wickepin Swimming Pool
- Construction of the Wickepin Townsite Playground
- Renovation to the Lake Yealering Foreshore ablution facilities

Projects funded under Phase Four (4) are to be physically completed by 30 June 2025.

Comments

Shire officers have contacted the Department for further clarification regarding this Phase of the LRCI Program, with the following confirmation provided –

- Co-contributions are not required under the LRCI Program, although are permitted to be used to help fund a project.
- A project can be funded by a combination of funds, including State Government funding.
- A 'use it or lose it' principle is applied, meaning funds unspent by the required deadlines will be forfeit.
- Grant money can only be used on eligible projects, and must deliver demonstrable benefits to the community.
- Funding is not intended to replace existing expenditure commitments or regular scheduled maintenance, rather to enable further, additional expenditure as needed to address infrastructure issues.
- Part B should be spent on eligible road projects on eligible roads as, only in exceptional circumstances, will Part B funds be eligible for use on Part A projects.

Part A eligible projects include, although are not limited to, –

- Local road projects which involve the construction or maintenance of roads managed by local government,
- Traffic signs,
- Traffic calming / control equipment,
- Street lighting equipment,
- A bridge or tunnel,
- A facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station),
- Facilities off the road which support the visitor economy,
- Road and pathway maintenance (where it can be demonstrated this is additional to normal works schedules),
- Eligible community infrastructure projects which involve the construction, maintenance and / or improvements to council-owned assets which are primarily for the direct use and benefit of the local community,
- Closed circuit TV (CCTV),
- Bicycle and walking paths,
- Painting or improvements to community facilities,
- Repairing and replacing fencing,
- Improved accessibility of community facilities and areas,
- Landscaping improvements, such as tree planting and street beautification,
- Picnic shelters or barbecue facilities at community parks,
- Community / public art associated with an eligible project,

- Playgrounds and skate parks,
- Noise and vibration mitigation measures,
- Off-road car parks (such as those at sporting grounds or parks), and
- Projects which support the transition to Net Zero for council-owned assets.

Part B eligible projects include, although are not limited to, –

- Road projects in regional, rural and outer-urban areas only,
- Sealing / resealing of eligible roads,
- Realignment of eligible roads,
- Removal / improvements to bridges on eligible roads,
- Safety improvements on eligible roads,
- A facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station),
- Facilities off the road which support the visitor economy.

Council members previously discussed possible projects for consideration at the August 2023 Council Forum.

Some of these projects included –

Part A

- Renovation and improvements to the Harrismith Townsite Playground,
- Improvements to the Wickepin Community Centre,
- Renovation and improvements to the Wickepin Community Centre Playground,
- Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities,
- Provision of playground facilities at the Harrismith Golf Club, and
- Provision of Toilet and Shower Facilities at the Toolibin Tennis Club.

Part A or B

- Traffic pull-off bay installation in Harrismith,
- Electronic traffic speed monitoring signage in Wickepin,
- Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street,
- Asphalt sealing of car-park area in Wickepin (near fuel bowsers),
- Lake Yealering foreshore car-park sealing, and
- Bitumen sealing of Yarling Brook Road north of Yarling Brook.

As per direction provided at the August 2023 Council Forum, Shire officers have undertaken initial project costings and scoping on the above projects, with the detail as follows for Part A projects –

- Renovation and improvements to the Harrismith Townsite Playground
The scope of works includes the installation of pine bark soft fall, concrete kerbing, surrounding pool fencing, and shade sails at the Harrismith Townsite Playground. Approximate cost estimation \$95,000 ex GST.
- Improvements / renovation to the Wickepin Community Centre
The scope of works has not been fully explored, however is likely to include a major renovation to all change rooms, replacement of ceiling panels in the function and mezzanine

areas, and external heating to the verandah area at the Wickepin Community Centre. As the scope of works has not been fully undertaken an allowance of \$60,000 ex GST is made.

- Renovation and improvements to the Wickepin Community Centre Playground
The scope of works includes the removal of the existing equipment, new playground structure, surrounding pool fencing, rubberised soft fall, and shade sails at the Wickepin Community Centre Playground. Approximate cost estimation \$140,000 ex GST.
- Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities
The scope of works includes built structure modifications to both the male and female toilet facilities at the Wickepin Swimming Pool for wheelchair and other disability access. Modification to the interior cubicles will also be required. Approximate cost estimation \$30,000 ex GST.
- Provision of toilet and shower facilities at the Toolibin Tennis Club
In partnership with the Toolibin Tennis Club, the scope of works includes the installation of two (2) transportable toilet and shower facilities as Stage One (1) of the Toolibin Tennis Club's reinvigoration program. The funds sought from the LRCI Program are approximately \$40,000 ex GST.
- Provision of playground facilities at the Harrismith Golf Club
The scope of works includes the provision of playground facilities, surrounding pool fencing, soft fall, and shade sails at the Harrismith Golf Club. Approximate cost estimation \$95,000 ex GST.

The projects listed above total \$460,000 ex GST which means the Part A allocation will be oversubscribed by \$95,000 ex GST.

Shire officers recommend only one playground be considered for the Harrismith area, and the preference for this be located at the Harrismith Golf Club (thus balancing the Part A funding allocation).

As per direction provided at the August 2023 Council Forum, Shire officers have undertaken initial project costings and scoping on the above projects, with the detail as follows for Part B projects –

- Traffic pull-off bay installation in Harrismith
The scope of works includes the creation of a three (3) to five (5) car sealed pull-off area near the recently installed toilet facilities in Harrismith, which will include an upgrade to the adjacent pathway. Approximate cost estimation \$50,000 ex GST.
- Electronic traffic speed monitoring signage
The scope of works includes the purchase and installation of three (3) electronic traffic speed monitoring signs, initially for the Wickepin townsite. The signs, which are installed in sleeves in the ground meaning they can be located throughout the Shire, provide a visible indication to drivers if they are exceeding the posted speed limit. Approximate cost estimation \$30,000 ex GST.

- Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street
The scope of works includes installation of a new concrete pathway along Wogolin Road, Wickepin east of Rintel Street which will be on a new alignment safely away from the main road. Relocation of golf tee-off areas, removal of trees, and some retaining works will be required. Approximate cost estimation \$45,000 ex GST.
- Asphalt sealing of car-park area in Wickepin (near fuel bowsers)
The scope of works includes installation of an asphalt car-park to replace the current bitumen sealed car park in the car-park between the fuel bowsers and Wogolin Road, Wickepin, minor redesign works, and new kerbing to the location. Approximate cost estimation \$35,000 ex GST.
- Lake Yealering Foreshore car-park sealing
The scope of works, which has not yet been fully designed or costed, includes the bitumen sealing of some or all of the car-park/s in the Lake Yealering Foreshore Precinct. The project could be considered as a “maximum contribution” project (i.e. whatever funds are left over from the other projects and still remaining unallocated). Approximate funds remaining, after the above four (4) projects are considered, is \$50,000 ex GST.
- Bitumen sealing of Yarling Brook Road north of Yarling Brook
The scope of works, which has not been fully designed or costed, includes the bitumen sealing of an, as yet, unknown length of Yarling Brook Road north of Yarling Brook. The project could be considered as a “maximum contribution” project (i.e. whatever funds are left over from the other projects and still remaining unallocated). Approximate funds remaining, after the first four (4) projects are considered, is \$50,000 ex GST.

The first four (4) projects listed above (which are scoped) total \$160,000 ex GST which means the Part B allocation has \$50,000 ex GST remaining.

Council is not required to provide a fully allocated set of work schedules and can choose to nominate projects at a later stage.

Council is requested to approve the proposed Work Schedules for submission to the Local Roads and Community Infrastructure Program – Phase Four (4) Grant.

Statutory Environment

Local Government Act 1995 - Section 3.1 General function

The general function of a local government is to provide for the good government of persons in its district.

Local Government Act 1995 – Section 3.18 Performing executive functions

A local government is to satisfy itself the services and facilities it provides are managed efficiently and effectively.

Policy Implications

Nil

Financial Implications

The proposal commits approximately \$525,000 ex GST of the allocated funds associated with Phase Four (4) of the LRCI Program.

Approximately \$50,000 ex GST remains unallocated.

Future Financial Years

Maintenance costs associated with proposed works under Phase Four (4) of the LRCI Program will occur. The substance of the proposed works is likely to have a minor impact on future maintenance costs.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs

Medium Term Strategy 4.4 supports the improvement and maintenance of assets in a strategic manner.

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to Phase Four (4) of the Local Roads and Community Infrastructure Program,

- a approves the following projects for submission to Part A of the Program –*
- Improvements / renovation to the Wickepin Community Centre (estimation \$60,000 ex GST)*
 - Renovation and improvements to the Wickepin Community Centre Playground (estimation \$140,000 ex GST)*
 - Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities (estimation \$30,000 ex GST)*
 - Provision of playground facilities at the Harrismith Golf Club (estimation \$95,000 ex GST)*
 - Provision of toilet and shower facilities at the Toolibin Tennis Club (estimation \$40,000 ex GST)*
- b approves the following projects for submission to Part B of the Program –*
- Traffic pull-off bay installation in Harrismith (estimation \$50,000 ex GST)*
 - Electronic traffic speed monitoring signage (estimation \$30,000 ex GST)*
 - Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street (estimation \$45,000 ex GST)*
 - Asphalt sealing of car-park area in Wickepin (near fuel bowsers) (estimation \$35,000 ex GST)*
- c acknowledges the need to identify a further \$50,000 ex GST in projects for submission to Part B of the Program.*

Council Decision**Resolution** OCM-230913-05**Moved** Cr W Astbury**Second** Cr F Allan

That Council, with respect to Phase Four (4) of the Local Roads and Community Infrastructure Program,

- a** approves the following projects for submission to Part A of the Program –
- **Improvements / renovation to the Wickepin Community Centre (estimation \$60,000 ex GST)**
 - **Renovation and improvements to the Wickepin Community Centre Playground (estimation \$140,000 ex GST)**
 - **Accessibility improvements to the Wickepin Swimming Pool Toilet Facilities (estimation \$30,000 ex GST)**
 - **Provision of playground facilities at the Harrismith Golf Club (estimation \$95,000 ex GST)**
 - **Provision of toilet and shower facilities at the Toolibin Tennis Club (estimation \$40,000 ex GST)**
- b** approves the following projects for submission to Part B of the Program –
- **Traffic pull-off bay installation in Harrismith (estimation \$50,000 ex GST)**
 - **Improvements to, and realignment of, the pathway along Wogolin Road, Wickepin east of Rintel Street (estimation \$45,000 ex GST)**
 - **Asphalt sealing of car-park area in Wickepin (near fuel bowsers) (estimation \$35,000 ex GST)**
 - **Pathways at Yealering, yet to be scoped (estimation \$80,000 ex GST)**

Carried 7/0**For** Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson**Against** Nil

14.4 Tender RFT-01-2023-2024 Lake Yealering Ablution Block Redevelopment

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	Graeme Hedditch
File Reference	FM.TEN.1220
Author	G Hedditch –Manager Works and Services
Interest Disclosures	-
Report Written Date	7 September 2023
Attachments	-

Summary

Shire officers recently requested tenders for the redevelopment of the Lake Yealering Ablution Block Redevelopment.

Council is requested to decline to accept any tenders.

Background

In July 2023 Shire officers requested tenders for the redevelopment of the Lake Yealering Ablution Block, on the Western Australian Local Government Association's ("WALGA") Preferred Supplier e-Quotes System.

The tender documentation sought the supply and delivery of redevelopment and remediation works at the Lake Yealering Ablution Block, including the provision of accessibility inclusions.

Additionally, tender submissions were required to include the following –

- Meet a schedule of materials and finishes, and
- Meet a schedule of furniture, fixtures, fittings and equipment.

Tender submissions failing to complete all information requirements contained within the tender documentation schedules will be rejected.

The information requirements included, although were not limited to, –

- Breakdown pricing for all associated trades,
- Demonstration of licences and ability to complete the works, and
- Demonstration of required insurance.

The selection criteria, and associated weighting, for consideration in determining the successful complying tender submission are listed below –

- Price (100% weighting)

Twenty-one (21) suppliers were notified of the request for tender.

Comments

Tender submissions closed at 4:00pm Friday 1 September 2023.

At the close of the submission period three (3) complying submissions were received with zero (0) non-complying submissions (a total of three (3) submissions).

The assessment of the submissions was formally undertaken by the Manager Works and Services.

Tender submissions were received from, in the order they were considered, –

- Oban Group Pty Ltd
- Bidi Facility Services Pty Ltd
- Dreamtime Mia Building and Maintenance Services

Following assessment no submission was considered advantageous to accept.

Council is requested to decline to accept any tenders.

Statutory Environment

Local Government Act 1995 – Section 3.57

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996 – Division 2 Part 4

Tenders shall be invited before the Shire enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$250,000.

Local Government (Functions and General) Regulations 1996 – Regulation 18 Rejecting and accepting tenders

A local government may reject, accept or decline to accept any or all tenders received through a request for tender process.

Policy Implications

Council Policy 3.1.6 Purchasing

Purchases which may be in excess of \$250,000 ex GST must be tendered.

Financial Implications

The funds available to complete the project are sourced from the Local Roads and Community Infrastructure Program and total \$258,500 ex GST.

The submitted tenders are outside the funds available to complete the works, according to the grant conditions.

Future Financial Years

Maintenance costs associated with proposed works will occur. The substance of the proposed works is likely to have a minor impact on future maintenance costs.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs

Medium Term Strategy 4.4 supports the improvement and maintenance of assets in a strategic manner.

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to Tender RFT-01-2023-2024 Lake Yealering Ablution Block Redevelopment,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 does not accept any tender, and*
- b Authorises the Chief Executive Officer to appraise and seek to complete the works in an alternate manner, within the allocated funds, and as per the grant funding requirements.*

Council Decision

Resolution OCM-230913-06
Moved Cr J Mearns
Second Cr F Allan

That Council, with respect to Tender RFT-01-2023-2024 Lake Yealering Ablution Block Redevelopment,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 does not accept any tender, and**
- b Authorises the Chief Executive Officer to appraise and seek to complete the works in an alternate manner, within the allocated funds, and as per the grant funding requirements.**

Carried 7/0
For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson
Against Nil

14.5 Tender RFT-02-2023-2024 Supply and Lay Bitumen Products

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.TEN.1220
Author	G Hedditch –Manager Works and Services
Interest Disclosures	-
Report Written Date	7 September 2023
Attachments	-

Summary

Shire officers recently requested tenders for the supply and laying of bitumen products.

Council is requested to accept the tender submission from WCP Civil Pty Ltd.

Background

In July 2023 Shire officers requested tenders for the supply and lay of bitumen products for roadworks including, although not limited to,

- Cuballing East Road (approximately 22,100 square metres),
- Wickepin-Corrigin Road (approximately 22,100 square metres),
- Yarling Brook Road (approximately 14,400 square metres), and
- Wickepin-Pingelly Road (approximately 5,760 square metres).

On the Western Australian Local Government Association's ("WALGA") Preferred Supplier e-Quotes System.

The tender documentation specifically sought –

- Bitumen application designs,
- Supply and application of hot sprayed cutback bitumen,
- Supply, pre-coat and spreading of aggregate,
- Pre and post seal application sweeping,
- Rolling,
- Traffic control during spray seal works, and
- Installation of temporary raised pavement markers to Main Roads WA standards.

Additionally, tender submissions were required to include the following –

- Organisation profile,
- Agency details,
- Sub-contractor details,
- Quality assurance details,
- Selection criteria responses,
- Operational compliance details against set criteria,
- Demonstrated experience in similar works,
- Demonstrated commitment to customer service,

- Demonstrated assurance of occupational safety and health practices, and
- Price information.

Tender submissions failing to complete all information requirements contained within the tender documentation schedules will be rejected.

The selection criteria, and associated weighting, for consideration in determining the successful complying tender submission are listed below –

- Demonstrated experience to meet the requirements of the specification (10% weighting)
- Demonstrated ability and practices to ensure public and employee safety (10% weighting)
- Price (80% weighting)

Five (5) suppliers were notified of the request for tender.

Comments

Tender submissions closed at 4:00pm Tuesday 9 August 2023.

At the close of the submission period four (4) complying submissions were received with zero (0) non-complying submissions (a total of four (4) submissions).

Tender submissions were received from, in the order they were considered, –

- Downer Group,
- Bitutek Pty Ltd,
- Fulton Hogan Industries Pty Ltd, and
- WCP Civil.

The assessment of the submissions was formally undertaken by the Manager Works and Services.

Following assessment the below ranking order was determined –

1. WCP Civil Pty Ltd
2. Downer Group
3. Fulton Hogan Industries Pty Ltd
4. Bitutek Pty Ltd

Council is requested to accept the tender submission from WCP Civil Pty Ltd.

Statutory Environment

Local Government Act 1995 – Section 3.57

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996 – Division 2 Part 4

Tenders shall be invited before the Shire enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$250,000.

Local Government (Functions and General) Regulations 1996 – Regulation 18 Rejecting and accepting tenders

A local government may reject, accept or decline to accept any or all tenders received through a request for tender process.

Policy Implications

Council Policy 3.1.6 Purchasing

Purchases which may be in excess of \$250,000 ex GST must be tendered.

Financial Implications

If only works included as per the estimated tender specifications occur, Council will commit to \$589,145 ex GST, which is included and within 2023-2024 budget allocations.

Future Financial Years

Maintenance costs associated with proposed works will occur. The substance of the proposed works is likely to have a minor impact on future maintenance costs.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs

Medium Term Strategy 4.4 supports the improvement and maintenance of assets in a strategic manner.

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to Tender RFT-02-2023-2024 Supply and Lay Bitumen Products,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 accepts the tender submission from WCP Civil Pty Ltd for \$589,145 ex GST, and*
- b Authorises the Chief Executive Officer to engross documentation to engage WCP Civil Pty Ltd as per the tender specifications.*

Note

Due to an administrative error and omission, not all aspects of the WALGA e-Quotes process were followed correctly.

After review and external advice, Council is being requested to not accept any tender and to ensure modification any future tender pertaining to the supply and laying of bitumen products is sufficient so as to ensure no competitive advantage is provided to any tenderer as a result of RFT-02-2023-2024.

Alternate Recommendation

That Council, with respect to Tender RFT-02-2023-2024 Supply and Lay Bitumen Products,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 does not accept any tender, and*
- b Requests the Chief Executive Officer to re-invite tenders to Supply and Lay Bitumen Products so as to ensure no competitive advantage is provided to any tenderer as a result of RFT-02-2023-2024.*

Council Decision

Resolution OCM-230913-07

Moved Cr J Mearns

Second Cr T Miller

That Council, with respect to Tender RFT-02-2023-2024 Supply and Lay Bitumen Products,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 does not accept any tender, and**
- b Requests the Chief Executive Officer to re-invite tenders to Supply and Lay Bitumen Products so as to ensure no competitive advantage is provided to any tenderer as a result of RFT-02-2023-2024.**

Carried 7/0

For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson

Against Nil

14.6 Tender RFT-03-2023-2024 Supply and Delivery of Front-End Loader

Submission to	Ordinary Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	FM.TEN.1220
Author	G Hedditch – Manager Works and Services
Interest Disclosures	-
Report Written Date	6 September 2023
Attachments	-

Summary

Shire officers recently requested tenders for the supply and delivery of a Front-End Loader, which also included the trade-in of the Shire's current Front-End Loader.

Council is requested to accept the tender submission from Hitachi Construction Machinery (Australia) Pty Ltd.

Background

In August 2023 Shire officers requested tenders for the supply and delivery of a Front-End Loader, which also included the trade-in of the Shire's current Front-End Loader, on the Western Australian Local Government Association's ("WALGA") Preferred Supplier e-Quotes System.

The tender documentation sought the supply and delivery of a similarly sized Front-End Loader (as currently held by the Shire), and to include –

- UHF Radio Uniden 80 channel,
- Attachments to include rake grapple and forks,
- Load rite or similar weighting device, and
- Flashing beacon.

Additionally, tender submissions were required to include the following –

- One (1) year licensing,
- Upon supply the machine must be available for immediate use,
- All warranty and defect replacement details, with the option for extended warranty,
- Compliance with all relevant specifications and standards currently in place for Western Australia, and
- Allowance for the trade-in of a 2014 Komatsu 250 Loader (approximately 4,892 hours) "as is, where is".

Tender submissions failing to complete all information will be rejected.

The information requirements included, although were not limited to, –

- Make and model of Front-End Loader,
- Date of manufacture,
- Delivery month and anticipated supply date,
- Purchase price of supplied machine only or purchase price of supplied machine when included with trade-in of existing machine.

The selection criteria, and associated weighting, for consideration in determining the successful complying tender submission are listed below –

- Price (60% weighting)
- Demonstrated experience with after-sales support and on-site service of the machine (15% weighting)
- Operator feedback from demonstration (25% weighting)

Twenty-five (25) suppliers were notified of the request for tender.

Comments

Tender submissions closed at 4:00pm Wednesday 6 September 2023.

At the close of the submission period nine (9) complying submissions were received with zero (0) non-complying submissions (a total of nine (9) submissions).

Tender submissions were received from, in the order they were considered, –

- CJD Equipment Pty Ltd,
- Construction Equipment Australia,
- AFGRI Equipment John Deere Construction,
- Hitachi Construction Machinery (Australia) Pty Ltd,
- Komatsu Australia Pty Ltd,
- McIntosh and Son (1),
- McIntosh and Son (2),
- Porter Equipment Australia Pty Ltd, and
- WesTrac Pty Ltd.

The assessment of the submissions was formally undertaken by the Manager Works and Services.

Eight (8) submissions elected to provide a purchase and trade-in combined price and one (1) submission included only a purchase price.

Following assessment the below ranking order was determined –

1. Hitachi Construction Machinery (Australia) Pty Ltd
2. Porter Equipment Australia Pty Ltd
3. McIntosh and Son (2)
4. AFGRI Equipment
5. Construction Equipment Australia
6. WesTrac Pty Ltd
7. CJD Equipment Pty Ltd

8. Komatsu Australia Pty Ltd
9. McIntosh and Son (1)

Council is requested to accept the tender submission from Hitachi Construction Machinery (Australia) Pty Ltd.

Statutory Environment

Local Government Act 1995 – Section 3.57

A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Local Government (Functions and General) Regulations 1996 – Division 2 Part 4

Tenders shall be invited before the Shire enters into a contract for another person to supply goods or services if the consideration under the contract is or is expected to exceed \$250,000.

Local Government (Functions and General) Regulations 1996 – Regulation 18 Rejecting and accepting tenders

A local government may reject, accept or decline to accept any or all tenders received through a request for tender process.

Policy Implications

Council Policy 3.1.6 Purchasing

Purchases which may be in excess of \$250,000 ex GST must be tendered.

Financial Implications

Council has budgeted \$226,000 ex GST for the acquisition of a Front-End Loader and \$90,000 ex GST for the disposal of the current Front-End Loader (with the net changeover budgeted at \$136,000 ex GST).

The Officer Recommendation is for a total changeover of \$154,000 ex GST which is \$18,000 ex GST over the allocated budget.

Future Financial Years

Maintenance costs associated with the proposed acquisition will occur. The substance of the proposed maintenance costs is likely to have a minor impact in the future.

Strategic Implications

Shire of Wickepin Strategic Community Plan – Goal 4 Maintain Shire owned facilities in a strategic manner and also to meet community needs

Medium Term Strategy 4.4 supports the improvement and maintenance of assets in a strategic manner.

Voting Requirement

Simple majority

Officer Recommendation

That Council, with respect to Tender RFT-03-2023-2024 Supply and Delivery of Front-End Loader,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 accepts the tender submission from Hitachi Construction Machinery (Australia) Pty Ltd for the supply of a ZW150-5 Front End Loader for \$284,000 ex GST and trade-in of the current 2014 Komatsu 250 Loader for \$130,000 ex GST (with the net changeover of \$154,000 ex GST), and*
- b Authorises the Chief Executive Officer to engross documentation to purchase and dispose of the above machinery.*

Council Decision

Resolution OCM-230913-08
Moved Cr P Thompson
Second Cr T Miller

That Council, with respect to Tender RFT-03-2023-2024 Supply and Delivery of Front-End Loader,

- a Pursuant to Local Government (Functions and General) Regulations 1996 – Regulation 18 accepts the tender submission from Hitachi Construction Machinery (Australia) Pty Ltd for the supply of a ZW150-5 Front End Loader for \$284,000 ex GST and trade-in of the current 2014 Komatsu 250 Loader for \$130,000 ex GST (with the net changeover of \$154,000 ex GST), and**
- b Authorises the Chief Executive Officer to engross documentation to purchase and dispose of the above machinery.**

Carried 7/0
For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson
Against Nil

15 Confidential Reports and Information

Nil

16 Urgent Business

Nil

17 Closure

The Presiding Member declared the meeting closed at 4.28pm.



7.2 Confirmation of Minutes of Special Council Meeting – 21 September 2023



Minutes

Special Council Meeting
Thursday 21 September 2023

Date	Thursday 21 September 2023
Time	6:00pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Thursday 21 September 2023



Notice of Special Council Meeting

Please be advised a Special Council Meeting will be held at 6:00pm on Thursday 21 September 2023 at Council Chambers, 77 Wogolin Road, Wickepin WA 6370, to discuss the following –

- Confidential Staff Matter

A handwritten signature in black ink, appearing to read "Erika Clement".

Erika Clement
Deputy Chief Executive Officer
Thursday 21 September 2023

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin 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 / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin 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 Wickepin in respect of the application.

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1 Declaration of Opening

The Presiding Member declared the meeting open at 6.04pm

2 Attendance

2.1 Present

Councillors

J Russell	Shire President
W Astbury	Deputy Shire President
J Mearns	Councillor
F Allan	Councillor
P Thompson	Councillor
L Corke	Councillor
T Miller	Councillor

3 Public Question Time

3.1 Public Question Time Relating to the Agenda Item Only

Nil

4 Apologies and Leave of Absence

4.1 Apologies

Nil

4.2 Previously Approved Leave of Absence

Nil

4.3 Requests for Leave of Absence

Nil

5 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

Nil

6 Confidential Reports and Information

Officer Recommendation

That Council, at 6.05pm, pursuant to Clause 15.10 of the Shire of Wickepin Standing Orders Local Law 1998 move behind closed doors to discuss a confidential employee matter pursuant to Section 5.23 (2)(a) of the Local Government Act 1995.

Council Decision

Resolution SCM-230921-01
Moved Cr Allan
Second Cr Astbury

That Council, at 6.05pm, pursuant to Clause 15.10 of the Shire of Wickepin Standing Orders Local Law 1998 move behind closed doors to discuss a confidential employee matter pursuant to Section 5.23 (2)(a) of the *Local Government Act 1995*.

