


# APPENDICES

## ORDINARY COUNCIL MEETING

## TUESDAY 24 NOVEMBER 2020

APPENDIX 11.1.1




# AVOID, RECOVER, PROTECT 2030

## Waste Plan 2020 - 2030

SHIRE OF WAROONA SEA TO SCARP



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# Waroona - Past, Present & Into The Future

Waroona has provided a home for generations, from the days when Indigenous Australians roamed the coastal areas in spring and summer, and the hills in autumn and winter.

Settlers began to arrive in the area in the late 1830's, although Drakesbrook (later to be known as Waroona) did not come into its own until the Pinjarra to Picton railway line was opened in 1893. The town catered to the needs of the mill workers with a post office, general store, blacksmith, a number of hotels come boarding houses, churches, doctor and dentist. The farms supplied butter, fruit and vegetables for the men of the mills, and chaff for the horse teams that hauled the logs. As in many of the small towns of the time, dances, picnics and football formed the core of social life within the community and to this day Waroona still proves to be a successful sporting and extremely social community.

Today, agriculture, mining, manufacturing and tourism are important contributors to the local economy.

Waroona is an evolving district that services the diverse, social and economic needs of a growing community. The strong agricultural heritage will continue to guide any future district developments, particularly in Waroona and Hamel, and its enviable location on the Indian Ocean and including the Yalgorup National Park, will influence future considerations for Preston Beach and Lake Clifton.

The population is expected to grow over the next thirty years. With this growth comes challenges, but smart planning and a focus on broadening the economic base will open up significant opportunities for tourism, commercial investment, employment and education.

The long term vision for Waroona is to create a district distinctive by its creativity, liveliness, activity and vibrancy, attracting new investment, seizing opportunities to develop and expand its business sector, and encouraging innovation and collaboration, while providing an enticing array of lifestyle attractions.

The Shire of Waroona is excited about its future.

*"The Shire of Waroona stretches from sea to scarp between the Indian Ocean and the Darling Scarp, featuring pristine beaches, coastal lakes, fertile farmlands and peaceful jarrah forests. Covering a total area of 835 km2, the Shire includes the localities of Waroona, Hamel, Lake Clifton and Preston Beach"*

# Chief Executive Officer's Message

To be added

**Dean Unsworth**
**Chief Executive Officer**



# About the Waste Plan

**The Shire of Waroona Waste Plan aims to achieve the objectives and targets set out in the Waste Avoidance and Resource Revoery Strategy 2030.**

| Integrated Planning & Reporting Framework | |
|---|---|
| **Strategic Community Plan** | Community vision, strategic direction, long and medium term priorities and resourcing implications with a horizon of 10 years. |
| **Corporate Business Plan** | Four-year delivery program, aligned to the Strategic Community Plan and accompanied by four-year financial projections. |
| **Annual Budget** | Financial plan for current year. |
| **Informing Strategies** | |
| Long Term Financial Plan | 10-year financial plan. |
| Asset Management Plan | Approach to managing assets to deliver chosen service levels. |
| Workforce Plan | Shaping the workforce to deliver organisational objectives now and in the future. |
| Place and Area Specific Plans | Any other informing strategies. |

**Community Engagement**

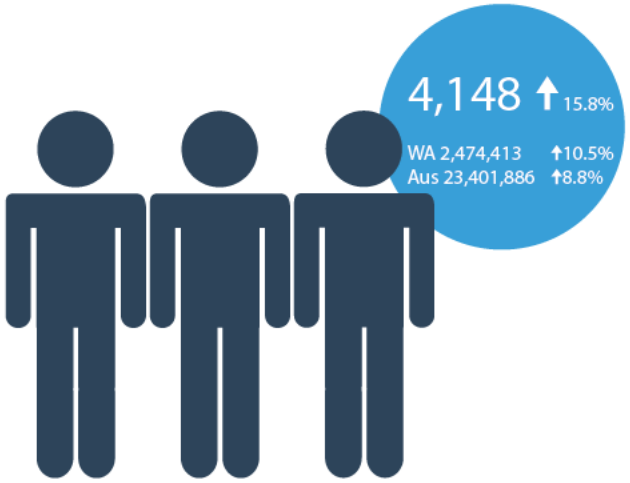
**Measurement & Reporting**



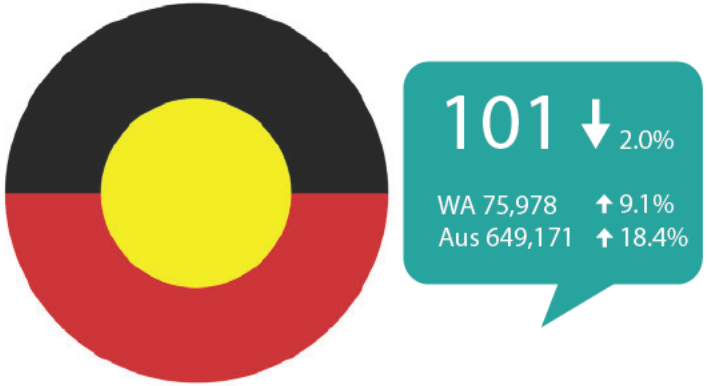

**Elements of Integrated Planning & Reporting Framework**

*(Sourced from Department of Local Government, Sport & Cultural Industries)*

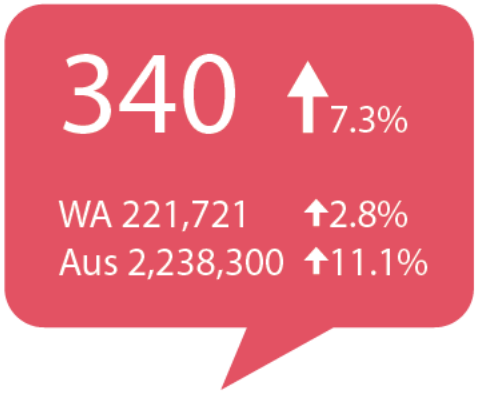
# Our Shire

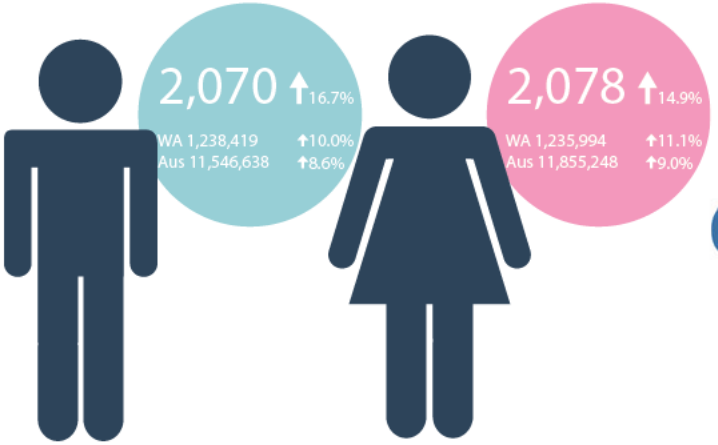



Estimated Population




Indigenous Population




Male Population Female Population