Carried 7/0
For Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns,
Cr P Thompson

Against Nil

Officer Recommendation

1. That Council endorse the recommended actions in 1, and 2 - (Option 1A) of the Confidential Report on the employee matter.
2. That Council commence the recruitment process to engage a Chief Executive Officer.

Council Decision

Resolution **SCM-230921-02**
Moved **Cr Miller**
Second **Cr Astbury**

1. That Council endorse the recommended actions in 1, and 2 - (Option 1A) of the Confidential Report on the employee matter.
2. That Council commence the recruitment process to engage a Chief Executive Officer.

Carried **7/0**
For **Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson**

Against **Nil**

Officer Recommendation

That the meeting move out from behind closed doors at 8.38pm

Council Decision

Resolution **SCM-230921-03**
Moved **Cr Allan**
Second **Cr Mearns**

That the meeting move out from behind closed doors at 8.38pm

Carried **7/0**
For **Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns, Cr P Thompson**

Against **Nil**

Officer Recommendation

1. That Council endorse the recommended actions in 1, and 2 - Option 1A) of the Confidential Report on the employee matter.
2. That Council commence the recruitment process to engage a Chief Executive Officer.

Council Decision

Resolution **SCM-230921-04**
Moved **Cr Allan**
Second **Cr Russell**

1. That Council endorse the recommended actions in 1, and 2 - (Option 1A) of the Confidential Report on the employee matter.
2. That Council commence the recruitment process to engage a Chief Executive Officer.

Carried **7/0**
For **Cr J Russell, Cr W Astbury, Cr T Miller, Cr F Allan, Cr L Corke, Cr J Mearns,**
 Cr P Thompson

Against **Nil**

7 Closure

The Presiding Member declared the meeting closed at 8.39pm.



7.3 Confirmation of Minutes of Special Council Meeting – 5 October 2023



Minutes

Special Council Meeting
Thursday 5 October 2023

Date	Thursday 5 October 2023
Time	6:00pm
Location	Shire of Wickepin Council Chambers 77 Wogolin Road, Wickepin WA 6370
Distribution Date	Friday 6 October 2023



Notice of Meeting

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

A handwritten signature in black ink, appearing to read "Erika Clement".

Erika Clement
Acting Chief Executive Officer
Friday 6 October 2023

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wickepin for any act, omission or statement or intimation occurring during council / committee meetings or during formal / informal conversations with Shire of Wickepin employees or representatives. The Shire of Wickepin 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 / committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member, employee or representative of the Shire of Wickepin during the course of any meeting is not intended to be, and is not to be, taken as notice of approval from the Shire of Wickepin. The Shire of Wickepin warns anyone who has an application lodged with the Shire of Wickepin 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 Wickepin in respect of the application.

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1 Declaration of Opening

The President declared the meeting open at 6.10pm.

2 Attendance

2.1 Present

Councillors

J Russell	Councillor
W Astbury	Councillor
F Allan	Councillor
L Corke	Councillor
J Mearns	Councillor
P Thompson	Councillor

Employees

E Clement	Acting Chief Executive Officer
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3 Public Question Time

3.1 Public Question Time Relating to the Agenda Item Only

Nil

4 Apologies and Leave of Absence

4.1 Apologies

T Miller	Councillor
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4.2 Previously Approved Leave of Absence

Nil

4.3 Requests for Leave of Absence

Nil

5 Declarations of Councillors and Officers Interest

A member or officer who has an impartiality, proximity or financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during, any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest have been disclosed –

Nil

6 Reports and Information

6.1 Appointment – Chief Executive Officer Recruitment Consultant

Submission to	Special Council Meeting
Location / Address	-
Name of Applicant	-
File Reference	PE.REC.2010
Author	E Clement – Acting Chief Executive Officer
Interest Disclosures	-
Report Written Date	2 October 2023
Attachments	Recruitment Process Proposal

Summary

1. Council is being requested to appoint a recruitment specialist for the recruitment of a Chief Executive Officer for the Shire of Wickepin.
2. Council is to determine the structure and membership of a committee of Council undertake the recruitment consultation, supported by the appointed recruitment consultant. Membership of the committee is to include an independent member, in accordance with the required Standards.

Background

Mr Nathan Cain tendered his resignation as Chief Executive Officer of the Shire of Wickepin and ceased in the role on Friday 6 October 2023.

The Acting Chief Executive Officer has obtained quotes to undertake the recruitment process for the position of Chief Executive Officer for the Shire of Wickepin.

All contractors are listed on the WALGA procurement panel, two (2) were contacted and one (1) declined.

The Local Government (Administration) Amendment Regulations 2021 were gazetted on Tuesday 2 February 2021 and took effect on 3 February 2021. These regulations bring into effect Section 22 of the Local Government Legislation Amendment Act 2019 (the Amendment Act). Particular attention is directed to:

- Regulations - Division 2 – Clause 8 - Establishment of selection panel for employment of Chief Executive Officer (Standard 1.3)

Clause 8 requires a local government to establish a selection panel to conduct the selection and recruitment process for appointment of a person to the position of Chief Executive Officer.

The selection panel must be comprised of council members and at least one independent person. The independent person (or persons) must not be:

- a councillor;
- a human resources consultant; or
- an employee of the local government;

It is recommended that an independent person have relevant experience in the recruitment and selection of Chief Executive Officer's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of Chief Executive Officer based on the selection criteria outlined in the JDF.

It is at the discretion of the local government to determine the number of people on the selection panel.

Comments

As per Shire Policy 2.1.26 – *CEO Recruitment, Performance and Termination*.

Council has indicated that it would rely on the advice of the Recruitment Consultant to indicate the best timing going forward for the best possible pool of applicants. All indications are that the process should commence immediately, and if so the following schedule is likely;

- Advertise and receive applications and do your preliminary assessment by 14 November 2023 – for shortlisting considerations by Council on the 15 November 2023,
- Interviews to take place week commencing 20 November and reference checking, negotiation and finalisation of appointment to take place week commencing 27 November,
- The final report for inclusion in Agenda by 12 December so Council can formalise appointment at Council meeting 13 December 2023.

Council has previously conducted a facilitated workshop to ensure the involvement of all Council Members in establishing the end-to-end Chief Executive Officer Recruitment package and process.

The selected consultant will consider the information developed by Wickepin and used to date to ensure the best possible promotion of the vacancy and to ensure compliance with the requirements of the Model Standards for Chief Executive Officer Recruitment, Performance Review and Termination (Schedule 2, Local Government (Administration) Regulations):

- Chief Executive Officer selection criteria (cl. 5 of the Model Standards)
- Advertising requirements (cl. 6 of the Model Standards)
- Chief Executive Officer job/position description (cl. 7 of the Model Standards)
- Selection Panel membership and terms of reference, including process for selecting independent member (cl. 8 and cl. 9 of the Model Code)

The appointed independent recruitment consultants have all indicated an understanding of Council's Chief Executive Officer Recruitment strategy.

The Acting Chief Executive Officer has obtained two (2) quotes from the following companies to undertake the recruitment process for the position of Chief Executive Officer for the Shire of Wickepin. The full proposal is attached and must be treated in confidence.

1. LO-GO Appointments \$11,529 plus advertising, testing and travel, approximately \$3000 i.e. \$14,529.
2. Price Consulting - Declined

Council can resolve to:

- Adopt the recommendation;
- Adopt the recommendation with further amendments; or
- Not accept the recommendation, giving reasons.

Statutory Environment

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

Model Standards for Chief Executive Officer Recruitment, Performance Review and Termination (Schedule 2, Local Government (Administration) Regulations):

Policy Implications

Nil

Financial Implications

Advertising of the position and the cost of the specialist recruitment consultant will require a budget amendment in December/January Budget Review.

Strategic Implications

Local Government Act 1995

Local Government (Administration) Amendment Regulations 2021 (CEO Standards)

Voting Requirement

Absolute Majority

Officer Recommendation

1. *That Council appoint LO-GO Appointments to undertake the Recruitment process for the position of Chief Executive Officer for the Shire of Wickepin at an estimated price of \$14,529 plus GST.*
2. *Establishes a committee of Council to undertake the recruitment and selection process for the Chief Executive Officer ('the Recruitment Committee'), with the following elected members appointed:*
Cr J Russell
Cr W Astbury
Cr F Allan
Cr J Mearns
Cr T Miller
Cr P Thompson
Cr L Corke
3. *Appoints _____ to be the independent member of the recruitment committee in accordance with the Standard 1.3.*

Council Decision**Resolution** SCM-231005-01**Moved** Cr Allan**Second** Cr Mearns

1. That Council appoint LO-GO Appointments to undertake the Recruitment process for the position of Chief Executive Officer for the Shire of Wickepin at an estimated price of \$14,529 plus GST.
2. Establishes a committee of Council to undertake the recruitment and selection process for the Chief Executive Officer ('the Recruitment Committee'), with the following elected members appointed:
 - Cr J Russell
 - Cr W Astbury
 - Cr F Allan
 - Cr J Mearns
 - Cr T Miller
 - Cr P Thompson
 - Cr L Corke
3. Appoints Ms. G Hinkley to be the independent member of the recruitment committee in accordance with the Standard 1.3.

Carried 6/0**For** Cr J Russell, Cr W Astbury, Cr F Allan, Cr J Mearns, Cr P Thompson, Cr L Corke**Against** Nil

7 Closure

The Presiding Member declared the meeting closed at 6.20pm.



14.1 Monthly Schedule of Accounts Paid – September 2023

List of Accounts Due & Submitted to Council				
30th September 2023				
Chq/EFT	Date	Name	Trust	Muni
EFT13910	14/09/2023	BUILDING CONSTRUCTION INDUSTRY TRAINING FUND	\$ 50.85	
EFT13911	14/09/2023	BUILDING AND ENERGY DEPARTMENT OF MINES, INDUSTRY REGULATION AND SAFETY	\$ 652.74	
EFT13912	14/09/2023	SHIRE OF WICKEPIN	\$ 23.25	
			TOTALS TRUST	\$ 726.84
EFT13864	07/09/2023	PERTH PROFESSIONAL PAINTERS PTY LTD		\$ 5,500.00
EFT13865	14/09/2023	AUSTRALIA POST		\$ 545.46
EFT13866	14/09/2023	AIR LIQUIDE WA PTY LTD		\$ 60.86
EFT13867	14/09/2023	AIR RESPONSE		\$ 279.66
EFT13868	14/09/2023	AFGRI EQUIPMENT AUSTRALIA PTY LTD		\$ 142.51
EFT13869	14/09/2023	ASBESTOS SERVICES WA PTY LTD		\$ 9,350.00
EFT13870	14/09/2023	GOODYEAR AUTOCARE NARROGIN		\$ 3,551.50
EFT13871	14/09/2023	BILL & BEN'S HOT BREAD SHOP		\$ 48.00
EFT13872	14/09/2023	TUTT BRYANT EQUIPMENT		\$ 1,852.27
EFT13873	14/09/2023	LANDGATE		\$ 2,738.70
EFT13874	14/09/2023	BEFORE YOU DIG AUSTRALIA		\$ 472.74
EFT13875	14/09/2023	DX PRINT GROUP PTY LTD		\$ 1,111.00
EFT13876	14/09/2023	EDWARDS MOTORS PTY LTD		\$ 14,435.07
EFT13877	14/09/2023	EWEN RURAL SUPPLIES		\$ 11,206.70
EFT13878	14/09/2023	EMBROIDER ME		\$ 10.45
EFT13879	14/09/2023	FULFORD EARTHMOVING & CIVIL		\$ 3,696.00
EFT13880	14/09/2023	GREAT SOUTHERN FUEL SUPPLIES		\$ 19,085.26
EFT13881	14/09/2023	GARRARDS PTY LTD		\$ 3,522.41
EFT13882	14/09/2023	HANCOCKS HOME HARDWARE		\$ 330.05
EFT13883	14/09/2023	HARRISMITH OASIS HOTEL		\$ 1,375.00
EFT13884	14/09/2023	HANSON CONSTRUCTION MATERIALS		\$ 2,795.10
EFT13885	14/09/2023	BERYLE HOLM		\$ 856.72
EFT13886	14/09/2023	IGNITE WICKY - WICKEPIN FESTIVAL		\$ 2,000.00
EFT13887	14/09/2023	LINCOLNS		\$ 252.00
EFT13888	14/09/2023	METAL ARTWORK CREATIONS		\$ 26.84
EFT13889	14/09/2023	GREAT SOUTHERN WASTE DISPOSAL		\$ 7,180.53
EFT13890	14/09/2023	NARROGIN HARDWARE MAKIT		\$ 449.20
EFT13891	14/09/2023	NARROGIN BEARING SERVICES		\$ 453.63
EFT13892	14/09/2023	NARROGIN AUTO ELECTRICS		\$ 50.73
EFT13893	14/09/2023	NARROGIN QUARRY OPERATIONS		\$ 3,492.72
EFT13894	14/09/2023	NARROGIN CARPETS & CURTAINS		\$ 2,375.00
EFT13895	14/09/2023	NARROGIN & DISTRICTS PLUMBING SERVICE		\$ 2,277.00
EFT13896	14/09/2023	OLIVIA MELVILLE-MAIN		\$ 170.00
EFT13897	14/09/2023	PERFECT COMPUTER SOLUTIONS - PCS		\$ 255.00
EFT13898	14/09/2023	PARRYS		\$ 7,527.25
EFT13899	14/09/2023	RABOBANK AUSTRALIA LIMITED		\$ 252.00
EFT13900	14/09/2023	SIGMA CHEMICALS		\$ 1,863.00
EFT13901	14/09/2023	STEELO'S GUNS & OUTDOORS		\$ 379.00
EFT13902	14/09/2023	TANYA MARY SANDS		\$ 119.50
EFT13903	14/09/2023	SKATE SCULPTURE PTY LTD		\$ 109,791.73
EFT13904	14/09/2023	SHIRE OF NARROGIN		\$ 1,650.00
EFT13905	14/09/2023	THE YEALERING PANTRY		\$ 442.25
EFT13906	14/09/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION- WALGA		\$ 1,600.00
EFT13907 -13909		CANCELLED		
EFT13913	28/09/2023	AIR RESPONSE		\$ 4,966.00
EFT13914	28/09/2023	WES ASTBURY		\$ 176.49
EFT13915	28/09/2023	AMD AUDIT AND ASSURANCE PTY LTD		\$ 1,760.00
EFT13916	28/09/2023	AUTOMOTIVE WORKSHOP SERVICES		\$ 1,974.50
EFT13917	28/09/2023	TUTT BRYANT EQUIPMENT		\$ 1,318.38
EFT13918	28/09/2023	BRETT ROWE MOBILE HD MECHANICAL SERVICES		\$ 3,011.79
EFT13919	28/09/2023	COUNTRY PAINT SUPPLIES		\$ 219.95
EFT13920	28/09/2023	DERBAHL PTY LTD		\$ 262.00
EFT13921	28/09/2023	DUFFY ELECTRICS		\$ 915.04
EFT13922	28/09/2023	EVERLON BRONZE		\$ 308.00
EFT13923	28/09/2023	ERIKA CLEMENT		\$ 24.75
EFT13924	28/09/2023	FM SURVEYS		\$ 3,520.00
EFT13925	28/09/2023	ELIZABETH HEFFERNAN		\$ 15.00
EFT13926	28/09/2023	HERBERT SMITH FREEHILLS		\$ 13,200.00

EFT13927	28/09/2023	STAR TRACK EXPRESS		\$ 76.86
EFT13928	28/09/2023	NARROGIN TOYOTA		\$ 298.99
EFT13929	28/09/2023	NARROGIN & DISTRICTS PLUMBING SERVICE		\$ 572.00
EFT13930	28/09/2023	NARROGIN VALLEY STOCKFEED		\$ 4,160.00
EFT13931	28/09/2023	NARROGIN SUPERMARKET TREE TREE TRADING PTY LTD		\$ 28.27
EFT13932	28/09/2023	OFFICEWORKS SUPERSTORES PTY LTD		\$ 110.06
EFT13933	28/09/2023	OFFICER OF THE AUDITOR GENERAL		\$ 1,650.00
EFT13934	28/09/2023	REPCO		\$ 1,093.02
EFT13935	28/09/2023	R J SMITH ENGINEERING		\$ 2,500.00
EFT13936	28/09/2023	CROWN TOWERS		\$ 3,400.00
EFT13937	28/09/2023	UNITING CHURCH WA		\$ 240.00
EFT13938	28/09/2023	WICKEPIN DISTRICT SPORTS CLUB		\$ 200.00
EFT13939	28/09/2023	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION- WALGA		\$ 640.20
EFT13940	28/09/2023	WICKEPIN NEWSAGENCY		\$ 378.70
EFT13941	28/09/2023	WICKEPIN PRIMARY SCHOOL		\$ 120.00
			TOTALS EFT	\$ 272,712.84
15092	14/09/2023	WATER CORPORATION		\$ 185.80
15901	14/09/2023	SYNERGY		\$ 14,606.71
15903	28/09/2023	SYNERGY		\$ 138.12
15904	28/09/2023	WATER CORPORATION		\$ 50.05
			TOTALS CHEQUE	\$ 14,980.68
DD14413.1	01/09/2023	3E ADVANTAGE PTY LTD		\$ 1,655.38
DD14451.1	17/09/2023	WESTNET PTY LTD		\$ 144.90
DD14481.1	25/09/2023	CRISP WIRELESS PTY LTD		\$ 238.00
			TOTALS DIRECT DEBIT	\$ 2,038.28
DD14474.1	24/09/2023	ANZ BANK		\$ 2,055.35
			TOTALS CREDIT CARD	\$ 2,055.35
63280923	28/09/2023	TELSTRA		\$ 1,712.52
			TOTALS BPAY	\$ 1,712.52
DD14383.2	06/09/2023	AWARE SUPER		\$ 103.22
DD14410.1	06/09/2023	AWARE SUPER		\$ 3,816.32
DD14410.2	06/09/2023	AMP SIGNATURE SUPER		\$ 227.95
DD14410.3	06/09/2023	CONSTRUCTION + BUILDING UNIONS SUPERANNUATION FUND (CBUS)		\$ 260.00
DD14410.4	06/09/2023	AUSTRALIAN RETIREMENT TRUST SUPER SAVINGS		\$ 292.01
DD14410.5	06/09/2023	MLC SUPER FUND		\$ 408.06
DD14410.6	06/09/2023	FIRSTCHOICE WHOLESALE PERSONALSUPERANNUATION		\$ 502.27
DD14410.7	06/09/2023	NETWEALTH INVESTMENTS		\$ 260.56
DD14410.8	06/09/2023	ANZ SUPER		\$ 28.65
DD14410.9	06/09/2023	AUSTRALIAN SUPER		\$ 252.34
DD14441.1	20/09/2023	AWARE SUPER		\$ 3,959.04
DD14441.2	20/09/2023	AMP SIGNATURE SUPER		\$ 236.63
DD14441.3	20/09/2023	CONSTRUCTION + BUILDING UNIONS SUPERANNUATION FUND (CBUS)		\$ 260.00
DD14441.4	20/09/2023	AUSTRALIAN RETIREMENT TRUST SUPER SAVINGS		\$ 292.54
DD14441.5	20/09/2023	MLC SUPER FUND		\$ 410.64
DD14441.6	20/09/2023	PRIME SUPER		\$ 410.12
DD14441.7	20/09/2023	FIRSTCHOICE WHOLESALE PERSONALSUPERANNUATION		\$ 324.19
DD14441.8	20/09/2023	NETWEALTH INVESTMENTS		\$ 350.45
DD14441.9	20/09/2023	ANZ SUPER		\$ 100.28
DD14410.10	06/09/2023	PRIME SUPER		\$ 259.17
DD14410.11	06/09/2023	ESSENTIAL SUPER		\$ 261.89
DD14410.12	06/09/2023	SPIRIT SUPER		\$ 363.42
DD14441.10	20/09/2023	AUSTRALIAN SUPER		\$ 252.34
DD14441.11	20/09/2023	ESSENTIAL SUPER		\$ 261.89
DD14441.12	20/09/2023	SPIRIT SUPER		\$ 363.56
			TOTALS SUPERANNUATION	\$ 14,257.54
98010923	01/09/2023	DEPT OF TRANSPORT		\$ 683.15
98040923	04/09/2023	DEPT OF TRANSPORT		\$ 325.35
98050923	05/09/2023	DEPT OF TRANSPORT		\$ 93.30
98060923	06/09/2023	DEPT OF TRANSPORT		\$ 1,057.25
98070923	07/09/2023	DEPT OF TRANSPORT		\$ 894.10
98080923	08/09/2023	DEPT OF TRANSPORT		\$ 1,051.15
98110923	11/09/2023	DEPT OF TRANSPORT		\$ 345.05
98140923	14/09/2023	DEPT OF TRANSPORT		\$ 384.30
98150923	15/09/2023	DEPT OF TRANSPORT		\$ 480.15
98200923	20/09/2023	DEPT OF TRANSPORT		\$ 413.85

98210923	21/09/2023	DEPT OF TRANSPORT		\$ 3,218.60
98220923	22/09/2023	DEPT OF TRANSPORT		\$ 50.00
98260923	26/09/2023	DEPT OF TRANSPORT		\$ 918.10
98270923	27/09/2023	DEPT OF TRANSPORT		\$ 912.35
98280923	28/09/2023	DEPT OF TRANSPORT		\$ 18.90
			TOTALS LICENSING	\$ 10,845.60
6/09/2023	06/09/2023	PAYROLL		\$ 48,149.00
20/09/2023	20/09/2023	PAYROLL		\$ 43,941.00
			TOTALS PAYROLL	\$ 92,090.00
			ACCOUNT TOTALS	\$ 726.84 \$ 410,692.81
			TOTAL PAYMENTS FOR SEPTEMBER 2023	\$ 411,419.65
Credit Card Payment Summary				
23RD AUGUST 2023- 24TH SEPTEMBER 2023				
CARD ENDING XXXX224175				
	DATE	COMPANY		
	5/09/2023	SHIRE OF WICKEPIN	\$	31.10
	6/09/2023	SHIRE OF WICKEPIN	\$	404.65
	7/09/2023	COLES NARROGIN	\$	26.50
	7/09/2023	AUSTRALIA POST NARROGIN	\$	911.90
	18/09/2023	ZOOM	\$	216.20
			TOTAL FOR THIS CARD	\$ 1,590.35
CARD ENDING XXXX415831				
	DATE	COMPANY		
	23/08/2023	WHITNEY CONSULTING	\$	197.00
	4/09/2023	YEALERING HOTEL	\$	268.00
			TOTAL FOR THIS CARD	\$ 465.00
			TOTAL FOR SHIRE OF WICKEPIN	\$ 2,055.35



14.2 Statement of Financial Activity – September 2023



SHIRE OF WICKEPIN

MONTHLY FINANCIAL REPORT

For the Period Ended 30 September 2023

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Shire of Wickepin

Compilation Report

For the Period Ended 30 September 2023

Report Purpose

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

Overview

Summary reports and graphical progressive graphs are provided on page 3, 4 and 5.
No matters of significance are noted.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 September 2023 of \$3,299,711.

Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary.

Preparation

Prepared by: E.Stanyer FO

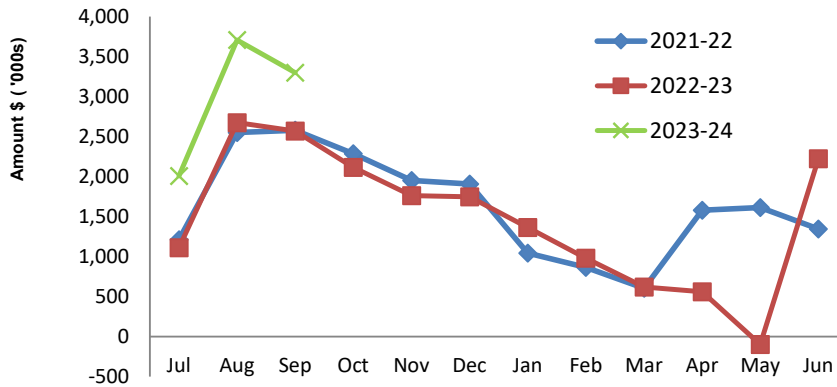
Date prepared: 6-Oct-23

Reviewed by: E.Clement ACEO

Shire of Wickepin

Monthly Summary Information
For the Period Ended 30 September 2023

Liquidity Over the Year (Refer Note 3)



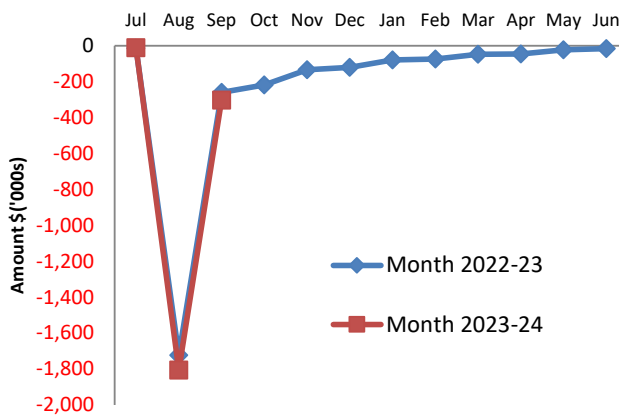
Cash and Cash Equivalents as at period end

Unrestricted	\$ 3,615,305
Restricted	\$ 3,102,239
	\$ 6,717,545

Receivables

Rates	\$ 303,045
Other	\$ 108,889
	\$ 411,934

Rates Receivable (Refer Note 6)



Accounts Receivable Ageing (non-rates) (Refer Note 6)

Comments

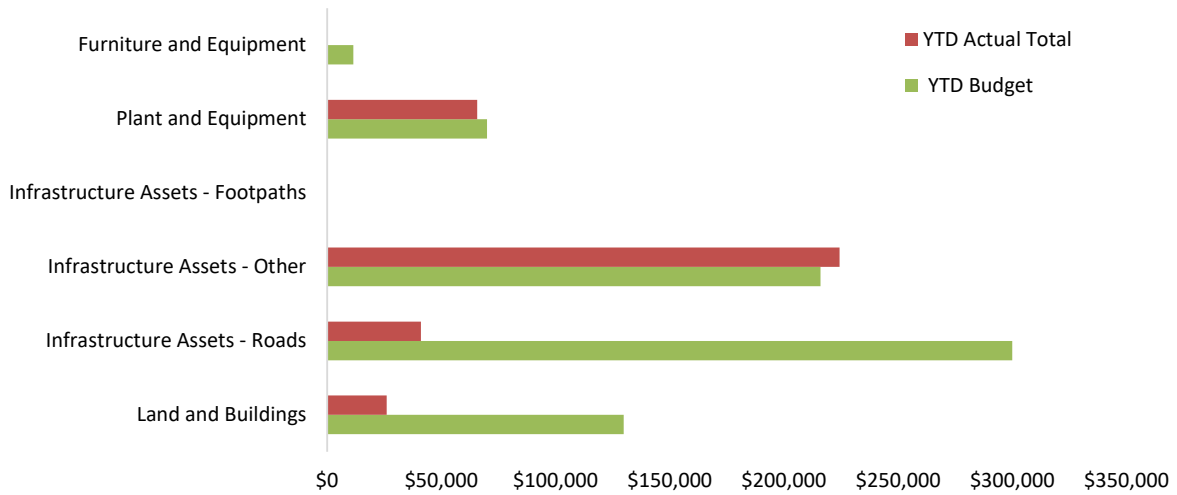
Unrestricted cash includes the following payments in advance

23/24 Grants Commission - General	\$1,156,701
23/24 Grants Commission - Roads	\$650,457
Amounts paid in advance	\$1,807,158

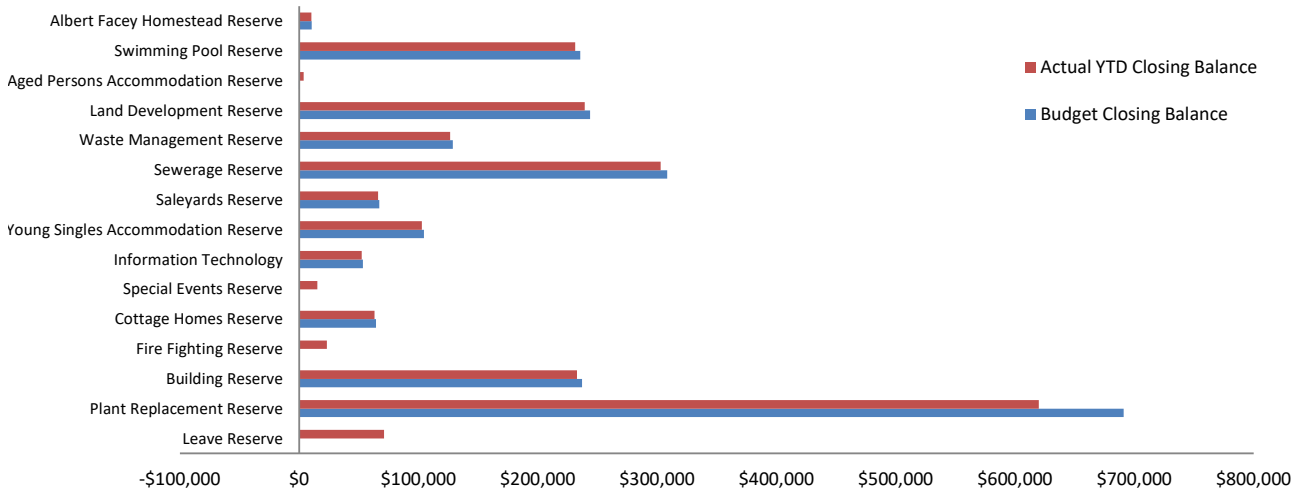
This information is to be read in conjunction with the accompanying Financial Statements and notes.

Shire of Wickepin
Monthly Summary Information
 For the Period Ended 30 September 2023

Capital Expenditure Program YTD (Refer Note 13)



Year To Date Reserve Balance to End of Year Estimate (Refer Note 7)



Comments

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

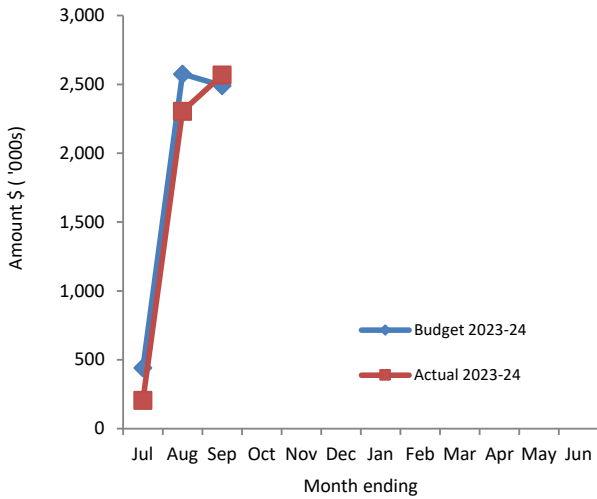
Shire of Wickepin

Monthly Summary Information

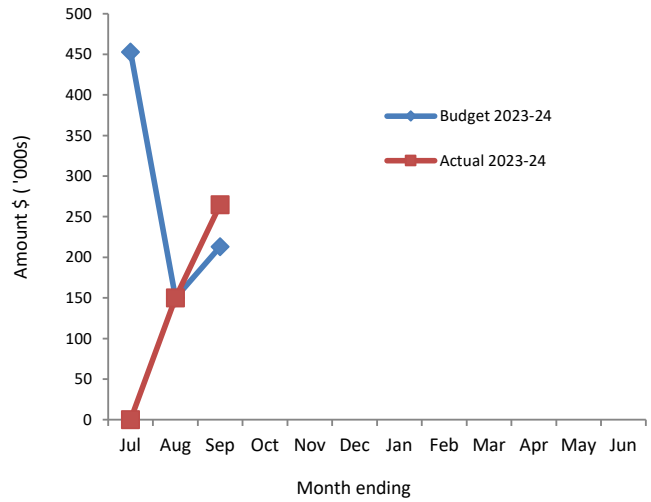
For the Period Ended 30 September 2023

Revenues

Budget Operating Revenues -v- Actual (Refer Note 2)

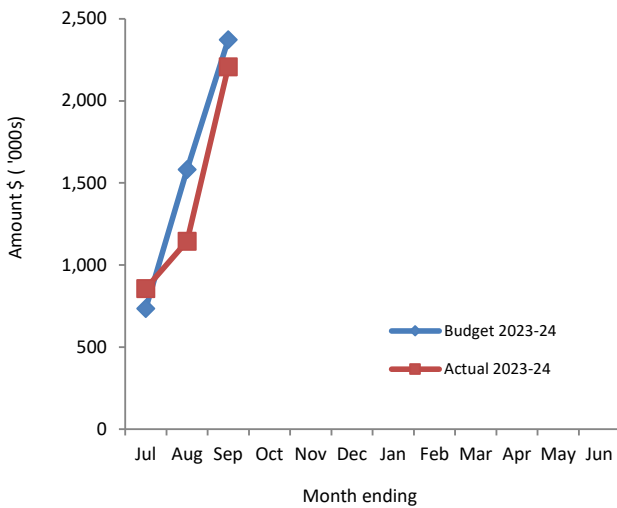


Budget Capital Revenue -v- Actual (Refer Note 2)

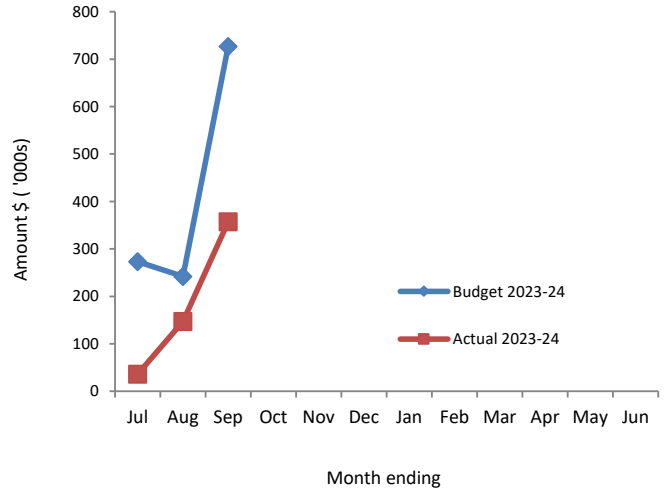


Expenditure

Budget Operating Expenses -v- YTD Actual (Refer Note 2)



Budget Capital Expenses -v- Actual (Refer Note 2)



Comments

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

SHIRE OF WICKEPIN
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 September 2023

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Governance		100	24	203	179	747.58%	
General Purpose Funding - Rates	9	1,566,800	1,566,290	1,562,348	(3,942)	(0.25%)	
General Purpose Funding - Other		361,100	265,295	283,324	18,029	6.80%	
Law, Order and Public Safety		130,500	81,144	70,831	(10,313)	(12.71%)	▼
Health		200	48	120	72	150.00%	
Education and Welfare		300	75	100	25	33.33%	
Housing		227,700	169,422	174,152	4,730	2.79%	
Community Amenities		292,100	151,892	203,930	52,038	34.26%	▲
Recreation and Culture		1,171,100	67,002	66,397	(605)	(0.90%)	
Transport		1,452,700	162,499	163,731	1,232	0.76%	
Economic Services		77,000	19,239	24,581	5,342	27.77%	
Other Property and Services		30,000	7,497	18,561	11,064	147.57%	▲
Total Operating Revenue		5,309,600	2,490,427	2,568,278	77,851		
Operating Expense							
Governance		(617,733)	(225,341)	(168,071)	57,270	25.41%	▼
General Purpose Funding		(109,700)	(27,417)	(25,500)	1,917	6.99%	
Law, Order and Public Safety		(290,300)	(113,733)	(69,332)	44,401	39.04%	▼
Health		(32,300)	(8,292)	(4,774)	3,518	42.43%	
Education and Welfare		(47,200)	(11,793)	(11,209)	584	4.95%	
Housing		(178,900)	(43,416)	(39,708)	3,708	8.54%	
Community Amenities		(679,100)	(172,151)	(154,528)	17,623	10.24%	▼
Recreation and Culture		(1,412,200)	(358,557)	(306,444)	52,113	14.53%	▼
Transport		(5,103,500)	(1,275,795)	(1,215,228)	60,567	4.75%	
Economic Services		(343,700)	(85,878)	(70,111)	15,767	18.36%	▼
Other Property and Services		(14,100)	(51,566)	(142,620)	(91,054)	(176.58%)	▲
Total Operating Expenditure		(8,828,733)	(2,373,939)	(2,207,526)	166,413		
Funding Balance Adjustments							
Add back Depreciation		4,785,500	1,196,358	1,205,652	9,294	0.78%	
Adjust (Profit)/Loss on Asset Disposal	8	(28,200)	1,548	220	(1,328)	(85.78%)	
Adjust Provisions and Accruals		(71,100)	0	0	0		
Adjust Rounding		0	0	1			
Net Cash from Operations		1,167,067	1,314,394	1,566,626	252,231		
Capital Revenues							
Proceeds from Disposal of Assets	8	253,000	0	52,598	52,598		▲
Total Capital Revenues		253,000	0	52,598	52,598		
Capital Expenses							
Land and Buildings	13	(692,500)	(129,793)	(26,016)	103,777	79.96%	▼
Infrastructure - Roads	13	(1,555,100)	(299,965)	(41,046)	258,919	86.32%	▼
Infrastructure - Footpaths	13	0	0	0	0		
Infrastructure -Other	13	(443,500)	(216,000)	(224,313)	(8,313)	(3.85%)	
Plant and Equipment	13	(472,000)	(70,000)	(65,657)	4,343	6.20%	
Furniture and Equipment	13	(110,000)	(11,500)	0	11,500	100.00%	▼
Total Capital Expenditure		(3,273,100)	(727,258)	(357,032)	370,226		
Net Cash from Capital Activities		(3,020,100)	(727,258)	(304,434)	422,824		
Financing							
Proceeds from New Debentures	10	0	0	0	0		
Transfer from Reserves	7	113,100	0	0	0		
Repayment of Debentures	10	(40,000)	0	0	0		
Transfer to Reserves	7	(569,300)	0	(251,945)	(251,945)		▲
Net Cash from Financing Activities		(496,200)	0	(251,945)	(251,945)		
Net Operations, Capital and Financing		(2,349,233)	587,136	1,010,247	423,110		
Opening Funding Surplus(Deficit)	3	2,349,233	2,349,233	2,289,464	(59,769)	(2.54%)	
Closing Funding Surplus(Deficit)	3	0	2,936,369	3,299,711	363,341		

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.

SHIRE OF WICKEPIN
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 September 2023

	Note	Amended Annual Budget	Amended YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues		\$	\$	\$	\$	%	
Rates	9	1,552,400	1,551,890	1,547,827.09	(4,063)	(0.26%)	
Rates excluding General Rates	9	14,400	14,400	14,521			
Operating Grants, Subsidies and Contributions	11	221,600	175,400	195,717	20,317	11.58%	▲
Fees and Charges		469,700	270,913	542,667	271,754	100.31%	▲
Interest Earnings		105,500	13,371	9,920	(3,451)	(25.81%)	
Other Revenue		255,700	251,948	45,121	(206,827)	(82.09%)	▼
Profit on Disposal of Assets	8	34,400	0	0	0		
Total Operating Revenue		2,653,700	2,277,922	2,355,773	77,731		
Operating Expense							
Employee Costs		(1,594,800)	(398,791)	(420,161)	(21,370)	(5.36%)	
Materials and Contracts		(1,919,633)	(527,713)	(399,649)	128,064	24.27%	▲
Utility Charges		(231,600)	(57,846)	(45,520)	12,326	21.31%	▲
Depreciation on Non-Current Assets		(4,785,500)	(1,196,358)	(1,205,652)	(9,294)	(0.78%)	
Interest Expenses		(2,800)	(699)	0	699	100.00%	▲
Insurance Expenses		(255,700)	(189,736)	(124,531)	65,205	34.37%	▲
Other Expenditure		(32,500)	(1,248)	(11,792)	(10,544)	(844.84%)	▼
Loss on Disposal of Assets	8	(6,200)	(1,548)	(220)	1,328	85.78%	
Total Operating Expenditure		(8,828,733)	(2,373,939)	(2,207,526)	166,413		
Funding Balance Adjustments							
Add back Depreciation		4,785,500	1,196,358	1,205,652	9,294	0.78%	
Adjust (Profit)/Loss on Asset Disposal	8	(28,200)	1,548	220	(1,328)	(85.78%)	
Adjust Provisions and Accruals		(71,100)			0		
Adjust Rounding		0	0	1			
Net Cash from Operations		(1,488,833)	1,101,889	1,354,121	252,110		
Capital Revenues							
Grants, Subsidies and Contributions	11	2,655,900	212,505	212,505	0	0.00%	
Proceeds from Disposal of Assets	8	253,000	0	52,598	52,598		▲
Proceeds from Sale of Assets		0	0	0	0		
Total Capital Revenues		2,908,900	212,505	265,103	52,598		
Capital Expenses							
Land and Buildings	13	(692,500)	(129,793)	(26,016)	103,777	79.96%	▲
Infrastructure - Roads	13	(1,555,100)	(299,965)	(41,046)	258,919	86.32%	▲
Infrastructure - Footpaths	13	0	0	0	0		
Infrastructure - Drainage	13	(443,500)	(216,000)	(224,313)	(8,313)	(3.85%)	
Plant and Equipment	13	(472,000)	(70,000)	(65,657)	4,343	6.20%	
Furniture and Equipment	13	(110,000)	(11,500)	0	11,500	100.00%	▲
Total Capital Expenditure		(3,273,100)	(727,258)	(357,032)	370,226		
Net Cash from Capital Activities		(364,200)	(514,753)	(91,929)	422,824		
Financing							
Transfer from Reserves	7	113,100	0	0	0		
Repayment of Debentures	10	(40,000)	0	0	0		
Transfer to Reserves	7	(569,300)	0	(251,945)	(251,945)		▼
Net Cash from Financing Activities		(496,200)	0	(251,945)	(251,945)		
Net Operations, Capital and Financing		(2,349,233)	587,136	1,010,247	422,990		
Opening Funding Surplus(Deficit)	3	2,349,233	2,349,233	2,289,464	(59,769)	(2.54%)	
Closing Funding Surplus(Deficit)	3	0	2,936,369	3,299,711	363,221		

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.

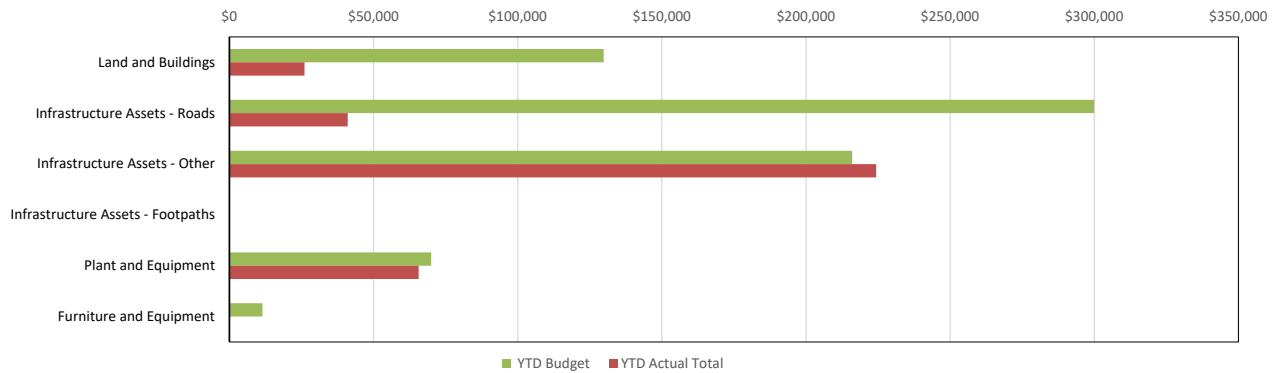
SHIRE OF WICKEPIN
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 30 September 2023

Capital Acquisitions	Note	YTD 30 09 2023					
		YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
Land and Buildings	13	\$ 26,016	\$ 0	\$ 26,016	\$ 129,793	\$ 692,500	\$ (103,777)
Infrastructure Assets - Roads	13		41,046	41,046	299,965	1,555,100	(258,919)
Infrastructure Assets - Other	13	224,313	0	224,313	216,000	443,500	8,313
Infrastructure Assets - Footpaths	13	0	0	0	0	0	0
Plant and Equipment	13	65,657	0	65,657	70,000	472,000	(4,343)
Furniture and Equipment	13	0	0	0	11,500	110,000	(11,500)
Capital Expenditure Totals		315,986	41,046	357,032	727,258	3,273,100	(370,226)

Funded By:

Capital Grants and Contributions	212,505	2,655,900	2,655,900	2,443,395
Borrowings	0	0	0	0
Other (Disposals & C/Fwd)	52,598	0	(28,200)	52,598
Own Source Funding - Cash Backed Reserves				
Total Own Source Funding - Cash Backed Reserves	251,945	0	0	251,945
Own Source Funding - Operations		(1,928,642)	645,400	#####
Capital Funding Total	517,048	727,258	3,273,100	(210,210)

Capital Expenditure Program YTD



SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

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

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable.

The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

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

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories

General

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

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

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Buildings	30 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Roads	20 to 50 years
Footpaths	20 years
Sewerage Piping	100 years
Water Supply Piping and Drainage Systems	75 years
Infrastructure - Parks & Ovals	30 to 50 years

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

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

Borrowing Costs

Borrowing costs 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.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(o) Current and Non-Current Classification

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. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(p) Nature or Type Classifications

Rates

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

Operating Grants, Subsidies and Contributions

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

Non-Operating Grants, Subsidies and Contributions

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

Profit on Asset Disposal

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

Fees and Charges

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

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies the These are television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Interest Earnings

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

Other Revenue / Income

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

Employee Costs

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

Materials and Contracts

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

Utilities (Gas, Electricity, Water, etc.)

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

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(q) Nature or Type Classifications (Continued)

Insurance

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

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

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

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade Levy and State taxes. Donations and subsidies made to community groups.

(r) Statement of Objectives

Council has adopted a 'Plan for the future' comprising a Strategic Community Plan and Corporate Business Plan to provide the long term community vision, aspirations and objectives.

Based upon feedback received from the community the vision of the Shire is:

A Collaborative Council, dedicated to maintaining and developing our community assets for the benefit of our residents whilst supporting a strong community, vibrant economy, successful businesses and a sound environment

The Strategic Community Plan defines the key objectives of the Shire as:

- (1) Social – This theme describes the social aspects of life in the Shire incorporating community safety, recreation and leisure, as well as arts, culture and heritage.*
- (2) Environmental – This theme relates to valuing the environment, including natural resource management; sustainable land use, waste management, and recycling.*
- (3) Economic – This theme describes infrastructure planning, transport infrastructure, facilities and services and asset management and inclusive community engagement*
- (4) Civic leadership – This theme describes how the Shire embraces a culture of leadership, customer service .*

Council operations as disclosed in this statement encompass the following service orientated activities/programs:

(s) GOVERNANCE

Expenses associated with provision of services to members of council and elections. Also included are costs associated with computer operations, corporate accounting, corporate records and asset management. Costs reported as administrative expenses are redistributed in accordance with the principle of activity based costing (ABC).

GENERAL PURPOSE FUNDING

Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues such as commission on Police Licensing. The costs associated with raising the above mentioned revenues, eg. Valuation expenses, debt collection and overheads.

LAW, ORDER, PUBLIC SAFETY

Enforcement of Local Laws, fire prevention, animal control and provision of ranger services.

HEALTH

Health inspection services, food quality control, mosquito control and contributions towards provision of medical health services.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(s) Reporting Programs (Continued)

HOUSING

Provision and maintenance of rented housing accommodation for pensioners and employees.

COMMUNITY AMENITIES

Sanitation, sewerage, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.

RECREATION AND CULTURE

Parks, gardens and recreation reserves, library services, swimming facilities, walk trails, public halls and Community Centre.

TRANSPORT

Construction and maintenance of roads, footpaths, drainage works, parking facilities, traffic control, depot operations, plant purchase and cleaning of streets.

ECONOMIC SERVICES

Tourism, community development, pest control, building services, caravan parks and private works.

OTHER PROPERTY & SERVICES

Plant works, plant overheads and stock of materials.

SHIRE OF WICKEPIN
NOTES TO FINANCIAL ACTIVITY STATEMENT
For the Period Ended 30 September 2023

Note 2: EXPLANATION OF MATERIAL VARIANCES

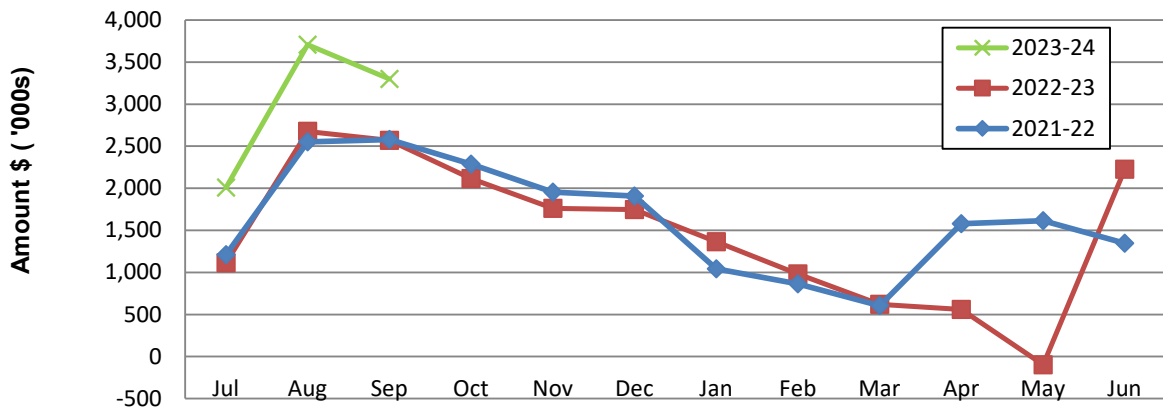
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
Governance	179	748%			
General Purpose Funding - Other	18,029	6.80%			
Law, Order and Public Safety	(10,313)	(12.71%)	▼	Timing	Grant Funding not received yet
Health	72	150.00%			
Education and Welfare	25	33.33%			
Housing	4,730	2.79%			
Community Amenities	52,038	34.26%	▲	Timing	Increase in Sewerage rates
Recreation and Culture	(605)	(0.90%)			
Transport	1,232	0.76%			
Economic Services	5,342	27.77%			
Other Property and Services	11,064	147.57%	▲	Timing	Increase in Private Works
Operating Expense					
Governance	57,270	25.41%	▼	Timing	Staff Training, Office Expenses, Election expenses not yet expended
General Purpose Funding	1,917	6.99%			
Law, Order and Public Safety	44,401	39.04%	▼	Timing	Fire Prevention costs not yet expended. @nd Installment Insurance not yet paid
Health	3,518	42.43%			
Education and Welfare	584	4.95%			
Housing	3,708	8.54%			
Community Amenities	17,623	10.24%	▼	Timing	Plans not yet completed
Recreation and Culture	52,113	14.53%	▼	Timing	Parks and garden, libraries, cultural expenses not yet expended
Transport	60,567	4.75%			
Economic Services	15,767	18.36%	▼	Timing	Concept plan not yet expended
Other Property and Services	(91,054)	(176.58%)	▲	Timing	Private works increase, Long service leave not budgeted
Capital Revenues					
Grants, Subsidies and Contributions	0	0.00%			
Proceeds from Disposal of Assets	52,598		▲	Timing	Higher trade in value
Capital Expenses					
Land and Buildings	103,777	79.96%	▼	Timing	Projects not yet started
Infrastructure - Roads	258,919	86.32%	▼	Timing	Projects underway but not completed
Infrastructure - Other	(8,313)	(3.85%)			
Infrastructure - Footpaths	0				
Plant and Equipment	4,343	6.20%			
Furniture and Equipment	11,500	100.00%	▼	Timing	Projects not yet started
Financing					
Loan Principal	0				

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 3: NET CURRENT FUNDING POSITION

				Positive=Surplus (Negative=Deficit)		
				YTD 30 Sep 2023	30 June 2023	YTD 29 Sep 2022
Note	\$	\$	\$			
Current Assets						
Cash Unrestricted	4	3,615,305	2,839,188	3,054,752		
Cash Restricted	4	3,102,239	3,172,316	2,824,404		
Receivables - Rates	6	303,045	16,420	157,827		
Receivables -Other	6	108,889	251,825	5,929		
Interest / ATO Receivable/Trust		54,194	44,240	25,304		
		7,183,672	6,323,990	6,068,216		
Less: Current Liabilities						
Payables	-	88,741	(169,230)	(210,020)		
Contract Liabilities	-	493,592	(493,592)	(853,441)		
Provisions	-	199,388	(199,388)	(227,654)		
	-	781,721	(862,210)	(1,291,116)		
Less: Cash Reserves	7	-	(3,172,316)	(2,824,404)		
Net Current Funding Position		3,299,711	2,289,464	1,952,696		

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Account	0.00%	2,777,521			2,777,521	ANZ	At Call
Reserve Bank Account	0.00%		3,102,239		3,102,239	ANZ	At Call
Trust Bank Account	0.00%			332,726	332,726	ANZ	At Call
Cash On Hand	Nil	700.00			700	N/A	On Hand
(b) Term Deposits							
Municipal					0		
Municipal					0		
Municipal	3.05%	836,845			836,845	WA Treasury	At Call
Reserve	0.40%				0		
Trust	0.40%				0		
Total		3,615,066	3,102,239	332,726	7,050,032		

Comments/Notes - Investments

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

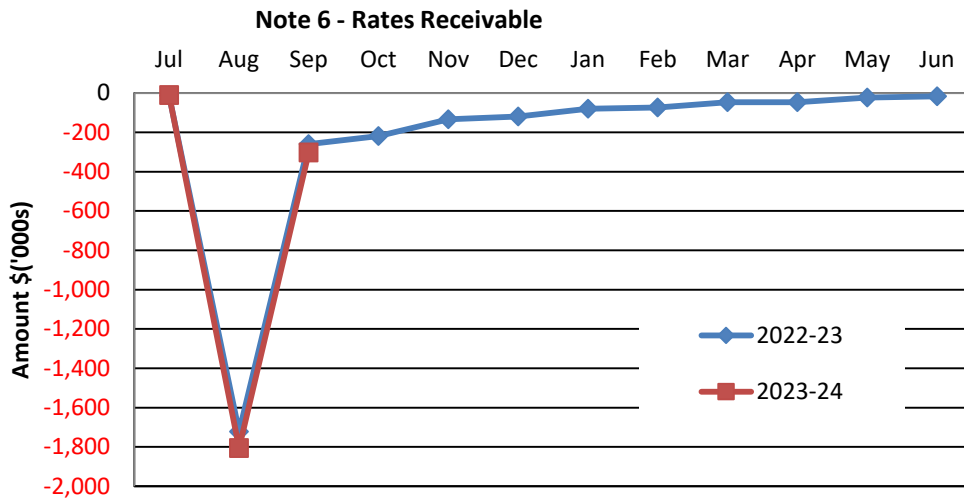
Note 6: RECEIVABLES

Receivables - Rates Receivable

Opening Arrears Previous Years
 Levied this year
Less Collections to date
 Equals Current Outstanding

Net Rates Collectable
 % Collected

	YTD 30 Sep 2023	30 June 2023
	\$	\$
Opening Arrears Previous Years	16,420	19,522
Levied this year	1,749,382	1,654,442
<u>Less Collections to date</u>	(1,462,757)	(1,657,544)
Equals Current Outstanding	303,045	16,420
Net Rates Collectable	303,045	16,420
% Collected	82.84%	99.02%



Comments/Notes - Receivables Rates

Receivables - General

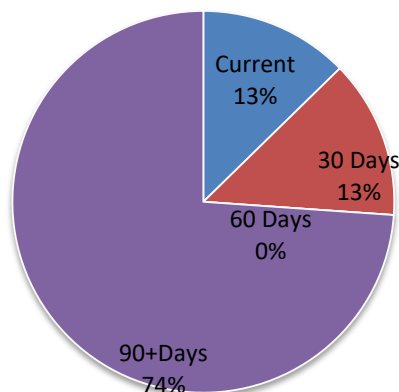
Receivables - General

Total Receivables General Outstanding

	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
Receivables - General	13,806	14,621	0	80,462
Total Receivables General Outstanding				108,889

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)



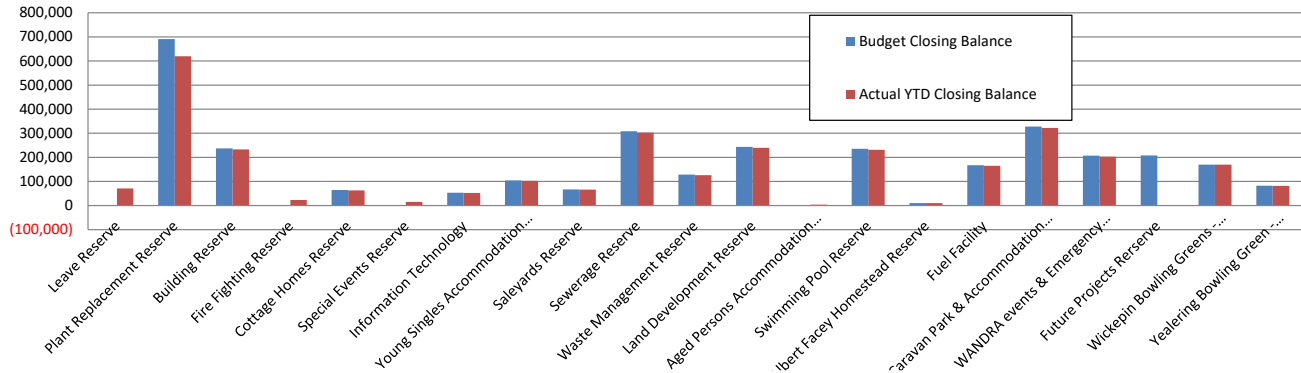
Comments/Notes - Receivables General

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 7: Cash Backed Reserve

2023-24	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Transfer out Reference	Budget Closing Balance	Actual YTD Closing Balance
Name	\$	\$	\$	\$	\$	\$	\$		\$	\$
Leave Reserve	71,069					71,100			0	71,069
Plant Replacement Reserve	619,898	11,100		60,000					690,998	619,898
Building Reserve	232,817	4,200							237,017	232,817
Fire Fighting Reserve	23,063					23,100			(0)	23,063
Cottage Homes Reserve	63,166	1,100							64,266	63,166
Special Events Reserve	15,176					15,200			0	15,176
Information Technology	52,428	900							53,328	52,428
Young Singles Accommodation Reserve	102,700	1,800							104,500	102,700
Saleyards Reserve	66,005	1,200							67,205	66,005
Sewerage Reserve	302,999	5,400							308,399	302,999
Waste Management Reserve	126,418	2,300							128,718	126,418
Land Development Reserve	239,389	4,300							243,689	239,389
Aged Persons Accommodation Reserve	3,733					3,700			(0)	3,733
Swimming Pool Reserve	231,238	4,200							235,438	231,238
Albert Facey Homestead Reserve	10,144	200							10,344	10,144
Fuel Facility	164,759	3,000							167,759	164,759
Caravan Park & Accommodation Reserve	322,021	5,800							327,821	322,021
WANDRA events & Emergency Repairs Reserve	203,274	3,700							206,974	203,274
Future Projects Reserve		1,300		206,600					207,900	0
Wickepin Bowling Greens - Replacement	0	1,000		168,800	170,048				169,800	170,048
Yealering Bowling Green - Replacement	0	500		81,900	81,896				82,400	81,896
	2,850,295	52,000	0	517,300	251,945	113,100	0		3,306,554	3,102,239

Note 7 - Year To Date Reserve Balance to End of Year Estimate



SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Amended Current Budget			
				YTD 30 09 2023			
Cost	Accum Depr	Proceeds	Profit (Loss)		Amended Annual Budget Profit/(Loss)	Actual Profit/(Loss)	Variance
\$	\$	\$	\$		\$	\$	\$
				Plant and Equipment			
			0	CEO	(1,850)	0	1,850
			0	CEO	(1,850)	0	1,850
60,359	7,541	52,598	(220)	PWS	(2,600)	(220)	2,380
			0	Loader	31,500	0	(31,500)
			0	Mower	3,000	0	(3,000)
			0			0	0
			0			0	0
			0			0	0
60,359	7,541	52,598	(220)		28,200	(220.18)	(28,420)

Comments - Capital Disposal/Replacements

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 9: RATING INFORMATION	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$
RATE TYPE											
Differential General Rate											
GRV	0.078864	145	1,501,516	119,031		0	119,031	118,416			118,416
UV	0.006166	272	242,206,610	1,486,518			1,486,518	1,485,517	778		1,486,295
Mining UV	0.006166	5	944,112	4,190			4,190	8,040			8,040
Sub-Totals		422	244,652,238	1,609,739	0	0	1,609,739	1,611,973	778	0	1,612,751
Minimum Payment											
Minimum \$											
GRV	0.078864	115	360,400	63,250			63,250	63,800			63,800
UV	0.006166	25	1,332,127	13,750			13,750	15,950	778		15,950
Mining UV	0.006166	7		3,850			3,850				
Sub-Totals		147	1,692,527	80,850	0	0	80,850	79,750	778	0	79,750
Ex Gratia Rates							1,690,589				1,692,501
Discount							14,521				14,400
Rates Writeoffs							(142,762)				(140,000)
Amount from General Rates							0				(100)
Specified Area Rates							1,562,348				1,566,801
Totals							1,562,348				1,566,801

Comments - Rating Information

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

10. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-23	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments		Loan Completion Date
			Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$	
Loan 103 -Staff House	309,540			40,031	309,540	309,540		2,801	2/12/2030
	309,540	0	0	40,031	309,540	309,540	0	2,801	

All debenture repayments were financed by general purpose revenue.

(b) New Debentures

No new debentures were raised during the reporting period.

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2023-24 Budget	Variations Additions (Deletions)			Recoup Status	
					Operating	Capital	Received	Not Received
		(Y/N)	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING								
Grants Commission - General	WALGGC	Y		0	0	0	12,193	(12,193)
Grants Commission - Roads	WALGGC	Y		0	0	0	8,073	(8,073)
GOVERNANCE		Y					0	0
LAW, ORDER, PUBLIC SAFETY								
DFES Grant - Operating Bush Fire Brigade	DFES	Y	61,600	0	61,600	0	15,405	46,195
				0				0
HOUSING								
WSAHA Grant	DPIRD	Y	150,000			150,000	150,000	0
EDUCATION & WELFARE								
		N						0
		N			0	0		0
COMMUNITY AMENITIES								
LY Ablution (From Contract Liabilities)		Y	104,500			104,500	0	104,500
RECREATION AND CULTURE								
Wogolin Playground (From Contract Liabilities)	From							
	LRCI Phase 1	Y	738,100			738,100	62,505	675,595
	LRCI Phase 2	Y	415,000			415,000		415,000
	LRCI Phase 3	Y						0
		Y						0
ECONOMIC SERVICES								
LRCI Funding		Y					0	0
		N						0
TRANSPORT								
Roads To Recovery Grant - Cap	Roads to Recovery	Y	263,900	0	0	263,900	0	263,900
RRG Grants - Capital Projects	Regional Road Group	Y	984,400	0	0	984,400	0	984,400
Direct Grant - Maintenance	Dept. of Transport	Y	160,000	0	160,000	0	160,046	(46)
TOTALS			2,877,500	0	221,600	2,655,900	408,222	2,469,278

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 12: TRUST FUND

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

Description	Opening Balance 1 Jul 23	Amount Received	Amount Paid	Closing Balance 30-Sep-23
	\$	\$	\$	\$
Housing Bonds	0	1,640	-1,140	500
Master Key Deposits	240	3,234	-2,004	1,470
Nomination Deposits	0	300	0	300
Building and BCITF	1,128	737	-1,865	0
Cat/Dog Trap Hire	0	0	0	0
WDSC Replacement Greens	167,548	3,750	0	171,298
Kidsport	0	0	0	0
Wickepin Community Harvest Fund	76,903	0	0	76,903
Albert Facey Homestead	0	0	0	0
Miscellaneous Trust	2,329	240	-240	2,329
Yealering Bowling Club Greens	81,896	0	0	81,896
Licensing		51,472	-51,472	0
	330,045	61,373	-56,721	334,696

Level of Completion Indicators

- 0% ○
- 20% ○
- 40% ○
- 60% ○
- 80% ○
- 100% ●

SHIRE OF WICKEPIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 September 2023

Note 13: CAPITAL ACQUISITIONS

30/09/2023						
Infrastructure Assets		Annual Budget	Amended YTD Budget	YTD Actual	Variance (Under)/Over	Strategic Reference / Comment
Land & Buildings						
Governance						
○ Administration Office Upgrade	LAB2	10,000	0	0	0	
○ Administration Office - Upgrade Carport	XAB3	20,000	0	0	0	
		30,000	0	0	0	
Education & Welfare						
○ Wickepin Playgroup - Renew Gazebo	XPG1	6,000	0	0	0	
		6,000	0	0	0	
Housing						
○ Capital Expenses To 7 Rintel Street	CSH1	5,000	0	0	0	
○ 7 Rintel Street - Renew Flooring	XSH1	7,000	0	0	0	
○ 14 Smith St - Upgrade Fencing	XSH12	15,000	0	0	0	
		27,000	0	0	0	
Other Housing						
○ Aged Units - Johnston St - Wsaha	CLCH3	300,000	65,170	18,337	46,833	
		300,000	65,170	18,337	46,833	
Community Amenities						
○ Wickepin Tip - New Building	XWT1	30,000	0	0	0	
		30,000	0	0	0	
Recreation and Culture						
○ Swimming Pool - Renew Pump Shed Roof	XSP7	17,000	0	0	0	
○ Lake Yealering Foreshore Ablutions	LYFA2	258,500	64,623	7,680	250,820	
		275,500	64,623	7,680	250,820	
Transport						
○ Public Works Dept (Old He Shed She Shed)	LPWC	10,000	0	0	0	
		10,000	0	0	0	
Economic Services						
○ Harrismith Caravan Park - Renew Facilities	XCP3	14,000	0	0	0	
		14,000	0	0	0	
		692,500	129,793	26,016	297,654	
Footpaths						
Transport						
○ Footpaths	LFP1	0	0	0	0	
		0	0	0	0	
		0	0	0	0	
Furniture & Equipment						
Governance						
○ Council Chambers - Upgrade Technology	XAB4	20,000	2,500	0	2,500	
○ Administration Office - Upgrade Technology	XAB5	50,000	5,000	0	5,000	
○ Various Locations - New Cctv System	XCTV	40,000	4,000	0	4,000	
		110,000	11,500	0	11,500	
		110,000	11,500	0	11,500	
Plant , Equip. & Vehicles						
Governance						
○ Ceo Vehicle 4X4 Wagon (1) Renew	XCEO1	60,000	0	0	0	
○ Ceo Vehicle 4X4 Wagon (2) - Renew	XCEO2	60,000	0	0	0	
		120,000	0	0	0	
Recreation And Culture						
○ Swimming Pool - Renew Pool Pumps	XSP5	30,000	0	0	0	
		30,000	0	0	0	
Transport						
○ Loader - Renew	XPM1	226,000	0	0	226,000	
○ Mower - Renew	XPM2	26,000	0	0	26,000	
○ Pws Vehicle 4X4 Wagon Dual Cab - Renew	XPWS	70,000	70,000	65,657	4,343	
		322,000	70,000	65,657	256,343	
		472,000	70,000	65,657	256,343	
Infrastructure Other						
Recreation and Culture						
○ Swimming Pool - Renew Pool Covers	XSP4	10,000	10,000	9,098	0	
○ Wickepin Skate Park	5088	412,500	206,000	215,215	197,285	
○ Wickepin Oval - Renew Cricket Pitch Covers	XWCP	16,000	0	0	16,000	
○ Capital Wickepin War Memorial	CWWM1	5,000	0	0	5,000	
		443,500	216,000	224,313	218,285	
		443,500	216,000	224,313	0	
Roads						
Transport Regional Road Group						
○ Wickepin Pingelly Road	RG001	451,000	69,802	10,898	440,102	
○ Wickepin-Corrigin Rd	RG003	278,800	46,091	100	278,700	
○ Cuballing East Road	WSF24	561,300	94,070	21,163	540,137	
		1,291,100	209,963	32,161	1,258,939	
Transport Roads to Recovery						
○ Yarling Brook Road	R2R018	264,000	90,002	8,885	81,117	
		264,000	90,002	8,885	81,117	
		1,555,100	299,965	41,046	1,340,056.15	
		3,273,100	727,258	357,032	1,905,553	



14.3 Proposed Scheme Amendment – Lot 7 (No.56) Fisher Street, Wickepin

**Shire of Wickepin
Local Planning Scheme No. 4
Scheme Amendment No. 3**



Lot 7 (No. 56) Fisher Street, Wickepin

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

SHIRE OF WICKEPIN LOCAL PLANNING SCHEME No. 4

AMENDMENT No. 3

RESOLVED that the local government in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Amending the classification of Lot 7 on Deposited Plan 189958 (No. 56) Fisher Street, Wickepin from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10.
2. Amending the Scheme Map accordingly.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- i) The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone.
- ii) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
- iii) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 2023

.....
CHIEF EXECUTIVE OFFICER

Contents

Section No.	Heading	Page No.
1	Introduction	5
2	Background	5
3	Planning Framework	6
4	Amendment Proposal	7
5	Planning Considerations and Planning Justification	7
6	Conclusion	8
Attachments		
1	Amendment Site Plan	
2	Deposited Plan	
3	Location Plan	
4	Context Plan	
5	Historic heritage details	

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- | | |
|---|---|
| 1. LOCAL GOVERNMENT: | Shire of Wickepin |
| 2. DESCRIPTION OF LOCAL PLANING SCHEME: | Local Planning Scheme No. 4 |
| 3. TYPE OF SCHEME: | District Scheme |
| 4. SERIAL NUMBER OF AMENDMENT: | 3 |
| 5. PROPOSAL: | Amending the classification of Lot 7 on Deposited Plan 189958 (No. 56) Fisher Street, Wickepin from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10 as per the Scheme Amendment Map. |



1. INTRODUCTION

The Shire of Wickepin seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to amend the classification of Lot 7 Fisher Street, Wickepin (the 'site') from 'Recreation and Open Space' reserve to 'Residential' zone with a density code of R10. The site is shown in **Attachment 1**.

The purpose of this report and associated plans are to explain and set out the planning merits of the Amendment. In summary, the site's reservation as a Recreation and Open Space Reserve is an anomaly and the Amendment formalises the long-established residential use.

2. BACKGROUND

2.1 Cadastral Details

A copy of the Deposited Plan is provided in **Attachment 2**. Cadastral details for the site are summarised below in Table 1:

Lot	7 Fisher Street, Wickepin
Deposited Plan	189958
Volume/Folio	1904/370
Area	1212m ²
Owner	Jean Chalmers

2.2 Regional Context

The site is situated in the Shire of Wickepin. The Wickepin townsite is located 214 kilometres south-east of Perth. Wickepin is a district centre and provides a range of services and facilities to residents and visitors.

2.3 Local Context

The site is located approximately 200 metres from the Wickepin town centre (see **Attachment 3**). **Attachment 4** shows the Context Plan which outlines the site's context. The site adjoins recreation/open space. The railway line (not in use) is to the

south, while the light industrial area is to the north-west.

2.4 Physical Characteristics

The Amendment site is outlined in **Attachment 1** and has the following characteristics and features:

- It contains a dwelling and sheds;
- It contains some mature trees;
- It has a gentle gradient, having an elevation of approximately 336 metres AHD (Australian Height Datum);
- There are no natural surface water or drainage features; and
- It is not classified as a contaminated site by the Department of Water and Environmental Regulation.

The site's physical features presents no constraints to the Amendment.

2.5 Services

The site is provided with relevant 'hard' infrastructure including scheme water, on-site sewerage disposal, power, telecommunications, drainage and unsealed roads.

2.6 Heritage

The Department of Planning, Lands and Heritage's Aboriginal Heritage Inquiry System at <https://maps.daa.wa.gov.au/ahis/> reveals there are no Registered Aboriginal Sites applying to the subject land. While noting this, land developers have an obligation under the *Aboriginal Cultural Heritage Act 2021* Act to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.

The site's dwelling has heritage value. The dwelling, called 'Gumnut Cottage', was previously the Station Master's house. The dwelling was constructed between 1912 and 1913. The dwelling is a Category 2 place on the Shire's Municipal Inventory (Heritage Survey). Gumnut Cottage is not on the State Heritage Register. **Attachment 5** provides details from Inherit at <http://inherit.stateheritage.wa.gov.au/public>

3. PLANNING FRAMEWORK

3.1 Overview

The following section will outline how the proposed Amendment suitably addresses relevant planning policies, strategies, plans and the *Shire of Wickepin Local Planning Scheme No. 4* (LPS4). The Amendment, which addresses an anomaly in LPS4, is consistent with the State, regional and local planning framework.

The site is currently reserved as 'Recreation and Open Space' in LPS4. The Amendment proposes to amend the classification of the site from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10.

3.2 State & Regional Planning Framework

The following strategies and policies are of relevance to the Amendment:

- *State Planning Strategy 2050*;
- *State Planning Policy 1 State Planning Framework Policy*;
- *State Planning Policy 3 Urban Growth Settlement*;
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas* - the site is within a Bushfire Prone Area as shown at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>;
- *State Planning Policy 5.4 Road and Rail Noise* - the site is within the 'trigger' area due to freight railway noise;
- *State Planning Policy 7.0 Design of the Built Environment*;
- *Wheatbelt Regional Planning and Infrastructure Framework*;

- *Wheatbelt Regional Investment Blueprint*; and
- *Wheatbelt South Sub-Regional Economic Strategy*.

3.3 Local Planning Framework

3.3.1 Shire of Wickepin Local Planning Scheme No. 4

LPS4 reserves the site as 'Recreation and Open Space'. Clause 1.5(b) outlines a purpose of the Scheme is to 'set aside land reserves for public purposes'.

Given the land is a freehold lot, was historically and is currently used for residential purposes, it is appropriate that the classification of the property be formalised. The proposal is consistent with Residential zone objective in clause 3.2(c) 'To provide for a range of housing choice with high level of amenity in residential areas and which reflects a rural lifestyle.'

Amending the classification of the site to the 'Residential' zone, with a density coding of R10, is consistent with the long-established development and addresses an anomaly in LPS4.

3.3.2 Draft Shire of Wickepin Local Planning Strategy

The draft Local Planning Strategy (Map 3) allocates the site as 'Existing Industrial'. It is expected the strategy map will be updated to reflect the Council's decision on the Amendment.

3.3.3 Local Planning Policies

There are no relevant local planning policies applying to the Amendment request.

3.3.4 Shire of Wickepin Strategic Community Plan

The Strategic Community Plan sets the community's vision for the future and it is the principal strategic guide for the Council's future planning and activities. The community strategic vision is:

'A collaborative Council, dedicated to maintaining and developing our community assets for the benefit of our residents whilst supporting a strong community, a vibrant economy, successful businesses and a sound environment.'

3.4 Planning Framework Implications for the Amendment

Common themes of the planning framework and their implications for the Amendment include:

- Support for residential development in an established urban area;
- Appropriate servicing;
- Addressing bushfire management and environmental impacts; and
- Addressing land use compatibility.

Based on the above, the Amendment is consistent with the planning framework and consistent with the principles of orderly and proper planning.

4. AMENDMENT PROPOSAL

The intent of the Amendment is to amend the classification of the site from the 'Recreation and Open Space' reserve to the 'Residential' zone with a density coding of R10. The Amendment will address an anomaly with LPS4 and reflects the site's long standing residential use along with freehold ownership.

It is a simple change of classification to address an anomaly. The 'Recreation and Open Space' Reserve is not consistent with private ownership. The best description of the long-standing and current use of the property is residential. The change to Residential R10 is the most appropriate classification of the land use.

The proposed R10 zoning will not enable subdivision of the site.

5. PLANNING CONSIDERATIONS AND PLANNING JUSTIFICATION

5.1 Overview

This section brings together an assessment of the site's attributes and the planning framework in considering key planning matters and justifying the Amendment.

5.2 Anomaly with LPS4

The site has long been used for residential purposes and is a freehold property. The Shire confirms the site is not required for Recreation and Open Space in LPS4. The property appears to have been included in LPS4 as an anomaly given there is no reasonable purpose identifiable for the current reservation.

The Residential R10 zoning is a pragmatic outcome reflecting a long-established use. It is considered to be a 'legacy' development. Accordingly, there is a need to adopt a pragmatic approach with the requested zoning.

5.3 Compatibility with Adjoining and Nearby Land Uses and Addressing Amenity

The existing dwelling and the proposed Residential zoning are compatible with adjoining and nearby land uses/development (see **Attachment 4**).

The Existing Scheme Map show the site is essentially surrounded by 'Recreation and Open Space' reserve.

There is appropriate separation between the site and the long established Light Industrial Area to the north-west. The separation distance includes the vegetated Recreation and Open Space reserve (Reserve 46580) and the associated watercourse.

The dwelling is separated from farming operations to the east.

The proposed 'Residential' zoning, with a density coding of R10, represents a logical and sound planning outcome for the site.

5.4 Railway Noise

The site is within the 'trigger' area of *State Planning Policy 5.4 Road and Rail Noise*. While noting this, the railway is not currently operational and the existing dwelling was constructed between 1912 and 1913.

5.5 Environmental Impact

The Amendment will create no additional environmental impacts given the site has been previously cleared of native vegetation and the dwelling and associated on-site wastewater system are existing.

5.6 Servicing

The site is already appropriately serviced. The proposed Residential R10 zoning does not enable subdivision or enable a grouped dwelling.

5.7 Heritage

Background details are in section 2.6 and **Attachment 5**.

5.8 Draft Local Planning Strategy

The Shire is in the process of reviewing its Local Planning Strategy. While noting the site's allocation as 'Existing Industrial' in the draft Strategy, the site is unlikely to be usable for industry. It is highlighted the Council is unlikely to permit the demolition of Gumnut Cottage. It is expected the draft Strategy will be amended pre-advertising to reflect the Council's decision on Scheme Amendment No. 3.

5.9 Planning Justification

The planning justification for the Amendment is summarised below:

- It addresses an anomaly in LPS4;
- The site is suitable to be reclassified from Recreation and Open Space Reserve to Residential R10 zone;
- It respects the local context;
- It is a 'brownfield' (already developed) site containing an existing dwelling and services;
- Development will be effectively controlled through LPS4 provisions;
- The site contains no environmental assets; and
- The site is appropriately serviced.

In view of the above, the Amendment is consistent with the planning framework and the principles of orderly and proper planning.

6. CONCLUSION

This report confirms that the Amendment is consistent with the planning framework and the site is suitable to be amended from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10. The Amendment will address an anomaly in LPS4.

The support of the WAPC and the Hon. Minister for Planning is requested to approve the Amendment to amend the classification of the site from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10.

PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF WICKEPIN

LOCAL PLANNING SCHEME No. 4

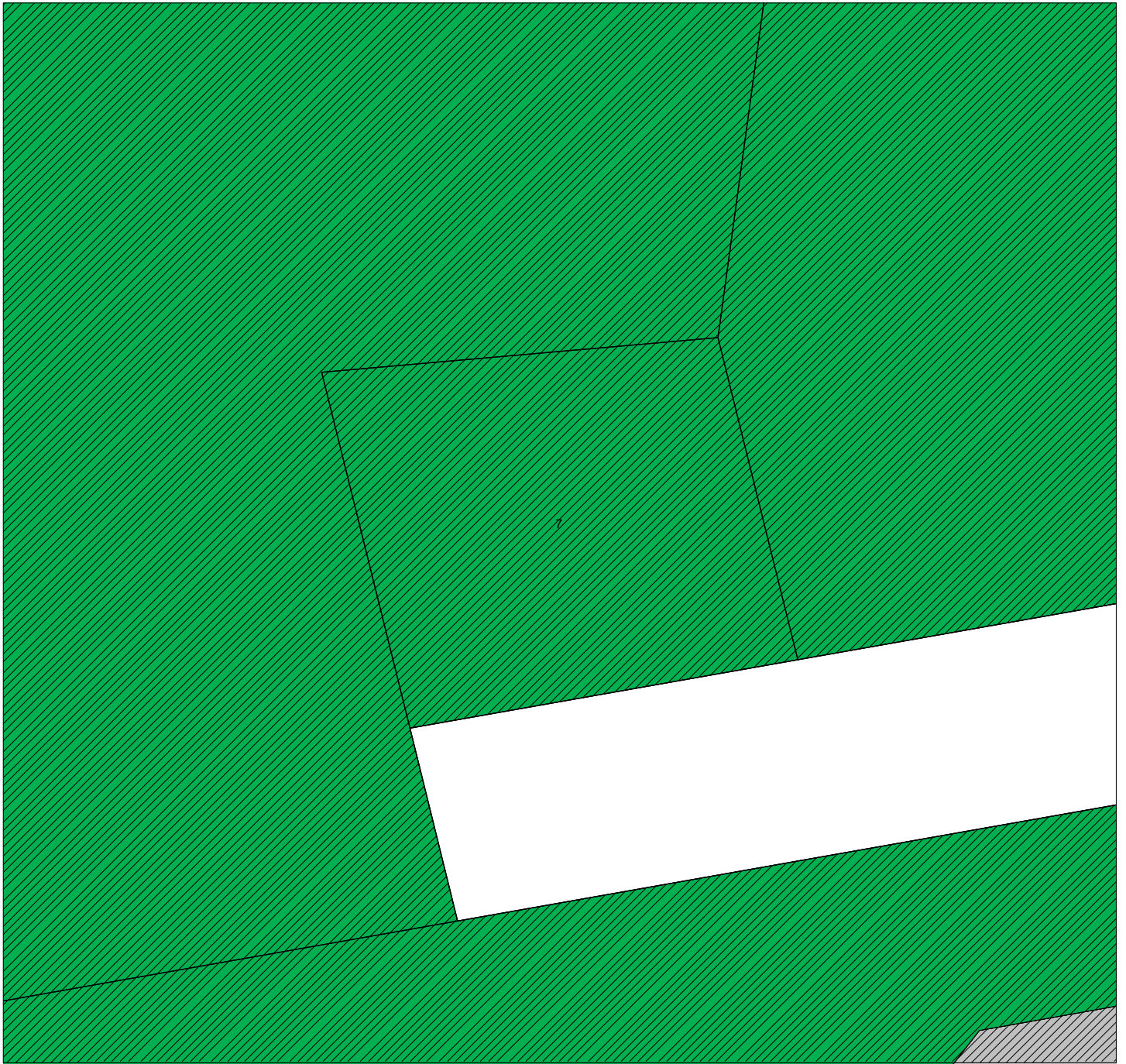
AMENDMENT No. 3

The Shire of Wickepin under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

1. Amending the classification of Lot 7 on Deposited Plan 189958 (No. 56) Fisher Street, Wickepin from 'Recreation and Open Space' reserve to 'Residential' zone with a density coding of R10.
2. Amending the Scheme Map accordingly.


The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:


- i) The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone.
- ii) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.
- iii) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.



EXISTING SCHEME MAP

Legend


 Cadastre with Lot number

 LPS Scheme Boundary

LPS Reserves

 Local road

 Railway

 Recreation and open space



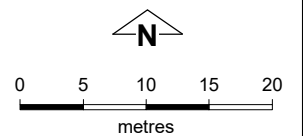
**Department of Planning,
Lands and Heritage**

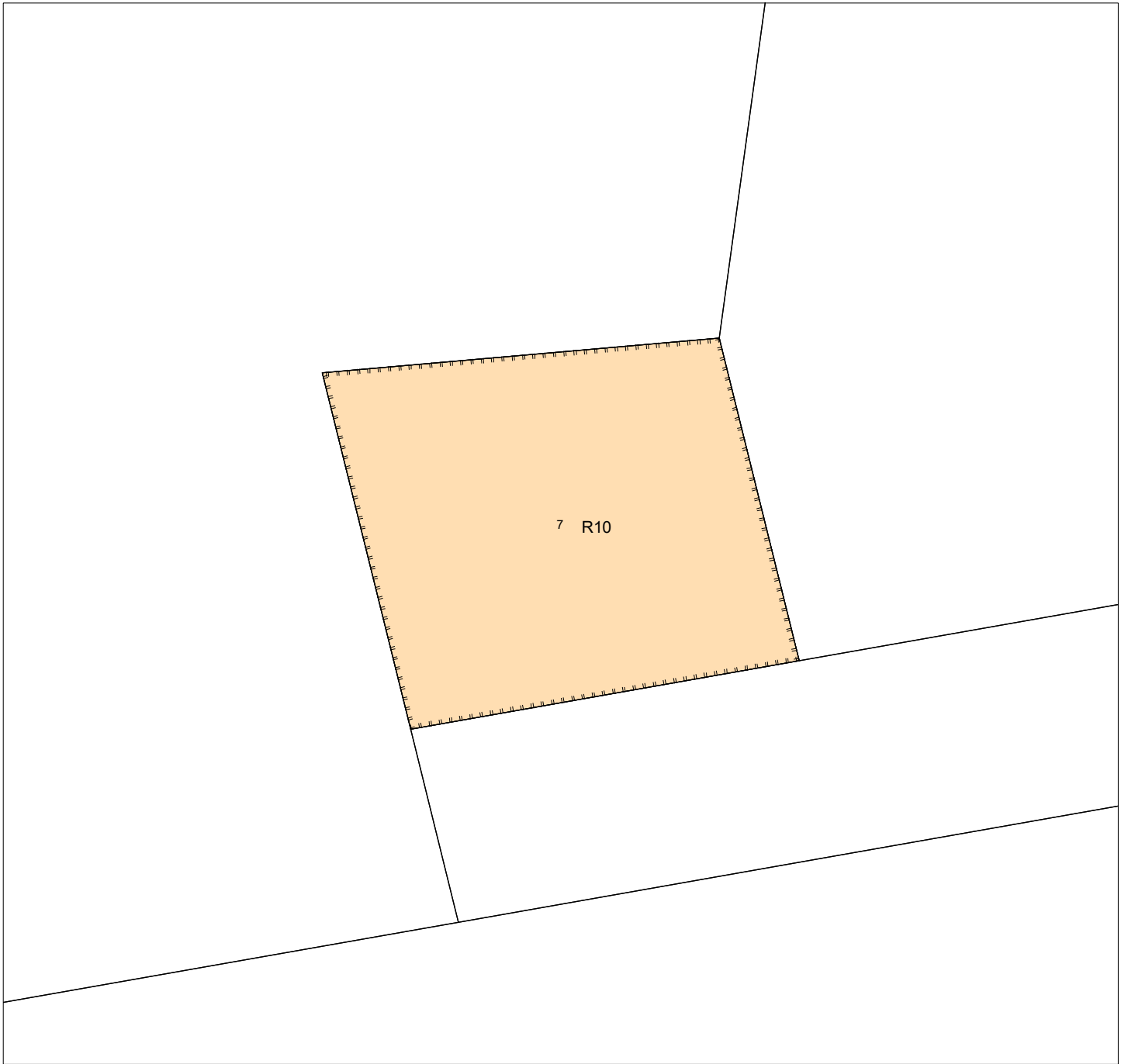
Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian
Land Information Authority SLIP 1096-2018-1

Shire of Wickepin

Local Planning Scheme No. 4


Amendment No. 3






PROPOSED SCHEME MAP

Legend

 Cadastre with Lot number

 R Codes Amendments

LPS Zones and Reserves Amendments

 Residential



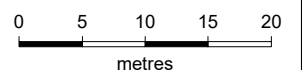
Department of Planning,
Lands and Heritage

Produced by Data Analytics,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian
Land Information Authority SLIP 1096-2018-1

Shire of Wickepin

Local Planning Scheme No. 4

Amendment No. 3



COUNCIL ADOPTION FOR ADVERTISING

This Standard Amendment was adopted by resolution of the Council of the Shire of Wickepin at the Ordinary Meeting of the Council held on the day of 2023.

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

This Amendment is recommended for approval by resolution of the Shire of Wickepin at the Ordinary Meeting of the Council held on the day of 2023 and the Common Seal of the Shire of Wickepin was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

SHIRE PRESIDENT

.....

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....

DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

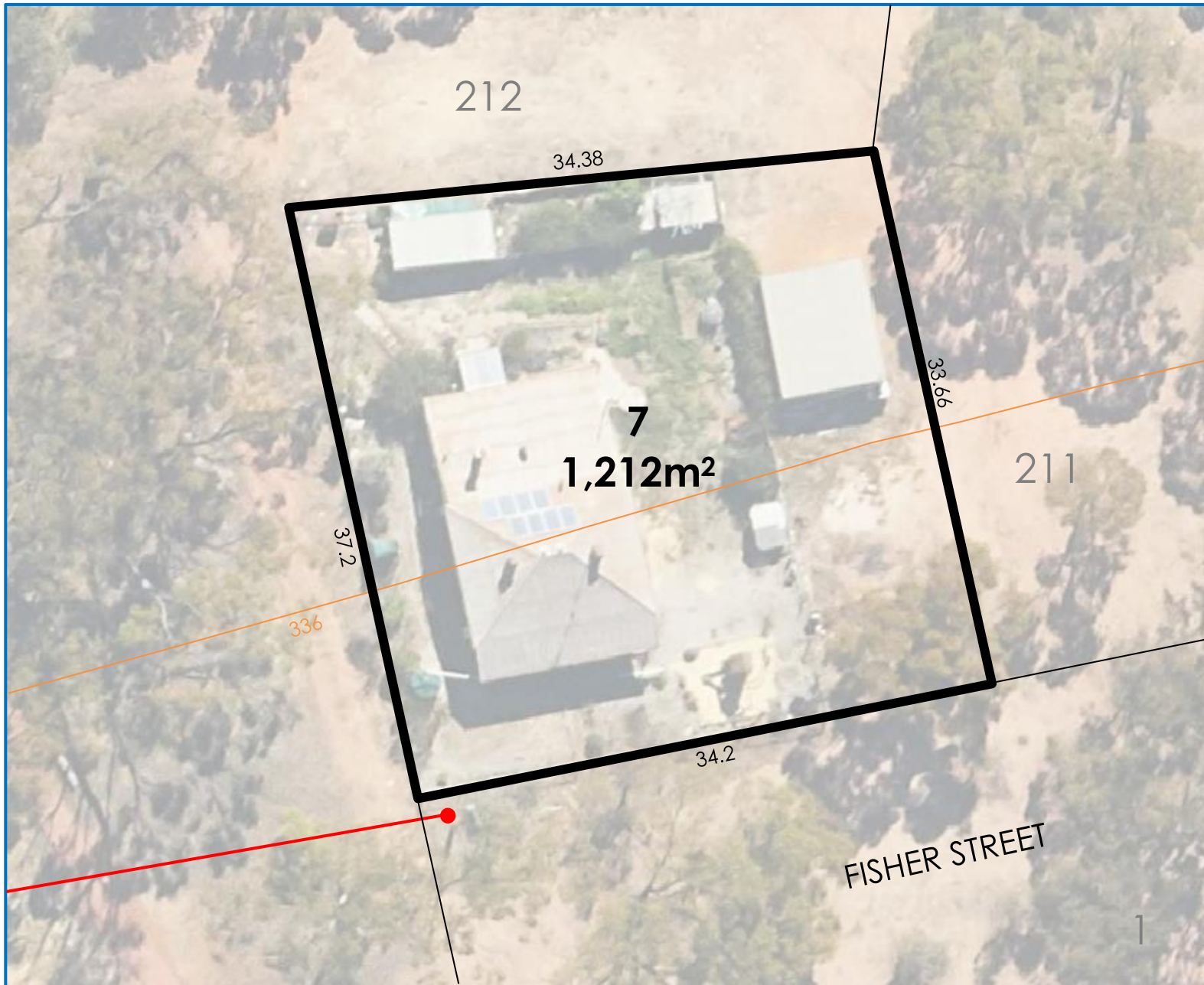
APPROVAL GRANTED

.....

MINISTER FOR PLANNING
S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005

DATE.....





ATTACHMENT 1



AMENDMENT SITE PLAN

Lot 7 (No. 56)
 Fisher Street
 Wickepin
 Shire of Wickepin

Legend

-  Amendment Site
-  Contours
-  Western Power Distribution Overhead Powerline Low Voltage <1kW
-  Western Power Pole



REV	AMENDMENT SITE PLAN DESCRIPTION	230409 YYMMDD	APPROVED
A			



Edge Planning & Property
 134 Hare Street, Mount Clarence
 ALBANY WA 6330
 W: www.edgeplanning.com.au
 E: steve@edgeplanning.com.au
 M: 0409 107 336

DRAWING NUMBER
EP 230409 01

REV
A

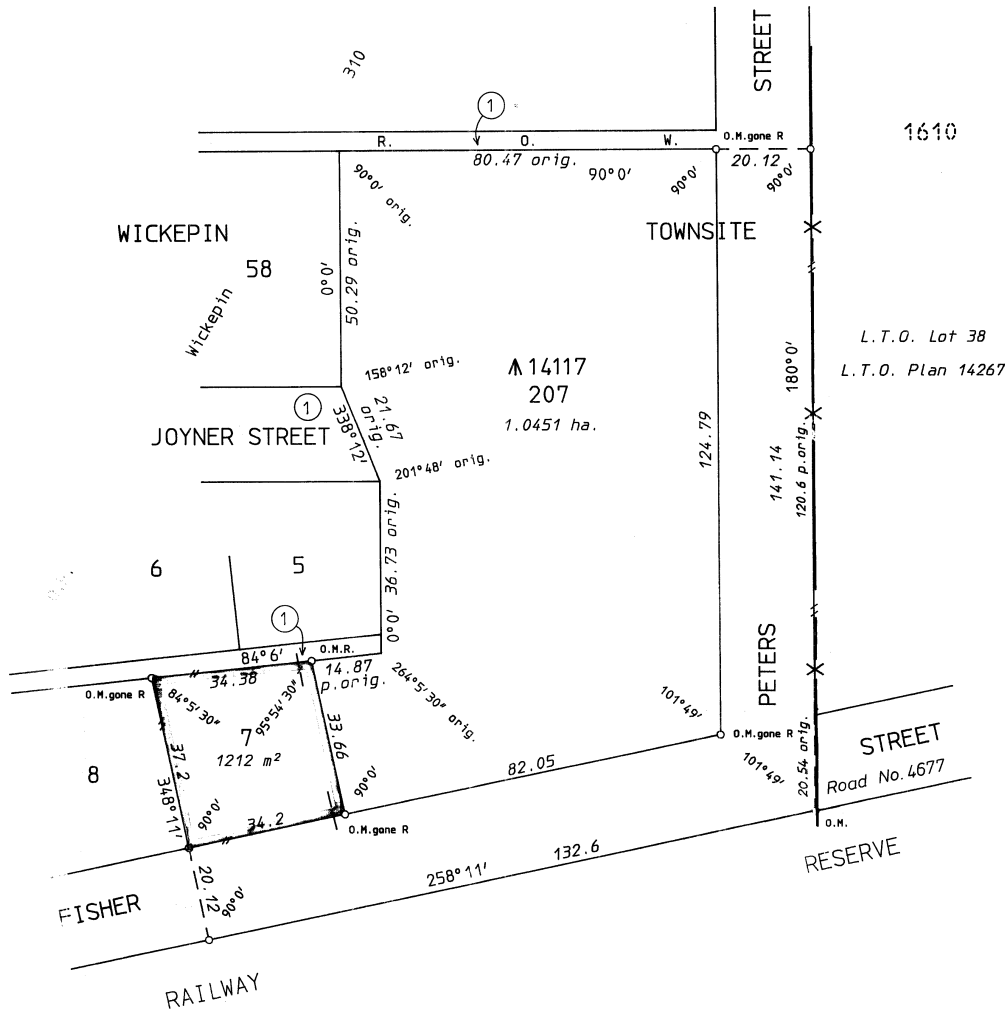
Issued for design intent only. All areas and dimensions are subject to detail design & survey.

ATTACHMENT 2

FORMERLY WICKEPIN LOTS 1-4, 54-57 & 76
 SUPERSEDES PT O.P. WICKEPIN 310
 A14117-Amend-Gaz. 24-5-91 p2585

AMENDMENTS

① ROAD CLOSED
 GAZ 12/7/96



DP 189958

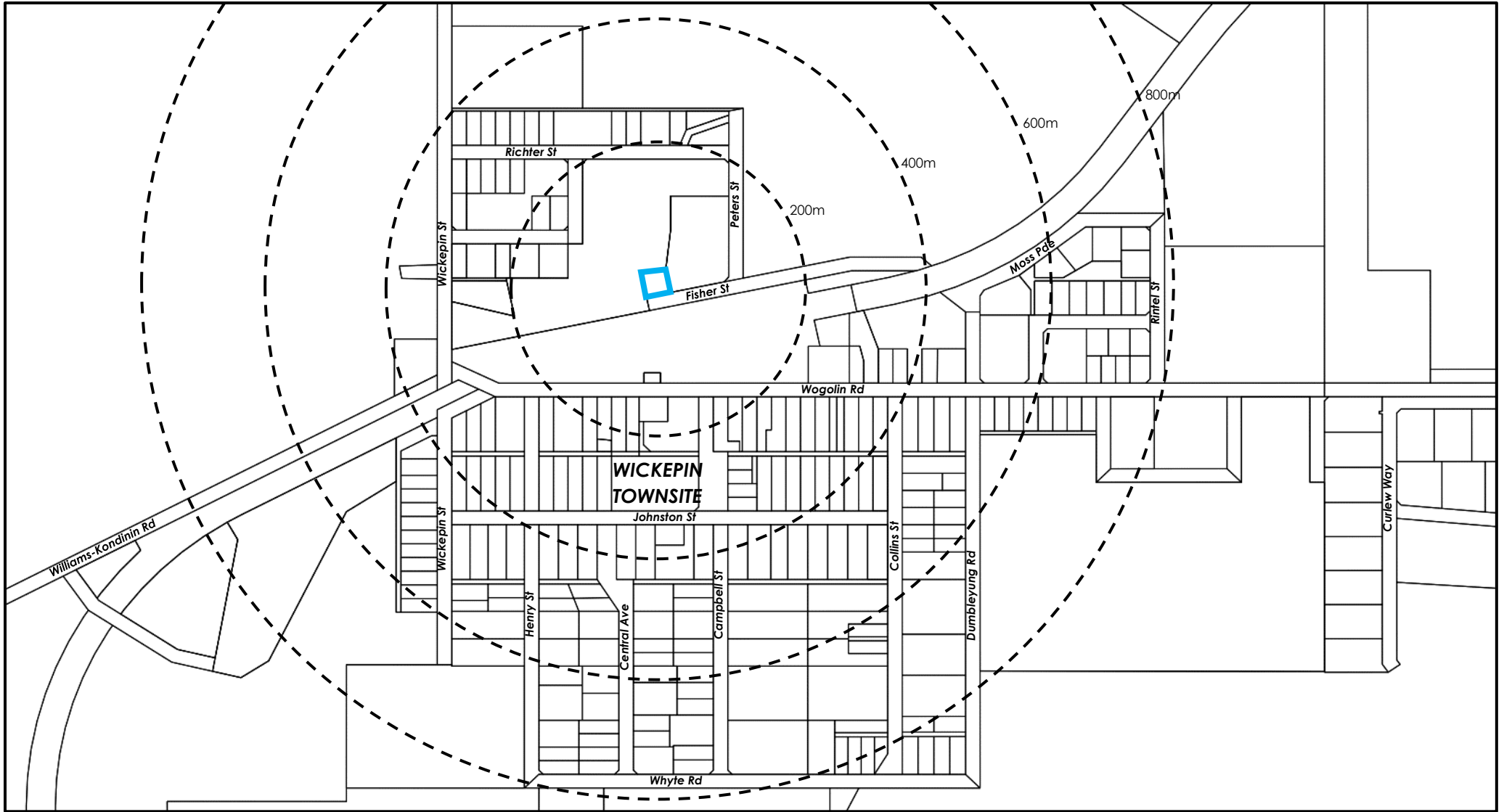


CD 88968



LAND DISTRICT WILLIAMS	WICKEPIN LOT 207, RE-SURVEY OF WICKEPIN LOT 7 AND ROAD EX. V.C.L.		FILE No. 3465/912
SURVEYOR'S CERTIFICATE I hereby certify that this survey was performed by me personally (or under my personal supervision, inspection and field check), in strict accordance with the Licensed Surveyors (Guidance of Surveyors) Regulations. <i>G. Forster</i> Licensed Surveyor. Date 8/5/91	Azimuth observed at or assumed from Surveyor Field Book No. Page Public Plan Reference Index Plan	Calc. Bk. No. A. K. NGO Fol Compared with F.B. <i>Amended</i> Examined <i>15.8.91</i> In order for certification <i>G. Forster</i> Manager Date 15.8.91 Survey and Tenure Charting	SCALE 1 : 1000 All measurements in metres DIAGRAM CERTIFIED CORRECT Date 20.8.91 Authorized Land Officer Recorded on Public Plan T.Harris... 14/08/91... Registered R.F.P. 13703/91 On Key Plan WICKEPIN TOWNSITE DEPT. OF LAND ADMINISTRATION DIAGRAM 89958

ATTACHMENT 3



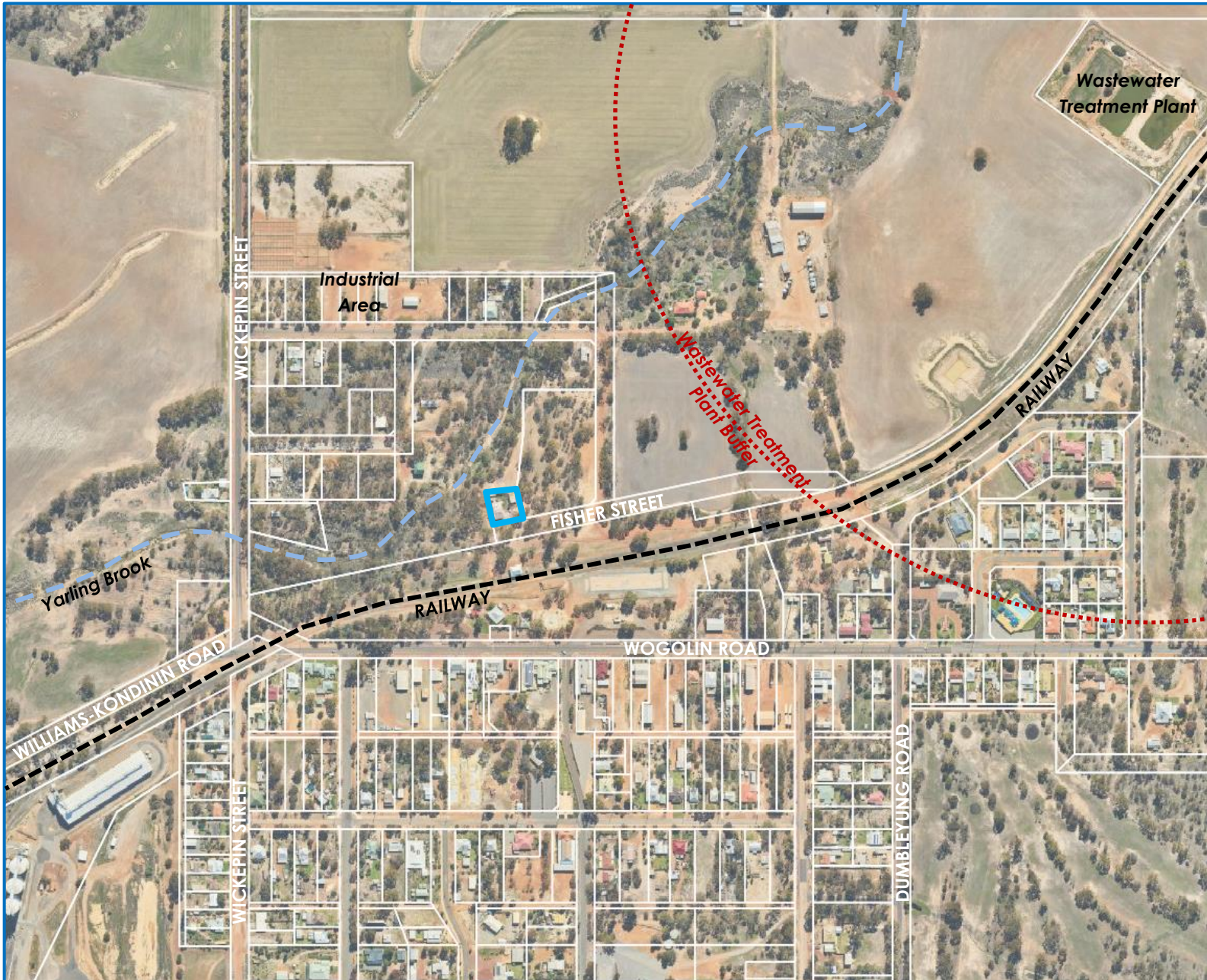
LOCATION PLAN

Lot 7 (No.56) Fisher Street
 Wickepin
 SHIRE OF WICKEPIN



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ATTACHMENT 4



CONTEXT PLAN

Lot 7 (No. 56)
 Fisher Street
 Wickepin
 Shire of Wickepin

Legend

 Amendment Site



A	CONTEXT PLAN	230409	APPROVED
REV	DESCRIPTION	YYMMDD	



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DRAWING NUMBER

REV

ATTACHMENT 5

Gumnut Cottage

AUTHOR

Shire of Wickepin

PLACE NUMBER

06860

LOCATION

Fisher St Wickepin

LOCATION DETAILS

OTHER NAME(S)

Station Master's House

Stationmaster's House

LOCAL GOVERNMENT

Wickepin

REGION

Wheatbelt

CONSTRUCTION DATE

Constructed from 1912

DEMOLITION YEAR

N/A

Statutory Heritage Listings

TYPE	STATUS	DATE	DOCUMENTS
(no listings)			

Heritage Council Decisions and Deliberations

TYPE	STATUS	DATE	DOCUMENTS
(no listings)			

Other Heritage Listings and Surveys

TYPE	STATUS	DATE	GRADING/MANAGEMENT
			CATEGORY
Municipal Inventory	Adopted	16 Aug 1996	Category 2

Statement of Significance

The place is significant for representing a way of life connected with railway transport.

Physical Description

A brick cottage with the front facing the railway line, and Railway station in front of it. The corrugated iron roof is a high construction with an extension of the main roof over the front verandah. The verandah extends the width of the cottage. The central front door is flanked by a room either side with a set of two double hung windows in each room. The rear has a lean-to fibro clad section of the cottage.

History

The railway line to Wickepin opened in February 1909, and the stationmaster was appointed on 15 December 1910. The stationmasters house was constructed between March of 1912, and February 1913. The stationmasters changed every few years or so with the exception of PM Taylor who served from November 1955 to February 1979. On 1 November 1981 the Wickepin railway station closed, and presumably a station-master left about that time. The Shire of Wickepin assumed responsibility for the place. About that time Facey's House was being promoted, and tourist buses stopped at the Stationmaster's House (then called Gumnut Cottage) where Mrs R Turner served morning teas to the tourists on their way to Facey's House. The enterprise lasted a short while before the place became a staff accommodation facility for the Wickepin Shire. A staff member from the Wickepin Shire lives in the house

Integrity/Authenticity

Integrity: Intact Authenticity: High degree

Condition

Very Good

Creation Date

26 May 1997

Publish place record online (inHerit):

Approved

Last Update

31 Dec 2016

Disclaimer

This information is provided voluntarily as a public service. The information provided is made available in good faith and is derived from sources believed to be reliable and accurate. However, the information is provided solely on the basis that readers will be responsible for making their own assessment of the matters discussed herein and are advised to verify all relevant representations, statements and information.



14.5 Delegation Register 2023



Delegation Register

2023

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Introduction

This delegations register has been prepared in accordance with the *Local Government Act 1995* sections 5.16 to 5.18 and 5.42 to 5.46 and the Administration Regulations r.19.

All delegations require approval by an absolute majority of Council.

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

However, given the number of delegations, and their importance, it is not recommended that Council be advised of use of delegations, for their information. It is open to Council to make a policy direction that this is the case.

The Local Government Act s5.16 places limitations and conditions upon the delegations that may be made to various types of Committee. A Committee with delegated authority is not permitted to further delegate that authority.

The Local Government Act s5.42 places a limitation upon the delegations that may be made to the Chief Executive Officer. The Chief Executive Officer is not permitted to further delegate that authority.

The Local Government Act permits the Chief Executive Officer to delegate the exercise of, or the carrying out of, a function delegated to the Chief Executive Officer.

Head of Power

Unless stated otherwise, the Local Government Act 1995 sections 5.16 and 5.42 constitute the head of power for council to make the delegations.

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various officers. In order to maintain consistency with the concepts of the Local Government Act 1995, all delegations to officer are made to the Chief Executive Officer, who is then responsible for the implementation of the delegated function, either personally or through management of officers and staff.

It is Council's expectation, that the Chief Executive Officer will assign delegations relevant to a specialist or specific position to that person.

Process

It is a requirement of the Local Government Act s5.18 and s5.16 (1) that all delegations be reviewed at least once in each financial year.

In order to ensure that there is clear authority, Council and the appropriate officers will formally review this Delegations Register at the May Meeting each year, and their application confirmed.

In this way, the delegations will be reviewed at a time when there is less time pressure, and after a year of operation, with the formal motion of application made for the commencement of the new financial year.

New Delegations

Council may make new delegations at any time. However, unless specifically stated that the authority is to be included in the Delegations Register, it will be assumed that the authority to act is for a specific matter and is not a general or on-going delegation.

Definitions

The Local Government Act has not defined the term “delegation” or “delegated power”, however:

- s5.16 refers to “... the exercise of any of its powers and duties...”
- s5.42 refers to “... the exercise of any of its powers or the discharge of any of its duties...”

The term “policy” is not defined anywhere in the Local Government Act.

Accordingly, throughout this document, the following terms apply, insofar as they are consistent with all enabling legislation referred to within each of the specific delegations.

“Authority” means the permission or requirement for a committee or the Chief Executive Officer to act in accordance with:

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

“Delegation” means the authority for a committee or the Chief Executive Officer to act on behalf of Council where the power is either specifically or by implication, intended to be exercised by the elected members, rather than an organisational responsibility.

“Policy”, as the context requires mean either:

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

Certifications

The delegations contained in this register were formally reviewed by Council on 18 October 2023 and a resolution confirming their application to the 2023/2024 financial year was made.

President

Date

The delegations contained in Part 2 of this Register from the Chief Executive Officer to other officers have been formally reviewed, and their application to the 2023/2024 financial year is confirmed.

Chief Executive Officer

Date

A1 Cheque Signing and Account Authorisation

- Delegation : The Chief Executive Officer the authority to exercise Councils powers in relation to make payments in relation to expenditure from all funds in accordance with Local Government (Financial Management) Regulations 1996 Regulation 13.
- Objectives :
- Conditions : Where a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing:
- (a) the payees name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

The list referred to in sub regulation (2) is to be –

- (a) presented to the council at the next ordinary meeting of the council following the preparation of the list; and
- (b) recorded in the minutes of the meeting at which it is presented.”

This policy and subsequent delegation is apply only to those items of expenditure previously authorised by Council by inclusion I the budget or by virtue of Section 6.8 (1) of the Local Government Act 1995 which reads:

A local government is not to incur expenditure from its municipal find for an additional purpose except where the expenditure –

- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
- (b) is authorised in advance by resolution (Absolute Majority)

Further, a minimum of two signatures are required to make a payment from council’s municipal, trust or reserve funds. Two required signatures shall be from either the Chief Executive Officer, Deputy Chief Executive or Manager of Works and Services Officer.

- Formal Record : Officer’s report to Council
- Heads of Power : Local Government (Financial Management) Regulations 1996 Regulation 13
- History : Previous Delegation Register A1
Adopted 17 June 1997
Reviewed 16 June 1998
Reviewed 15 June 1999
Amended 21 June 2000
Reviewed 19 July 2000
Reviewed 19 June 2002
Reviewed 18 May 2005
Reviewed 21 November 2007
Reviewed 17 June 2009
Reviewed 18 August 2010
Reviewed 19 June 2013
Reviewed 19 November 2014
Reviewed 17 June 2015
Reviewed 15 June 2016
Reviewed 19 April 2017
Reviewed 16 June 2021
Reviewed 17 August 2022
Reviewed 18 October 2023

A2 Septic Tank Application Approvals

Delegation : The Environmental Health Officer the authority to exercise Councils powers in relation to:

Exercising and discharging powers and functions conferred on Local Government for the purpose of Regulation 4 of the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974.

Objectives :

Conditions :

Formal Record : Officer's report to Council

Heads of Power : Section 26 Health (Miscellaneous Provisions) Act 1911

History : Previous Delegation Register A2
Adopted 17 February 1998
Reviewed 15 June 1999
Reviewed 19 July 2000
Reviewed 19 June 2002
Reviewed 18 May 2005
Reviewed 21 November 2007
Reviewed 17 June 2009
Reviewed 18 August 2010
Reviewed 19 June 2013
Reviewed 19 November 2014
Reviewed 17 June 2015
Reviewed 15 June 2016
Reviewed 19 April 2017
Reviewed 16 June 2021
Reviewed 17 August 2022
Reviewed 18 October 2023

A3 Building Approvals

- Delegation : The Building Officer has the authority to exercise Councils powers in relation to:
- Approving applications for a building permit subject to the requirements of the Local Government Act 1960 Building Provisions, National Construction Code, Local Laws and Council Policy.*
- Objectives : To stream line the approval of building Permits
- Conditions :
- Formal Record : Officer's report to Council
- Heads of Power : Local Government Act 1960 Building Provisions,
Building Act 2011
Building Regulations 2012
Building Code of Australia,
Local Laws,
Council Policy
- History : Previous Delegation Register A4
Adopted 17 February 1998
Reviewed 15 June 1999
Reviewed 19 July 2000
Reviewed 19 June 2002
Reviewed 18 May 2005
Reviewed 21 November 2007
Reviewed 17 June 2009
Reviewed 18 August 2010
Reviewed 19 June 2013
Reviewed 19 November 2014
Reviewed 17 June 2015
Reviewed 15 June 2016
Reviewed 19 April 2017
Reviewed 23 October 2017
Reviewed 16 June 2021
Reviewed 17 August 2022
Reviewed 18 October 2023

A4 Roadside Advertising

Delegation	:	The Chief Executive Officer the authority to exercise Councils powers in relation to: <i>Main Roads WA (Control of Advertising) Regulations 1996 and Guide to the Management of Roadside Advertising – authority to approve signs granted by the regulations.</i>
Objectives	:	
Conditions	:	
Formal Record	:	
Heads of Power	:	Main Roads WA (Control of Advertising) Regulations 1996 Guide to the Management of Roadside Advertising
History	:	Reviewed 15 June 1999 Reviewed 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A5 Application for Planning Consent

Delegation	:	The Chief Executive Officer is authorised to issue planning consent for development applications that fully comply with all requirements.
Objectives	:	To permit early approval of development applications submitted.
Conditions	:	Nil
Formal Record	:	Officer's report to Council.
Heads of Power	:	Town Planning Development Act. Town Planning Scheme No 4.
History	:	Adopted 19 July 2000 Amended 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A6 Appointment and Termination of Staff

Delegation : The appointment and termination of Council employees can only be confirmed by:

Position	Office
Chief Executive Officer	Council
Manager of Works and Services	Chief Executive Officer and Council
Administration Staff	Chief Executive Officer
Outside Staff	Chief Executive Officer

Objectives : Clearly define each party’s role and level of authority.

Conditions :

Formal Record : Officer’s report to Council.

Heads of Power : Local Government Act 1995, Section 5.37(1)(2)

History :
 Adopted 19 July 2000
 Amended 19 June 2002
 Reviewed 18 May 2005
 Amended 21 November 2007
 Reviewed 17 June 2009
 Reviewed 18 August 2010
 Reviewed 19 June 2013
 Reviewed 19 November 2014
 Reviewed 17 June 2015
 Reviewed 15 June 2016
 Reviewed 19 April 2017
 Reviewed 16 June 2021
 Reviewed 17 August 2022
 Reviewed 18 October 2023

A7	Rates Recovery – Instalment Payments
Delegation	: The Chief Executive Officer to provide Ratepayers experiencing financial difficulty, the opportunity to make acceptable instalment payments to extinguish their rate debts.
Objectives	: To assist Ratepayers who are experiencing difficulty in meeting their rate payments and alleviate the need to bring each individual application to Council’s attention.
Conditions	: Letters confirming an instalment procedure program should accompany each application. Rates personnel to ensure that Ratepayers meet their commitments to instalment programs.
Formal Record	: Officer’s report to Council.
Heads of Power	:
History	: Adopted 19 July 2000 Amended 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A8	Issue of Orders
Delegation	: The Chief Executive Officer its powers and duties under the Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960, in relation to the issue of orders.
Objectives	: To facilitate service of notices at appropriate times.
Conditions	:
Formal Record	: Officer's report to Council.
Heads of Power	: Local Government Act 1995 Local Government Act (Miscellaneous Provisions) Act 1960
History	: Adopted 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A9	Legal Advice
Delegation	: The Chief Executive Officer is authorised to obtain from the Council’s Solicitor such legal advice and opinion as is deemed by him to be necessary to enable the proper legal administration of the Council’s business; conditional upon the Chief Executive Officer; <ol style="list-style-type: none">1. Briefing the Shire President and Deputy Shire President on the matter in which legal advice is sought;2. Obtaining the approval, verbal or written from the Shire President and Deputy Shire President to obtain the relevant legal advice
Objectives	: To ensure that Council is briefed adequately in relation to legal matters which may impact on the governing obligations of Council.
Conditions	:
Formal Record	: Officer’s report to Council.
Heads of Power	:
History	: Adopted 19 July 2000 Reviewed 19 June 2002 Amended 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A10

Permits to use Explosives

Delegation	:	The Chief Executive Officer is authorised to issue letters approving the use of explosives within the district, without reference to the Council.
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 19 July 2000 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A11

Street Stalls

Delegation	:	The Chief Executive Officer is authorised to issue letters approving the street stalls within the district, without reference to the Council.
Objectives	:	
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 16 May 2001 Reviewed 19 June 2002 Reviewed 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A13

Hire of Community Halls/Community Centre

Delegation	:	The Chief Executive Officer is authorised to waive/grant concessions in respect of hire of council's halls and community centres up to an amount of \$200 per occasion.
Objectives	:	The purpose of this is to encourage expediency in respect of requests that may be forthcoming from community organisations and groups that bring broad base community interaction and support (not for profit) for hall/community centre hire charges to be waived.
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 18 May 2005 Reviewed 21 November 2007 Reviewed 17 June 2009 Reviewed 18 August 2010 Reviewed 19 June 2013 Reviewed 19 November 2014 Reviewed 17 June 2015 Reviewed 15 June 2016 Reviewed 19 April 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A15

The Public Health Act 2016

Delegation	:	The Environmental Health Officer and the Authorised Officers are authorised to implement the provisions of the Public Health Act 2016. Authorised person must be either a) An EHO in the employ or under contract of the Shire at the time of the Public Health Act coming into force b) Hold an appropriate
Objectives	:	To ensure the provisions of the Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 are implemented.
Conditions	:	Commencement of prosecutions is restricted to the CEO who instigate action where the offence a) Is if such severity that the action is appropriate b) An infringement notice remains unpaid after reasonable attempts to obtain payment
Formal Record	:	Officer's report to Council.
Heads of Power	:	Public Health Act 2016 Section 17 of the new Public Health Act 2016 Section 21(1)(b)(i) Part 2 of the new Public Health Act 2016 Health (Miscellaneous Provisions) Act 1911
History	:	Adopted 19 April 2017 Reviewed 23 October 2017 Reviewed 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A16

Sponsorship, Contributions And Donations To Sporting And Community Groups

Delegation	:	The Chief Executive Officer is authorised approve Community grants under \$500 up to \$3,000 in the financial year.
Objectives	:	To assist the distribution of Community Grants under \$500 during the financial year..
Conditions	:	
Formal Record	:	Officer's report to Council.
Heads of Power	:	
History	:	Adopted 16 June 2021 Reviewed 17 August 2022 Reviewed 18 October 2023

A17

Prohibited and Restricted Burning Times _ Vary

Delegation	:	President and Chief Bushfire Control Officer (jointly)
Objectives	:	To enable the variation of Prohibited and Restricted burning times where seasonal conditions warrant
Conditions	:	Decisions under s,17(7) must be undertaken jointly by both the President and Chief Bushfire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)
Formal Record	:	All exercises of delegated authority to be recorded in Shire of Wickepin Records System
Heads of Power	:	Bushfires Act 1954 s.48 - Delegation by a Local Government Bushfires Act 1954 s17 (10) – Prohibited and Restricted burning times may be declared by Minister (power of delegation to Mayor or President and Chief Bushfire Control Officer ONLY powers under s17(7) and (8)
History	:	Adopted 18 October 2023



14.5 Local Government Operational Guideline – Delegations, Authorisations and Acting Through



Department of
**Local Government, Sport
and Cultural Industries**

Local Government Operational Guideline

Delegations, Authorisations and Acting Through
September 2022



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Part 1 – Introduction

This guideline has been developed by the Department of Local Government, Sport and Cultural Industries (DLGSC) following a review of the previous guideline from January 2007 regarding delegations. A series of changes have been made over various years to the *Local Government Act 1995* and regulations which need to be reflected in this guideline. Likewise the broader legislation that local governments administer has also changed significantly since 2007 including:

- The passing of the *Food Act 2008*, *Building Act 2011*, *Cat Act 2011* and *Public Health Act 2016*.
- Amendments to the *Dog Act 1976*.
- Introduction of many amendments to the *Local Government Act 1995* which have created new functions or amended existing functions in a local government.
- Creation of the *Planning and Development (Local Planning Schemes) Regulations 2015* which standardised a number of aspects of planning decision making.

In addition, following the *Local Government Legislation Amendment Act 2019* there have been reforms of the powers relating to authorised persons. This guideline will now also address this form of decision making.

Within the context of government administration and administrative law, this guideline:

- explains the concept of delegation;
- explains how delegations relate to or are derived from legislation;
- explains and illustrates the associated concept of 'acting through';
- provides guidance on determining which powers and duties should be delegated;
- explains the procedure for making delegations; and
- provides examples of delegations from selected powers and duties set out in the *Local Government Act 1995*, *Cat Act 2011* and *Dog Act 1976* and associated regulations.

This guideline also contains a list of various powers and duties in the *Local Government Act 1995*, *Cat Act 2011* and *Dog Act 1976* and their associated regulations and identifies powers and duties capable of delegation and to who they can be delegated.

This guideline, while making mention of delegations that can be given under the *Building Act 2011*, *Bush Fires Act 1954*, *Public Health Act 2016*, *Food Act 2008*, *Graffiti Vandalism Act 2016* does not address these acts in a comprehensive manner as they are not legislation that is administered by the Department of Local Government, Sport and Cultural Industries.

The DLGSC also notes that some state government authorities have delegated to local governments, their CEOs and employees certain functions under various acts including the *Planning and Development Act 2005* and *Environmental Protection Act 1986*.

Nothing in this guideline is intended to constitute legal advice, and independent legal advice should be sought where required.

Part 2 – How local governments make decisions

2.1. Introduction

Local Governments in Western Australia can make decisions in various ways based upon the framework established by the *Local Government Act 1995* and the varied functions conferred on local government in various other laws.

There are two critical decision making bodies in local government, the council, which is the principal decision making body and the CEO, who is conferred with certain functions under the LG Act. Other laws delegate additional powers and functions to these bodies.

2.2. Express power

Where a particular power or function is attributed to a “local government” then this power may be exercised by the Council. Likewise, where a function is directed to the “CEO” of the local government, then the CEO may exercise that power. An example of an express power is the power of delegation itself, as found in section 5.42 for the council and 5.44 for the CEO of the *Local Government Act 1995*.

A council makes decisions by the passing of a resolution, with the support of the required majority.

A CEO can make a decision in writing and may do so verbally, if permitted by the law (however, a written decision is always preferable to ensure clarity and a clear record is kept).

However, if a Council or CEO had to exercise every function they are conferred by the law, it would likely result in an unmanageable situation. As a result, the *Local Government Act 1995* and other Acts allow for a local government and the CEO, to delegate their functions, to authorise a person to exercise certain functions and where appropriate to act through.

2.3. Delegations

Case law establishes that:

- a delegation is to appoint another person to exercise a power or discharge a duty; and
- a delegation does not strip the person making the delegation of the right to exercise the delegated power or discharge the delegated duty.

Delegations are used in local government in a number of circumstances including where:

- The business of the local government could not be efficiently carried on if the council or CEO were to personally exercise their discretion to enforce all the rights or discharge all the duties; and
- Through practical administration, the council or CEO needs to appoint other employees to exercise their discretion to make decisions, exercise powers or discharge duties on behalf of the local government.

Several potential delegated functions may also be matters that may be subject to review or appeal at the State Administrative Tribunal or a court. As a result it is important that persons to whom a delegation is given are suitably qualified to make those decisions. This is important as delegating to a qualified decision maker will ensure decisions are being made by a person with suitable training and experience.

While there is a requirement for local government delegations to be authorised by the particular law (as is explained in part 3.2 of these guidelines), there is no limitation (unless expressly provided in the law) on appointing a person to act on behalf of the local government or the CEO, provided the delegated power does not include the power of delegation itself.

Likewise certain functions in various laws may be exercised by a person with an authorisation given under the relevant law. These authorised persons can then exercise the particular functions that the authorised class of persons may exercise.

There is a legal distinction between a delegation and an authorisation. A delegation entails the conferral of full discretionary powers pursuant to an express statutory power. A delegate makes a decision in their own

name. An authorisation is an authority granted to a position or person to undertake a function for and on behalf of the authoriser. The authorised person makes a decision in the name of the authoriser, not their own name.

2.4. Authorisation

The *Local Government Act 1995* and various other Acts confer functions on authorised persons. These include powers to:

- enter onto property, subject to that law with or without the approval of the owner or occupier
- issue an infringement for a breach of the law
- seize or impound goods or animals in accordance with that law.

Some local laws confer functions on 'authorised persons' for the purpose of the relevant local law. Once an employee is appointed as an 'authorised person', it is not necessary for the CEO or council to delegate any powers to that employee in order for that employee to exercise the functions of an authorised person. This includes the function of issuing an infringement notice.

However if the particular function in the local law is that of 'local government' or 'CEO' then those functions would require delegation, not an authorisation.

The functions of an authorised person are specifically highlighted in the relevant law and an authorisation allows them to exercise only those powers. An authorisation does not allow a person to exercise all the powers of a local government under that law. An authorisation can also be conditional.

For the purposes of the:

- *Local Government Act 1995*,
- *Caravan Parks and Camping Grounds Act 1995*,
- *Cat Act 2011*,
- *Cemeteries Act 1986*,
- *Control of Vehicles (Off-road Areas) Act 1978*,
- *Dog Act 1976*; and
- any subsidiary legislation made under those Acts, which includes regulations and local laws.

A person may be authorised to carry out the functions of an authorised person under those acts by section 9.10 of the *Local Government Act 1995*. Section 9.10 provides that a local government CEO may appoint in writing persons or a class of persons as authorised persons for one or more of those laws and may specify conditions or limitations. The CEO must issue each person appointed under section 9.10 an identity card which includes the name and insignia of the local government, the name and photograph of the person and details of their appointment.

Other legislation providing for authorisation (or equivalent) are:

- *Public Health Act 2016* – Section 24 provides for an enforcement agency (a local government) to designate authorised officers, noting section 25 requires certain qualifications.
- *Food Act 2008* – Section 122 provides for the appointment of authorised officers who are suitably qualified to carry out the functions of an authorised officer.
- *Planning and Development Act 2005* – Section 234 provides for the appointment of a designated person for the purposes of sections 228, 229, 230 and 231.
- *Planning and Development (Local Planning Scheme) Regulations 2015* – Schedule 2, clause 79 allows for the CEO of a local government to appoint an officer of the local government as an authorised officer for the purpose of monitoring compliance with the local planning scheme.
- *Building Act 2011* – Section 96 provides for the designation of authorised persons under that act.
- *Building Regulations 2012* – Regulation 70 deals with approved officers and authorised officers.
- *Litter Act 1979* – Section 26 establishes that council members and employees are authorised officers for the purpose of that act. Section 27AA allows for the appointment of honorary inspectors.
- *Tobacco Products Control Act 2006* – Section 77 provides for the appointment of restricted investigators.

- *Bush Fires Act 1954* – Section 38 deals with the appointment of Bush Fire Control Officers by local governments.
- *Health (Miscellaneous Provisions) Act 1911* – Section 26 allows a local government to appoint a deputy to exercise all of the powers and functions of the local government under that Act.

An example of a section providing power to an authorised person is section 9.16(1) of the *Local Government Act 1995*, which provides:

- (1) *An authorised person who has reason to believe that a person has committed a prescribed offence against a regulation or local law made under this Act may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.*

2.5. Implied authorisation

Some legislation that local governments administer do not include any power of delegation or authorisation, as a result this would typically require the council to exercise that function. However, as a result of the decision in *Carltona Ltd v Commissioner of Works* [1943] 2 All ER 560 which has been introduced into Australian common law by cases such as *O'Reilly v State Bank of Victoria Commissioners* [1983] HCA 47 there is a concept of implied authorisation.

Implied authorisation provides that where:

- a law does not provide a manner to delegate or authorise a person to carry out a function; and
- where that person is normally too busy to exercise the many and varied statutory functions placed on them personally that, of necessity, they must either delegate or act through an agent.

The DLGSC does not recommend that implied authorisation be relied upon without obtaining independent legal advice based upon the specifics of the decision. It is recommended that where an implied authority is relied on, an instrument of authorisation be adopted by the Council or CEO, giving authority for the authorised person to exercise the relevant function on their behalf such as a Council policy or CEO's procedure.

Implied authorisation is highlighted in the case of the certificates issued under sections 39 and 40 of the *Liquor Control Act 1988* for local governments which have several potential venues that can serve liquor. The issue of these certificates is not a decision relying on discretion as it provides advice if the venue has the relevant planning, building, health and other local law approvals. To produce this certificate a local government employee needs to search the relevant records and provide the specific facts of previous decisions relating to that property. As a result, the decision can be described in the context of larger local governments as being a situation where:

- a law does not provide a manner to delegate or authorise a person to carry out the council's functions under sections 39 and 40;
- the council is normally too busy to deal with these matters on top of the many and varied statutory functions placed on them;
- there is no discretion, and the task is ultimately operational and administrative; and
- of necessity, the council either delegate or act through an agent.

It is encouraged that a council adopt a policy or some other form of standing resolution or policy, based on independent legal advice, indicating that it grants authority for appropriate local government officers to exercise the functions under sections 39 and 40 of the *Liquor Control Act 1988* on its behalf.

2.6. Acting through

In addition to covering delegations, the *Local Government Act 1995* provides for 'acting through'. Section 5.45 of the Act states that in relation to delegations, nothing prevents a 'local government from performing any of its functions by acting through a person other than the CEO' or 'a CEO from performing any of his or her functions by acting through another person'.

The Act does not specifically define the meaning of the term 'acting through'. However, 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. Where a person has no discretion in carrying out a function, then that

function may be undertaken by another 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 administrative purposes, a person may sign a letter on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

It is critical in understanding the types of functions that are appropriate for 'acting through' another person in preference to delegation. This can be demonstrated through the following example. In this case, the council gives the CEO the power to call tenders subject to certain cost parameters. If that power is delegated, the CEO could call tenders if the CEO believed the cost parameters had been satisfied (even if the council's opinion was different to the CEO's opinion). However, under an 'acting through' arrangement, the CEO could only call tenders if the council was satisfied about the cost parameters.

2.7. Authority through policy and procedures

Another method of providing decision making authority can be through the policies adopted by the council and the procedures prepared by the CEO.

For example, the purchasing policy adopted by the council should provide authority for the CEO and other employees the CEO authorises to incur liabilities and procure goods and services for the local government.

Likewise, the CEO's procedure on the proper maintenance and security of the financial records of the local government may set out who can make amendments to the financial journals and the like.

Using policy and procedures in this matter can assist in establishing decision making frameworks where no specific function is provided in the relevant legislation.

2.8. Operational authority and decisions

Another notable form of decision-making power is the general operational authority of the CEO and other employees of the local government. This authority stems from the CEO's function to manage the day to day operations of the local government, employee and manage staff and their duties under the *Work Health and Safety Act 2020*. This includes matters relating to human resources and work health and safety as except for the employment of the CEO and senior employees (if designated pursuant to section 5.37(1)), the responsibilities of the employer are exercised by the CEO and other supervisory staff.

2.9. Delegations by the State Government to local government

Certain functions of the State Government have been delegated to local governments or employees of those local governments. These include delegations under the *Planning and Development Act 2005* and *Environmental Protection Act 1986*. Local governments should ensure they read and understand the powers and conditions of any delegated authority given to them by the State.

In particular some delegations may be direct to the CEO of the local government meaning that the council of a local government does not have a role in making that decision.

Information regarding delegations to a local government should be sought from the relevant authority making the delegation.

Part 3 – Power to delegate

3.1. Legislative powers for delegations in local government

The legislation authorising the delegation of certain local government powers or duties and requiring records to be maintained in respect of such delegations, includes the:

- *Local Government Act 1995*;
- *Building Act 2011*;
- *Bush Fires Act 1954*;
- *Cat Act 2011*;

- *Dog Act 1976*;
- *Food Act 2008*;
- *Graffiti Vandalism Act 2016*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- *Public Health Act 2016*;

3.1.1. Local Government Act 1995

The provisions of the *Local Government Act 1995* which provide for delegations by a local government or its CEO are as follows:

- Section 5.16(1), states: 'Under and subject to section 5.17, a local government may delegate to a committee any of its powers and duties other than this power of delegation.'
- Section 5.42(1), states: 'A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2),(3) or (5).'
- Section 5.44(1), states: 'A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.'

The Act has been framed in a way that determines whether powers and duties can be delegated or not, namely:

- If the term 'council' or 'by resolution' is used, then it is the council itself which must carry out that function.
- If the term 'local government' is used then delegation may be possible, subject to any other express powers against delegation.
- If the term 'the CEO' is used then unless expressly provided otherwise, the CEO may delegate that function.

Section 2 of the *Local Government (Miscellaneous Provisions) Act 1960* effectively incorporates the provisions of that Act into the *Local Government Act 1995*, and therefore the delegation provisions of the *Local Government Act 1995* apply to the *Local Government (Miscellaneous Provisions) Act 1960*.

Further under section 46 of the Interpretation Act 1984, "a reference in a written law to a written law shall be construed so as to include a reference to any subsidiary legislation made under that written law". As a result the powers of delegation within the *Local Government Act 1995* extend to the Regulations and local laws made under that Act.

3.1.2. Building Act 2011

Section 127 of the *Building Act 2011* provides that a local government may delegate any of its powers or duties as a permit authority under another provision of this Act. This section further provides that a delegation of a local government's powers or duties may be only to a local government employee but not a committee.

Section 127(6A) further provides for the CEO to delegate functions delegated to them by the Council under that Act.

It is noted that subsection (7), provides 'nothing in this section limits the ability of the delegator to perform a function through an officer or agent' giving effect to acting through under this Act.

3.1.3. Bush Fires Act 1954

Section 48 of the *Bush Fires Act 1954* provides for a local government to delegate powers to its CEO, stating that:

'A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.'

It is particularly noted that there is no power of sub-delegation under the *Bush Fires Act 1954*, meaning only the Council or CEO may exercise powers under that Act except for two sections being:

- Section 17, where this function can be delegated to the Mayor/President and the Chief Bush Fire Control Officer jointly.
- Section 59 and 59A where the local government may delegate to a bush fire control officer or other officer to prosecute offences against that act and to issue infringement notices.

Section 48 further provides, 'nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business'.

3.1.4. Cat Act 2011

Sections 44 and 45 of the *Cat Act 2011* provide for the council to be able to delegate its functions to the CEO, and the CEO to delegate their functions to employees. Section 46(2) provides for acting through.

It also requires under section 47, a register of delegations to be kept, the delegations to be reviewed each financial year and records of the discharge of delegated duties to be kept.

3.1.5. Dog Act 1976

Section 10AA of the *Dog Act 1976* provides for the council to delegate its powers or duties, under that Act to the CEO. Unlike the *Cat Act 2011* or *Local Government Act 1995* the *Dog Act 1976* provides that a delegation may expressly authorise the delegate to further delegate the power or duty. This means that the CEO can further delegate a duty or power delegated to them under that Act, but only where the delegation given by Council expressly authorises this. Section 10AA(5) provides for acting through.

Section 10AB requires a register of delegations to be kept as well as review of those delegations each financial year.

3.1.6. Food Act 2008

The *Food Act 2008* confers many functions upon enforcement agencies, which include local governments. Section 118(2) of the *Food Act 2008* provides:

'A function conferred or imposed on an enforcement agency may be delegated —

...

(b) if the enforcement agency is a local government... — subject to subsections (3) and (4), in accordance with the regulations.'

Section 118(3) references that the performance of functions by delegates may be restricted in accordance with conditions imposed by the CEO of the department of the State Government administering the *Food Act 2008*, which at this time is the Director General of the Department of Health. It further refers to any guidelines adopted by the CEO of the Department of the State Government administering the *Food Act 2008* which must be adhered to by delegates in the performance of their duties.

Section 118(4) provides that regulations may make provision for sub-delegation.

The *Food Act 2008* does not address acting through.

The DLGSC notes that, at this time, no regulations have been made under the *Food Act 2008* allowing for delegation by local governments. As a result, any delegations purportedly made by a local government under this Act are not valid. Local governments should obtain legal advice about how to appropriately exercise their functions under this Act.

3.1.7. Graffiti Vandalism Act 2016

Section 16 of the *Graffiti Vandalism Act 2016* provides for the council to delegate the local governments functions under that Act to the CEO. Section 17 provides for the CEO to likewise delegate any of their functions and any function delegated to them, to the employees of the local government.

3.1.8. Planning and Development Act 2005

A local government has no power to delegate under the *Planning and Development Act 2005*. Therefore any discretionary decision-making function under that Act may only be exercised by the council. Those functions relate to implementation of the decision of Council can be carried out administratively (e.g. issuing public notice of a planning scheme amendment).

Section 5.42 of the *Local Government Act 1995* provides that a local government can delegate its powers under section 214(2),(3) and (5) of the *Planning and Development Act 2005* to its CEO.

The *Planning and Development (Local Planning Scheme) Regulations 2015*, in Schedule 2 set out the model scheme text that applies to all local planning schemes. In Part 10, Clause 82 of that Schedule the council, by absolute majority, may delegate to a committee or the CEO the exercise of any of the local government's powers or duties under the scheme. Clause 83 allows the CEO to delegate their functions and duties, including those delegated by the Council to employees of the local government.

Clause 84 also applies sections 5.45 and 5.46 of the *Local Government Act 1995* to delegations under the *Planning and Development (Local Planning Scheme) Regulations 2015*. This means provision is made for acting through and there is a requirement to maintain delegations in a register and review those delegations each financial year.

3.1.9. Public Health Act 2016

Local governments are enforcement agencies under section 4 of the *Public Health Act 2016*. Section 21 allows enforcement agencies, that are local governments to delegate their powers or duties to either their CEO or an authorised officer, designated under that Act.

Section 21 also provides for sub-delegation if it is expressly provided for in regulations. At this time no regulations have been made permitting sub-delegation, as a result the CEO cannot delegate any of their functions under this Act to employees. Instead, the council can directly delegate functions to authorised officers, such as the environmental health officer.

3.2. Legislative powers to delegate relate only to the Act in which they are contained

Some local governments have mistakenly attempted to use the legislative powers of delegation contained in one Act to delegate a power or duty contained in another Act. Unless expressly stated to the contrary, a legislative power to delegate only relates to the powers or duties under the Act in which the delegation power is located.

It is not possible to, for example, rely on section 5.42(1) of the *Local Government Act 1995* to delegate any of a local government's powers under the *Bush Fires Act 1954* to a CEO. Any delegation by a local government of its powers under the *Bush Fires Act 1954* can only be delegated by the delegation provisions of that Act.

Likewise, some local governments have mistakenly tried to use the powers of delegation in the *Local Government Act 1995* to delegate functions which are not found in the Act such as the appointment of consultants, the giving of sponsorship or the approval of public art. A delegation under the *Local Government Act 1995* can only be given relating to a specific function that is provided in the *Local Government Act 1995*, regulations or a local law. In relation to the three examples provided:

- Consultants provide a service, they accordingly are procured in accordance with the local government's purchasing policy and the approval process contained in that policy, or through a public tender under the *Local Government (Functions and General) Regulations 1996*. Some functions relating to tenders can be delegated to the CEO and by the CEO to employees however there is not a specific function in those regulations relating to consultants. It is possible to place conditions on a delegation relating to the procurement of consultants, however this cannot be a delegated function in and of itself.
- Sponsorship or grants are not provided for specifically in the *Local Government Act 1995*. It is also not normally considered procurement. Typically these matters are dealt with in council policy and the CEO's procedures, which can provide an approval mechanism for the giving of sponsorship and grants. While there is a legislative power to make payments from the local government bank account, this does not deal particularly with sponsorship. Like consultants, it is possible to place conditions on a delegation relating to the procurement of consultants, however this cannot be a delegated function in and of itself.

- Public art is a typical part of a development approval process, as a result this matter should be dealt with through a delegation under the *Planning and Development (Local Planning Schemes) Regulations 2015* or a policy addressing public art.

3.3. The rule against sub-delegation

Notwithstanding that only some of the relevant legislation expressly prohibits sub delegation, the common law prohibits sub delegation unless it is expressly provided for by legislation.

For the avoidance of doubt, an example of sub-delegation is where person A is delegated to exercise a power and they attempt to delegate to person B to exercise the power which was originally delegated to person A.

An example is the *Bush Fires Act 1954*. Unlike the *Local Government Act 1995*, the *Bush Fires Act 1954* does not provide for a CEO to delegate to another employee to exercise the powers delegated by council to the CEO under section 48 of that Act. Therefore, only the CEO may exercise the powers delegated by council to the CEO under that Act.

3.4. Statutory limitations on delegations

There are limitations on all of the above legislative provisions which provide for the delegation of powers and duties.

Many of the limitations relate to sub-delegation. Other limitations include whether the delegation must be in writing, what types of powers and duties can be delegated and what type of majority decision is required to delegate a power or duty.

Not all the limitations can be addressed in this operational guideline, due to their number and detail. However, most of the limitation provisions are located close to the provisions which provide for the delegations.

As the *Local Government Act 1995* is the Act under which most delegations will be made by local government, this guideline will discuss the limitations on delegations contained within that Act.

3.4.1. Delegations to committees

Section 5.17 of the *Local Government Act 1995* provides limitations on what powers and duties a local government can delegate to its committees. Section 5.17(1) limits the powers and duties which can be delegated to committees, according to the types of members which constitute the committees for example:

- Council members only;
- Council members and employees only;
- Council members and other persons only;
- Council members, employees and other persons; or
- Employees and other persons only.

Section 5.17(2) prohibits absolutely the delegation of any powers or duties to committees comprised of other persons only (no council members or employees).

3.4.2. Delegations to the CEO

Sections 5.43(a) to 5.43(i) of the *Local Government Act 1995* provide limitations on what powers and duties a council can delegate to its CEO, as follows:

- any power or duty that requires a decision of an absolute majority of the council;
- accepting a tender which exceeds an amount determined by the council;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the council;
- any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred in section 9.5;

- the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government; or
- any power or duty that requires the approval of the Minister or the Governor.

Section 5.43(i) of the Act provides for regulations to prescribe further powers or duties which cannot be delegated to the CEO.

The following regulations prescribe powers and duties which cannot be delegated to a CEO:

Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under sections 7.12A(2), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to duties of a local government with respect to audits). Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

3.4.3. Delegations to other local government employees

Section 5.44(1) of the *Local Government Act 1995* provides for the CEO to make delegations to other employees.

The obvious main limitation of section 5.44(1) is that it expressly prohibits any sub-delegation of the power to delegate. This means that once the CEO has delegated a power or duty to an employee or employees, that power or duty cannot be on-delegated to other employees.

Just as a delegation to a CEO by a council may be done with conditions attached, when delegating to another employee a CEO may attach conditions to the delegation, provided that the CEO does not purport to delegate more powers or duties to the other employee than were delegated to the CEO.

Part 4 – Responsibilities of delegates

4.1. Powers under the Interpretation Act 1984

Section 59 of the *Interpretation Act 1984* explains the particular elements of the power to delegate when it appears in various Acts. It states:

'Construction of Power to Delegate

- (1) Where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law –
 - (a) such a delegation shall not preclude a person so delegating from exercising or performing at any time a power or duty so delegated;
 - (b) such a delegation may be made subject to such conditions, qualifications, limitations or exceptions as the person so delegating may specify;
 - (c) if the delegation may be made only with the approval of some person, such delegation, and any amendment of the delegation, may be made subject to such conditions, qualifications, limitations or exceptions as the person whose approval is required may specify;
 - (d) such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office;
 - (e) such a delegation may be amended or revoked by instrument in writing signed by the person so delegating;
 - (f) in the case of a power conferred upon a person by reference to the term designating an office, such a delegation shall not cease to have effect by reason only of a change in the person lawfully acting in or performing the functions of that office.
- (2) The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.
- (3) Where under a written law an act or thing may or is required to be done to, by reference to or in relation to, a person and that person has under a written law delegated a relevant function conferred or imposed on him with respect to or in consequence of the doing of that act or thing, the act or thing shall be

regarded as effectually done if done to, by reference to or in relation to the person to whom the function has been delegated.'

It is important to be aware that under these provisions, the delegator retains the power to make decisions, despite the fact that a delegation has occurred.

Also, in situations when a number of people occupy a particular office throughout either the day or week (e.g. ranger officers), a delegation by office enables an employee who occupies that office for the time being, to exercise the powers and duties delegated to that office.

A delegation by office will also enable an employee who temporarily occupies an office, say in an acting role whilst the normal occupier of the office is sick, to efficiently exercise the powers and duties delegated to that office, without the need to go through the delegation process again. Care needs to be taken in ensuring that the person has the appropriate qualifications where required.

When delegating by office, it is essential to ensure that the office described is a distinctly identifiable office (for example Manager, Corporate Services). It is also good practice to ensure, where lawful, delegations follow the line of management. That means where an employee has a delegation, their manager also has that delegation.

4.2. Records of delegations

The requirements to keep records of delegations to committees, CEOs and other employees are contained in sections 5.18 and 5.46 of the *Local Government Act 1995*.

In relation to delegations to committees, section 5.18 states that:

'A local government is to keep a register of the delegations made [to committees] under this Division and review the delegations at least once every financial year.'

In relation to delegations to CEOs and other employees, section 5.46 states that:

The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

The registers of delegations to committees and the CEO should include details of the resolutions which record the delegation (and any conditions) and can be kept in an electronic or paper format. In the case of a delegation from the CEO to an officer the register should also contain a copy of the memorandum/instrument of delegation.

Obligations are imposed on the recipients of delegated powers and duties. Under section 5.46 of the *Local Government Act 1995*, regulation 19 of the *Local Government (Administration) Regulations 1996* requires delegates to keep a record of each occasion on which they exercise the powers or discharge the duties delegated to them, stating that:

'Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of-

- (a) how the person exercised the power or discharged the duty;*
- (b) when the person exercised the power or discharged the duty; and*
- (c) 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.'*

This provision does not necessarily require the keeping of a register and other efficient record keeping practices would be sufficient. However, it is recommended that such systems provide for accessible accountability of the performance of these tasks.

4.3. Delegates to disclose interests and lodge returns

Part 5 Division 6 of the *Local Government Act 1995* (disclosure of financial interests) also applies to delegates of powers and duties.

Section 5.71 states that:

'If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:

- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and*
- (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.*

Penalty: \$10,000 or imprisonment for 2 years.'

Sections 5.75 and 5.76 of the *Local Government Act 1995* require employees who have been delegated powers or duties to lodge primary and annual returns. Sections 5.75 and 5.76 state:

5.75 Primary Returns

- (1) A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.*
- (2) A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.*
- (3) This section does not apply to a person who:*
 - (a) has lodged a return within the previous year; or*
 - (b) has, within 3 months of the start day, ceased to be a relevant person.*

Penalty: \$10,000 or imprisonment for 2 years.

5.76 Annual returns

- (1) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.*
- (2) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.*

Penalty applicable to subsections (1) and (2): \$10,000 or imprisonment for 2 years.

'Relevant person' includes a 'designated employee' who has been delegated a power or duty.

Section 5.78 of the *Local Government Act 1995* prescribes the information which must be included in the primary and annual returns.

Where an officer acts temporarily in a position with delegated power, that person will need to complete a financial interest return unless they have only acted in that position for less than 3 months.

It is noted that the requirement to complete a primary and annual return applies to delegations given under Part 5, Division 4 of the *Local Government Act 1995*, and not to delegations given under other acts.

Part 5 – Determining what should be delegated

A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the circumstances of each local government.

A local government council is unable to deal with all the numerous issues and duties concerning its local government. As far as is possible and reasonable, councils should be predominantly concerned with dealing with higher level policy matters for their local governments. Councils should not be involved in administrative matters. Duties and powers which are operational in nature but exercise a discretion should be delegated to the CEO.

Powers and duties can be delegated to CEOs with comprehensive conditions attached. The conditions limit the exercise of powers or discharge of duties to circumstances prescribed by the council. For example, a development application which does not satisfy the conditions attached to a delegation, must be referred to the council for determination.

It is important to again note the difference between a delegation of a power or duty and the implementation of a council or CEO decision – see section 4 of this guideline in relation to ‘acting through’.

An example of carrying out a council decision (compared to exercising a delegated power or duty) is where a council approves an annual budget which includes the expenditure of \$40,000 for particular road maintenance to be carried out by employees. Employees do not need to be delegated the power to carry out their operational functions.

In the example above, if the relevant employees believe it is necessary to spend more funds than approved in the budget, they must refer that matter to the council for its approval – the adoption of an annual budget can only be done by an absolute majority of council, which under section 5.43(a) of the *Local Government Act 1995* cannot be delegated to the CEO or any other employee.

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government’s operations whilst ensuring that its policies are consistently implemented. See the attached schedule which lists those items where acting through would be a suitable mechanism for achieving that efficiency. Local governments also need to consider the content of their local laws and whether delegation may be necessary in some circumstances. It is important to note that ‘authorised persons’, however, can normally carry out the ‘policing’ type powers in local laws.

5.1. Procedure for delegations by council

This part considers the procedure for council to make a delegation.

When CEOs identify a duty or power of the local government which can be delegated and they believe that if it is delegated it will provide better efficiency, they should put the proposed delegation to their council, for approval.

A recommendation to council for a delegation is relatively straightforward. The essential elements of a delegation recommendation are:

- correct and accurate identification of the power or duty to be delegated;
- correct and accurate identification of the person or office to whom or which the power or duty is to be delegated;
- correct and accurate definition of the circumstances (if any) in which the power or duty can be exercised or discharged; and
- conditions on the exercise of the power or discharge of the duty.

It is important to note again that all delegations by council require an absolute majority decision.

Once a delegation has been made by council, the delegation must be recorded in the delegation register.

Under regulation 19 of the *Local Government (Administration) Regulations 1996*, the delegate must keep written records of when and how they exercise the delegated power or discharge the delegated duty, and the persons or classes of persons affected by the exercise of the power or discharge of the duty.

5.2. Procedure for delegations by CEO

Similarly to delegations by councils, delegations by CEOs must accurately and correctly identify all elements of the delegation.

Employee proposals for delegations (for themselves or for other employees) should be provided to the CEO. The recommendations should be in a format similar to recommendations for delegations by councils.

As with delegations by council, written records of delegations by the CEO must be kept in the delegations register and delegates must keep records of their exercise of delegated powers or discharge of delegated duties.

Schedule of powers and duties

The attached schedule lists the powers and duties under the *Local Government Act 1995, Cat Act 2011, Dog Act 1976* (with associated regulations) which cannot be delegated, those that can be delegated, and to whom the powers and duties can be delegated. It additionally highlights those duties that are for an authorised person. It also lists those matters where 'acting through' may be the most practical way of carrying out those functions.

It is not suggested that all of the powers and duties which can be delegated should be delegated – the schedule is provided only as an indication of what can be delegated if it is appropriate for a particular local government. Each local government will need to consider their own circumstances, including the expertise of proposed delegates, when deciding on a course of action.

Local Government Act 1995 and Regulations

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
Part 2 – Constitution of Local Government							
2.11(2)	Changing the method of electing the mayor or president	Yes					Absolute majority required.
2.12A(1)(c)	Giving local public notice of proposal		Yes				
2.12A(2)	Deciding to conduct a poll of electors to change the method of election for the mayor/president to election by council	Yes					
Schedule 2.1, clause 2	Making a proposal to the advisory board for a matter set out in section 2.1 of the Act		Sometimes				While this function could be delegated, the Local Government Advisory Board may request the council consider the proposal.
Schedule 2.2, clause 4	Dealing with a submission made by electors, to change, wards or the number of councillors	Yes					Absolute majority required.
Schedule 2.2, clause 5 & 9	Making a proposal to the Advisory Board or Minister to change wards or the number of councillors	Yes					Absolute majority required.
Schedule 2.2, clause 6	Review of wards		Yes	Yes	Yes		
Schedule 2.2, clause 7	Giving public notice of review		Yes				
Part 3 – Functions of Local Government and <i>Local Government (Functions and General) Regulations 1996</i>							
3.5, 3.6 and 3.12(4)	Making of a local law, including making of a local law that applies outside its district with the Governors approval	Yes					Absolute majority required.
3.12(3), (5) and (6)	Giving local public notice of a local law and publication in the gazette		Yes				
3.15	Ensuring people are informed of the purpose and effect of all local laws		Yes				
3.16(1), (2) and (3)	Giving public notice of the review of a local law, considering submissions and preparing a report at a council meeting		Yes				
3.16(4)	Determining if a local law should be amended or repealed	Yes					Absolute majority required.
3.18, 3.19, 3.20 & 3.21	Duties when performing executive functions		Yes				
3.22(1)	Payment of compensation when the local government causes damage through the performance of the local government's functions under the Act, regulations or local laws				Yes		
3.24	Authorising persons to exercise the functions under Part 3, Division 3, Subdivision 2 of the Act				Yes		
3.25 – 3.27	Issue of notices requiring an owner or occupier to take action in relation to a matter set out in Schedule 3.1 and 3.2 of the Act and taking of action if a person does not comply.					Yes	Authorised under section 3.24, not section 9.10.
3.31	After giving notice of entry a person may enter onto land					Yes	
3.34	A local government may enter land in an emergency without notice or consent and giving of notice of entry where it is practical to do so		Yes		Yes		
3.36	A local government may make an opening in a fence to do works on property subject to providing the owner or occupier with 3 days written notice		Yes		Yes		
3.39	Removal and impounding of goods					Yes	

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
3.40	Impounding of goods in or on a vehicle		Yes			Yes	
3.40A(1)	Removal and impounding of abandoned vehicle wreck					Yes	
3.40A(2), (4) and (5)	Giving of notices and declaring a vehicle an abandoned vehicle wreck		Yes		Yes		
3.42	Giving of notice of impounded non-perishable goods		Yes				
3.44	Giving notice of the place where an alleged offender may collect their goods		Yes				
3.46	Refuse to allow release of impounded or removed goods until costs are paid		Yes				
3.47	Disposal of confiscated or uncollected goods		Yes		Yes		
3.47A	Euthanasia of an impounded animal that is too ill or injured to be practically treated		Yes		Yes		
3.48	Recovery of costs through court for impounding expenses		Yes		Yes		
3.50	Closing a throughfare		Yes		Yes		
3.50A	Partially closing a throughfare		Yes		Yes		
3.51	Notifying persons of alteration or realignment or draining of a throughfare		Yes				
3.52	Duty to keep throughfares otherwise open and make plans available		Yes				
3.53(3)	Making agreement on control and management of otherwise unvested facility that lies within 2 or more local government districts			Yes	Yes		
3.54	Doing anything that a board appointed under the <i>Parks and Reserves Act 1895</i> could do on land reserved under the <i>Land Administration Act 1997</i> and placed under the control and management of the local government.		Yes	Yes	Yes		
3.57	Inviting tenders prior to entry into contract of a prescribed kind			Yes (limited)	Yes (limited)		Must include monetary limit of amount that the CEO can enter into a contract for.
3.58	Disposal of property			Yes (limited)	Yes (limited)		Must include maximum value that the CEO can dispose of property.
3.59(2), (3) & (4)	Preparation of business plan and giving of public notice for major trading undertaking or major land transaction		Yes				
3.59(5)	Deciding if to proceed with major land transaction or major trading undertaking	Yes					Absolute majority required.
3.61, 3.65	Decisions to establish regional local government or amend establishment agreement	Yes					Ministerial approval required.
3.69, 3.70	Decisions to establish regional subsidiary or amend regional subsidiary charter	Yes					Ministerial approval required. Absolute majority required under Minister's policy.
F&G Reg 10	Preparation of the business plan		Yes				
F&G Reg 11A	Preparation and adoption of purchasing policy			Yes	Yes		
F&G Reg 11(2)(f)	Determining that the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and as a result not inviting tenders for a contract exceeding \$250,000.			Yes	Yes		
F&G Reg 11(2)(h)	Determining that the local government is satisfied that the contract represents value for money and entering into the contract with that person who satisfies the other criteria in regulation 11(2)(h).			Yes	Yes		
F&G Reg 11(3)	Determining that that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the			Yes	Yes		

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
	state of emergency declaration relates for the purpose of regulation 11(2)(aa).						
F&G Reg 14(2a)	Determine in writing the criteria for deciding which tender should be accepted			Yes	Yes		
F&G Reg 14(5)	After a notice has been given under subregulation (1) or (2), vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation		Yes		Yes		
F&G Reg 18(4)	Assess, tenders that have not been rejected under subregulation (1), (2), or (3) by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.			Yes	Yes		This assessment is typically conducted by a tender assessment panel, the decision to accept the tender should however be made by a delegate. Note the ability to accept a tender must be limited to a monetary amount by the council under section 5.43.
F&G Reg 18(4a)	Request a tenderer to clarify the information provided in the tender		Yes		Yes		
F&G Reg 18(5)	Decline to accept any tender			Yes	Yes		
F&G Reg 18(6)&(7)	Accept the next most advantageous tender, where the local government is unable to form a contract with the originally successful tenderer, or the original successful tenderer terminates the contract.			Yes	Yes		
F&G Reg 20(1)	Making a minor variation to the goods and services required prior to entering into a contract with the successful tenderer			Yes	Yes		
F&G Reg 20(2)	If the successful tenderer is unable to enter into the contract to supply the varied requirements, choose the next most advantageous tenderer.			Yes	Yes		
F&G Reg 21	Decide to seek expressions of interest to make a preliminary selection from among potential tenderers			Yes	Yes		
F&G Reg 23	Considering the expressions of interest received		Yes				It is the CEO's responsibility to list those persons who are satisfactory as acceptable tenderers.
F&G Reg 24AB	Establish a panel of pre-qualified suppliers to supply particular goods or services to the local government			Yes	Yes		
F&G Reg 24AC	Be satisfied that there is, or will be, a continuing need for the particular goods or services to be supplied by pre-qualified suppliers.			Yes	Yes		
F&G Reg 24AD(3)	Determine in writing the criteria for deciding which applications should be accepted.			Yes	Yes		
F&G Reg 24AD(6)	Vary the information referred to in subregulations (4) and (5) by taking reasonable steps to give each person who has sought detailed information about the proposed panel or each person who has submitted an application, as the case may be, notice of the variation.		Yes		Yes		
F&G Reg 24AH(3)	Assess the by means of a written evaluation of the extent to which each application satisfies the criteria for deciding which applications to accept and it is to decide which of them (if any) it thinks it would be most advantageous to the local government to accept.			Yes	Yes		This assessment is typically conducted by a panel of tenderers, the decision to accept a person onto a panel should however be made by a delegate.
F&G Reg 24AH(4)	Request an applicant clarify the information provided in their application		Yes		Yes		
F&G Reg 18(5)	Decline to accept any tender			Yes	Yes		

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
F&G Reg 24AJ	Enter into a contract, or contracts, for the supply of goods or services with a pre-qualified supplier who is part of a panel of pre-qualified suppliers for the supply of those particular goods or services.			Yes	Yes		
F&G Reg 24C & 24G	Give a regional price preference in accordance with Part 4A of the <i>Local Government (Functions and General) Regulations 1996</i> . Choose not to apply the regional price preference for a particular tender.			Yes	Yes		
F&G Reg 24E & 24F	Prepare and adopt a regional price preference policy in accordance with regulation 24E of the <i>Local Government (Functions and General) Regulations 1996</i> .			Yes	Yes		
F&G Reg 30(2)(a)	Consider that that ownership of the land would be of significant benefit to anyone other than the transferee and dispose of land worth less than \$5000 accordingly.			Yes	Yes		
F&G Reg 30(2a)(a)	Fix the reserve price for disposal of property by public auction			Yes	Yes		
F&G Reg 32	Form or take part in the forming of a body corporate under the <i>Incorporated Associations Act 2015, Strata Titles Act 1985 or Community Titles Act 2018</i> .			Yes	Yes		
Part 4 – Elections and other polls and <i>Local Government (Elections) Regulations 1997</i>							
4.20(2)	Appointing a person other than the CEO or electoral commissioner to conduct an election	Yes					Absolute majority required.
4.20(4)	Appointing the Electoral Commissioner to conduct an election	Yes					Absolute majority required.
4.61(2)	Deciding to conduct an election as a postal election	Yes					Absolute majority required.
Election Reg 9 and 91	Agree the fees to be paid to an electoral officer or electoral commission		Yes		Yes		
Election Reg 17	Retention of enrolment eligibility claim forms and notices		Yes		Yes		
Election Reg 28(1b)	Credit the deposit to the fund of the local government		Yes		Yes		
Election Reg 89	Conduct a poll in the manner considered appropriate in the circumstances described in subregulation (1).				Yes		
Part 5 – Administration and <i>Local Government (Administration) Regulations 1996</i>							
5.8	Establishment of committees	Yes					Absolute majority required.
5.10	Appointment of members of a committee	Yes					Absolute majority required.
5.11A	Appointment of deputy members of a committee	Yes					Absolute majority required.
5.15	Reduction of quorum for committee	Yes					Absolute majority required.
5.16	Delegation of powers and duties to a committee	Yes					Absolute majority required.
5.18	Keeping a register of delegations to committees and reviewing those delegations		Yes				
5.27(2)	Setting the date of electors general meeting				Yes		
5.36(1) & (2)	Employment of the CEO	Yes					Absolute majority required.
5.36(4)	Advertising a vacancy in the role of CEO		Yes				
5.37(1)	Designation of senior employees			Yes	Yes		
5.37(3)	Advertising a vacancy in a senior employee role		Yes				
5.38(1)	Review of the performance of the CEO	Yes					Absolute majority required by the CEO standards.
5.39(8)	Ensuring the CEO is paid in accordance with the determination of the Salaries and Allowances Tribunal	Yes					As the council is the CEO's employer, it is only appropriate that the council carry out this duty.
5.39B	Adoption or amendment to CEO standards	Yes					Absolute majority required.
5.39C	Adoption or amendment of policy for temporary employment or appointment of a CEO	Yes					Absolute majority required.

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
5.42	Delegation of powers and duties to the CEO, subject to section 5.43 and any regulations	Yes					Absolute majority required.
5.50(1)	Preparation of a policy for termination payments above the contract or award			Yes	Yes		
5.50(2)	Payment of an amount to an employee whose employment is ended that is above the amount set out in the policy			Yes	Yes		
5.53(1)	Preparation of the annual report		Yes				
5.54	Acceptance of annual report	Yes					Absolute majority required.
5.56	Planning for the future		Yes				Note that the Administration Regulations establish a number of duties relating to the preparation of plans for the future.
5.62(1B)(a)(ii)	Approval, in accordance with the event attendance policy, a person's attendance at an event, to enable the ticket or attendance at an event to become an excluded gift				Yes		
5.74(1) definition of designated employee	Nomination of a designated employee				Yes		
5.90A	Adoption or amendment of policy for attendance at events	Yes					Absolute majority required.
5.95(7)	Release of confidential information	Yes					Resolution of council required.
5.96	Making available copies of information		Yes				
5.98 – 5.100	Payment of fees and allowances and reimbursements for council members	Yes					Absolute majority required.
5.104	Adoption or amendment of code of conduct for council members, committee members and candidates	Yes					Absolute majority required.
5.127	Preparation of report on training		Yes		Yes		
5.128(1)&(2)	Adoption or amendment to policy for continuing professional development	Yes					Absolute majority required.
5.128(5)	Review of the policy on continuing professional development		Yes				
Admin Reg 14	Ensuring notice papers and agendas are published on the website at the same time they are available to council		Yes				
Admin Reg 14E	Giving notice of electronic meeting		Yes				
Admin Reg 18A	Giving statewide public notice of vacancy in CEO or senior employee role		Yes				
Admin Reg 18FB & 18FC	Certification of compliance with adopted standards for CEO recruitment or termination	Yes					Resolution and absolute majority required.
Admin Reg 18FB & 18FC	Giving a copy of the resolution of compliance to the Director General of the DLGSC		Yes				
Admin Reg 19C	Ensuring a strategic community plan is made for the district including having regard to the matters required by the regulation including content and consultation		Yes				
Admin Reg 19C	Determining if to adopt the strategic community plan	Yes					Absolute majority required.
Admin Reg 19DA	Ensuring a corporate business plan is made for the district including having regard to the matters required by the regulation including content and review		Yes				
Admin Reg 19DA	Determining if to adopt the corporate business plan	Yes					Absolute majority required.
Admin Reg 29A	Making available information under regulation 29A(2)	Yes					Resolution required.
Part 6 – Financial Management & Local Government (Financial Management) Regulations 1996							
6.2 & 6.3	Preparation of a budget		Yes				
6.2 & 6.3	Adoption or amendment of the budget	Yes					Absolute majority required.

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
6.4	Preparation of annual financial report and submission to the auditor		Yes				
6.9(3)	Payment or delivery of money to persons entitled to it		Yes				
6.9(4)	Transfer of money held in trust for 10 years to its municipal fund, but must repay it to a person who establishes a right to the repayment, together with any interest earned on the investment.		Yes		Yes		
6.11(1)	Establishing and maintaining a reserve account or giving public notice of a change to a reserve account		Yes				
6.11(2)	Changing or using the money in a reserve account for another purpose	Yes					Absolute majority required.
6.12(1)(a)	Granting a discount or incentive for early payment of money with the annual budget	Yes					Absolute majority required.
6.12(1)(b)&(c)	Granting a concession or writing off any amount of money and applying any conditions			Yes	Yes		
6.13	Determining amount of interest payable on money owed to a local government, other than rates and services charges	Yes					Absolute majority required.
6.14	Investment of surplus funds in accordance with Part III of the <i>Trustees Act 1962</i> and <i>Local Government (Financial Management) Regulations 1996</i>			Yes	Yes		
6.15	Receipt of revenue		Yes				
6.16	Imposing or amending of fees and charges	Yes					Absolute majority required.
6.19	Giving notice of fees and charges		Yes				
6.20	Power to borrow	Yes					Absolute majority required by either budget adoption or subsequent additional borrowing.
6.20	Giving local public notice related to borrowing		Yes				
6.26	If Co-operative Bulk Handling Ltd and a local government cannot reach an agreement, under section 6.26(2)(i), the local government may refer the matter to the Minister for determination			Yes	Yes		
6.32, 6.33, 6.35, 6.37, 6.38	Imposing a general rate on rateable land or an emergency rate, or a rate following the quashing of a general valuation, rate or service charge, including the imposition of a differential rate, minimum payments, specified area rates or service charges	Yes					Absolute majority required.
6.36	Giving local public notice of intention to impose differential rates or minimum payments		Yes				
6.39, 6.40	Compiling or amending the rate record, including any reassessment of rates or service charges payable and payment of any refund and issue of the rates notice.		Yes		Yes		
6.45	Imposing an additional charge (including by way of interest) for payment by instalments				Yes		Preferably adopted by council with the annual budget.
6.46	Providing a discount or other incentive for early payment of rates or service charges	Yes					Absolute majority required.
6.47	Waiving or granting concessions on rates or service charges	Yes					Absolute majority required.
6.49	Entering into agreements for payment of rates or service charges				Yes		
6.50	Determining the due date of rates and service charges				Yes		
6.51	Imposing interest on unpaid rates or service charges and costs of recovery of unpaid rates and service charges	Yes					Absolute majority required. Maximum interest limited by regulations.
6.56	Recovery of rates or service charges and costs of recovery by proceedings in court				Yes		

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
6.60	Giving notice to a lessee of land to pay rent to the local government to satisfy the rate or service charge, including giving notice to the lessor and where the lessee does not pay rent recovering the rate or service charge from the lessee.		Yes		Yes		
6.61	Request the occupier, agent or person who receives rent to give the name and address of the owner to the local government		Yes		Yes		
6.64(1)	Take action under section 6.64 in respect of rates and service charges that have been unpaid for 3 years				Yes		Note subject to section 5.43(d) and 6.68(3A).
6.64(2)	Give notice of the taking of possession of land to the owner and affix the notice in a conspicuous part of the land		Yes		Yes		
6.64(3)	Lodge or withdraw a caveat for unpaid rates or service charges				Yes		
6.69	Acceptance of payment of outstanding rates and service charges and causing sale of land to be cancelled		Yes		Yes		
6.71, 6.72, 6.74	Causing land to be transferred to the crown or the local government				Yes		Note subject to section 5.43(d)
6.76	Dealing with objections to the rate record including allowing or disallowing the objection, extending the time to make an objection and giving notice of the decision			Yes	Yes		
FM Reg 5A	Compliance with the AAS		Yes				
FM Reg 6	Ensuring that employee who is delegated responsibility for day to day accounting and financial management is not responsible for internal audit or reviewing the work of the internal auditor.		Yes				
FM Reg 8	Maintaining separate bank accounts		Yes				
FM Reg 11	Development of procedures for payments			Yes	Yes		
FM Reg 12	Making payments from the municipal fund or trust fund				Yes		Note, this is not the power to incur a liability (e.g. approve a purchase order). These powers are established through the tender regulations and the local government's purchasing policy.
FM Reg 17A	Valuation of assets in financial reports		Yes				
FM Reg 19	Procedures for investments			Yes	Yes		
FM Reg 32	Excluding amounts when calculating budget deficiency		Yes				
FM Reg 33	Lodging copy of budget with Director General of DLGSC		Yes				
FM Reg 33A	Undertaking review of budget and providing a copy of the review and determination to the DLGSC		Yes	Yes	Yes		
FM Reg 33A	Determination on if to adopt budget review	Yes					Absolute majority required.
FM Reg 34(1)	Preparing monthly financial report		Yes				
FM Reg 34(5)	Adoption of a percentage or value for material variances			Yes	Yes		Ideally adopted with budget by council.
Part 7 – Audit & Local Government (Audit) Regulations 1996							
7.1A	Establishment of an Audit Committee and appointment of its members	Yes					Absolute majority required.
7.1B	Delegation of powers and duties under Part 7 to the Audit Committee	Yes					The power of delegation itself cannot be delegated.
7.12AE 7.12AI	Making payment to the Auditor		Yes		Yes		
7.12A(1)	Doing everything in its power to assist the auditor to conduct the audit or carry out the auditor's other duties including ensuring that audits are conducted successfully and expeditiously.		Yes	Yes (Audit Committee)	Yes		
7.12A(2)	Meeting with the auditor at least once a year			Yes (Audit Committee)	Forbidden (Admin Reg 18G)		

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
7.12A(3)	Considering the audit report, determine the action to be taken in response and ensuring that action is taken			Yes (Audit Committee)	Forbidden (Admin Reg 18G)		
7.12A(4)	Preparing a report addressing matters identified as significant by the auditor in the audit report and providing it to the Minister.			Yes (Audit Committee)	Forbidden (Admin Reg 18G)		
Audit Reg 14	Carrying out the compliance audit		Yes				
Audit Reg 14	Adoption of compliance audit	Yes					Must be considered by audit committee and adopted by council.
Part 8 – Scrutiny of the Affairs of Local Governments							
8.2(2)	Upon receiving a notice from the Minister or Director General, providing the information to the Minister or Director General in the time specified in the notice.		Yes		Yes		
8.14(3)	A local government must give the Minister written advice setting out the things that it has done or proposes to do to give effect to the recommendations of the authorised person.			Yes	Yes		It is strongly recommended the council adopt the final response.
8.15B	Giving a response to the Minister's show cause notice			Yes	Yes		It is strongly recommended the council adopt the final response.
8.23(4)	A local government must give the Minister advice of what things it has done, or will do, to comply with an Inquiry Panel's report within 35 days of receiving the report, or give its comment on a recommendation to dismiss the council.			Yes	Yes		It is strongly recommended the council adopt the final response.
Part 9 – Miscellaneous Provisions & Local Government (Uniform Local Provisions) Regulations 1996							
9.5	Allowing an extension of time for lodging an objection			Yes	Yes		
9.6(1)	An objection under Part 9 is to be dealt with by the council or a committee authorised by council to deal with it	Yes		As an authorisation			
9.6(5)	The local government must give the person who made the objection notice of how it was disposed of and reasons why		Yes	Yes	Yes		
9.9(1)(a) and 9.9(2)	Order the revocation of the suspension of a decision because it is considered that there are urgent reasons why the effect of the decision should not be suspended or suspension of the effect of the decision is reasonably likely to endanger the safety of any person, cause damage to property, or to create a serious public nuisance.	Yes		As an authorisation			
9.9(1)(b) 9.9(3)	The local government considers that there are urgent reasons why the effect of the decision should not be suspended or suspension of the effect of the decision is reasonably likely to endanger the safety of any person, cause damage to property, or to create a serious public nuisance and giving notice in writing stating the reasons for that decision.				Yes		
9.11	Authorising a person for the purposes of section 9.11				Yes		Note section 9.11 in subsection (4) includes a power of arrest.
9.24	Authorising a person to commence a prosecution for an offence against the <i>Local Government Act 1995</i> , regulations made under that Act or a local law.				Yes		
9.49A	Authorising persons to sign documents on behalf of a local government	Yes					Resolution of council required.
9.63	Refer a dispute between two local governments to the Minister	Yes					Minister's decision required.
ULP Reg 5	Issue written notice to a person who is carrying out work over or near a footpath on local government property and require them to take action.				Yes		
ULP Reg 6	Grant or renew permission to obstruct a throughfare			Yes	Yes		
ULP Reg 7A	Request a person remove an object obstructing a throughfare that has fallen from their land		Yes		Yes		

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
ULP Reg 7	Request a person remove a structure, tree or plan that is encroaching without lawful authority on a public thoroughfare		Yes		Yes		
ULP Reg 9	Grant permission to have a gate across a public thoroughfare			Yes	Yes		
ULP Reg 11(1)	Consider an excavation dangerous and request the owner or occupier of the land to fill in or securely fence the excavation				Yes		
ULP Reg 11(5)&(6)	Grant or renew permission to make or leave an excavation on a throughfare or part of land adjoining a public throughfare and impose such conditions as are thought fit			Yes	Yes		
ULP Reg 12	Approve the construction of a crossover or agree to construct the crossover for the applicant			Yes	Yes		
ULP Reg 13	Give a notice to a person to require an owner or occupier to construct or repair a crossover				Yes		
ULP Reg 15	Deciding what is a standard crossing	Yes					Decided by resolution of council or local law.
ULP Reg 17	Grant permission for construction on, over or under a public thoroughfare or other public place which is local government property and impose such conditions as thought fit.			Yes	Yes		
ULP Reg 20	Give notice of works for supply of gas or water		Yes				
ULP Reg 21	Give notice to the owner or occupier of land if the clearing of land might cause land having a common boundary with local government property to be adversely affected by wind erosion or sand drift.				Yes		

Cat Act 2011 and Dog Act 1976 and Regulations

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
Cat Act 2011							
9	Grant the registration of a cat		Yes	Delegation to a committee is not permitted under the <i>Cat Act 2011</i>	Yes		
9 & 13	Refuse the registration of a cat and give notice of the reasons				Yes		Decision subject to review by SAT.
10 & 13	Cancellation of the registration of a cat and give notice of the reasons				Yes		Decision subject to review by SAT.
11	Allot a registration number or issue a replacement registration certificate or tag		Yes		Yes		
12	Maintain a register of cats		Yes		Yes		
26	Issue a cat control notice				Yes		
37 & 39	Decide to grant, or renew an approval for a person to breed cats and give a certificate or any replacement certificate to the applicant				Yes		
37 & 40 & Cat Reg 22	Decide to refuse an approval for a person to breed cats and give notice of the decision.				Yes		Decision subject to review by SAT.
38 & 40	Cancel an approval to breed cats and give notice of the decision				Yes		Decision subject to review by SAT.
44	Power of delegation	Yes					The common law prohibits delegation of the power to delegate.
49	Recover in court the costs of destruction of a cat				Yes		
70	Dealing with objection	Yes					Must be dealt with by council or a committee.
79	Making of local laws under the <i>Cat Act 2011</i>	Yes					Making of local laws must always be done by the council (absolute majority required).

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
Cat ULP Reg 9	Grant or refuse approval to keep additional cats including imposing any conditions or granting approval for additional cats but less than the amount applied for.			Delegation to a committee is not permitted under the <i>Cat Act 2011</i>	Yes		Decision subject to review by SAT.
Dog Act 1976							
10AA	Delegation by local government.			Delegation to a committee is not permitted under the <i>Dog Act 1976</i>	Yes		A council may expressly authorise the CEO to further delegate any delegation such as to employees.
10A	Making payments to veterinarians towards the cost of the sterilisation and issue directions in writing as a condition of receipt of that payment				Yes		
14	Maintaining a register of dogs		Yes				
15	Discounting or waiving a registration fee				Yes		
16(1)	Appointing another place for registering dogs		Yes		Yes		
16(2)(a)	Affecting the registration of a dog					Yes (Registration Officer)	
16(2)(b), (3) and (4)	Direct the refusal of an application to register a dog and notify the applicant of the reasons for that decision				Yes		
17A	Giving notice to an owner that a dog cannot be registered				Yes		
17(4) and (5)	Apply to a Justice of the Peace for an order authorising seizure of a dog and cause the dog to be seized and detained or destroyed.				Yes		Note (5) is following an SAT decision.
26(3)	Grant an exemption from the requirements of the local law relating to the limit of dogs without needing an approved kennel establishment				Yes		
27	Grant, renew, refuse or cancel a licence for an approved kennel establishment				Yes		May apply to SAT for review of a decision to refuse/cancel licence.
29 and 33G	Require payment of impounding fees, recover costs in court of money due under the Act, dispose of a dog impounded				Yes		
31	Specify a place where dogs are prohibited, dog exercise areas and rural leashing areas	Yes					Absolute majority decision.
31	Issue local public notice of intention to designate areas		Yes				
33E and 33F	Declaration of a dangerous dog and giving notice to the owner of the declaration.				Yes	Yes	Authorisation must be specifically given for this section to an authorised person and this authorisation applies to section 39.
33F(6), 33G(4) and 33H(4)	Consider and decide on an objection and given notice to the objector of the decision				Yes		The person who issued the declaration of a dangerous dog should not decide on the objection.
33H	Revoke dangerous dog declarations or proposal to destroy dog				Yes		
33M	Determine the recoverable expenses of a local government relating to a dangerous dog				Yes		
39	Apply to the Magistrates court for an order that a dog be destroyed				Yes	Yes	
40	Appoint a person to carry out the order of the State Administrative Tribunal				Yes		
44	Authorise a person to undertake enforcement proceedings				Yes	Yes	
49	Making of local laws	Yes					Making of local laws must always be done by the council (absolute majority required).
Dog Regulations 2013							
Regulation 35	Withdrawal of an infringement notice.			Delegation to a committee is not	Yes	Yes	

Section/ Regulation	Function of the local government	Delegation Prohibited	Suitable for Acting Through	Suitable for Delegation to a Committee	Suitable for Delegation to the CEO	Authority of an Authorised Person	Notes
				permitted under the <i>Dog Act 1976</i>			



14.6 Naming of the Wickepin Independent Living Units

Submission for the Naming of Wickepin Independent Living Units

- **Submission One**

The area surrounding Wickepin was opened up in the late 1890's by the Sandalwood cutters and was inevitably settled and gazetted as a town in 1908 when the railway line from Narrogin to Merredin was constructed along the low-lying creek country, in order to provide water for the steam trains.

The land was heavily timbered with native Woodlands of majestic and tall trees; and smaller mid-sized to low-lying shrubs, and was drained of running water through the (Yarling Brook) creekline which flowed through the area to the lake (Yealering), and onto the bigger (Avon) river, and to the (Indian) ocean.

Early Pioneers cleared the land by hand of the native vegetation using axes, saws and horses in order to cultivate food crops, raise livestock and make room for housing and infrastructure.

So, over time, the Woodlands became productive agricultural land that is now able to support families and industries that contribute to our local and national economy.

In recognition of the original Natural Environment of this area, and to complement the name of "Yarling Court" which has been allocated to our main street units,

We propose the name of the Wickepin Independent Living Units Complex to be Woodland Court

And the Individual Names of the units to be the names of the Majestic Trees that were our Heritage.

- Sandalwood
- Salmon
- York
- Wandoo

- **Submission Two**

Thankyou for the invitation to help name this new complex and individual units.

Without a lot of input from people, finding a name is quite difficult, I think; Merredin's ILUs still haven't a name- and they've been occupied for a few years.

My first preferences for Wickepin have been 'commandeered' by our Corrective Services, more's the pity!

Plant Genus names-

- Banksia
- Hakea
- Acacia
- Casuarina

Ideas:

1./ the Aboriginal names for local Flora & Fauna may be useful.

I suggest Shire contacts Sacha Boodja, with her Sandalwood Sanctuary at Wickepin, who will know of some & be happy to help. I've not met Sacha and don't have her contact details.

2./ Orchids: Some names and part-names of orchids that grow between Kulin & Narrogin.

—as listed by Trevor Cunningham on his photographic DVD, "Native Orchids of Western Australia" '12.

For the unit names-

- Mantis
- Wandu
- Sandplain Sun
- Ballerina"
- Chameleon

The the complex, "CALADENIA" -the botanical name for the Spider Orchid genus, which is well represented in the Wickepin Shire.

eg Caladenia reptans

(Little Pink Fairy orchid).

CALADENIA is pronounced with an emphasis on the 'd'.

3./ For the complex: SANDALWOOD

- Submission Three

I hereby submit names for the independent living units.

- Orchid Cottage
- Protea Cottage
- Grevillea Cottage
- Leschenaultia Cottage.

The reason for the above depicts the wildflowers of our region.

For the group:

- Banksia Cottage Homes

Depicting the Banksia which identifies Wickepin.

- **Submission Four**

Given the complex is situated on land donated by Johnston family and a part of Johnston Park, I suggest Johnston Park Lifestyle Complex

- **Submission Five**

I would like to submit Banksia Bungalows as a name for the Complex. My reason for this name is, the Shire emblem is the banksia and a Bungalow is a small dwelling. For the individual units maybe keep the wildflower theme and name them after local species. I considered naming them after prominent identities but found this rather challenging as there are many people from early settlers to present day who have contributed to the town and shire, I would however make special mention of Murray Lang and Syd Martin for their efforts in regard to the Lifestyle committee over a long period.

Thanking you.

- **Submission Six**

I wish to submit the name Banksia Court to be used in name the Independent Living Units in Johnston Street Wickiepin WA.

The Banksia flower is part of the Shire of Wickiepin Emblem and grows throughout the Shire. (There are 7 different Banksias listed in the Guide for the Conservation of Flora in the Shire of Wickiepin on the Shire Website page.

I wish to submit that the units 1,2,3 and 4 be used to identify the individual units. I have chosen the Banksia Court and numbers, as the complex will be a place of residence for individual people, and I think it is entirely inappropriate for those people to live in a residence with the name of someone else

e.g.

Betty Smith
Unit 1, Mary Jane Contrary Court
29 Johnston Street
Wickiepin WA6370

Betty Smith
Unit 1, Mary Jane Banksia Court
29 Johnston Street
Wickiepin WA6370

In the past, locality names have been used for the singles units in Wogolin Road. I do not think it is appropriate to single out one person amongst many and name the complex after in individual.

In my view of the ongoing saga of the build of these units, it would actually be an insult to name the units after an individual person.

As a member of the Wickepin Lifestyle Retirement Committee, I feel very strongly about the complex not being named after an individual. As the mover of the recommendation to Council on the 3 May 2023 to name the complex Banksia Court and name individual units after other flora, in reflection I believe numbers would be more suitable for each unit.

- **Submission Seven**

I wish to submit the name Banksia Court to be used in name the Independent Living Units in Johnston Street Wickepin WA.

The Banksia flower is part of the Shire of Wickepin Emblem and grows throughout the Shire. (There are 7 different Banksias listed in the Guide for the Conservation of Flora in the Shire of Wickepin on the Shire Website page.

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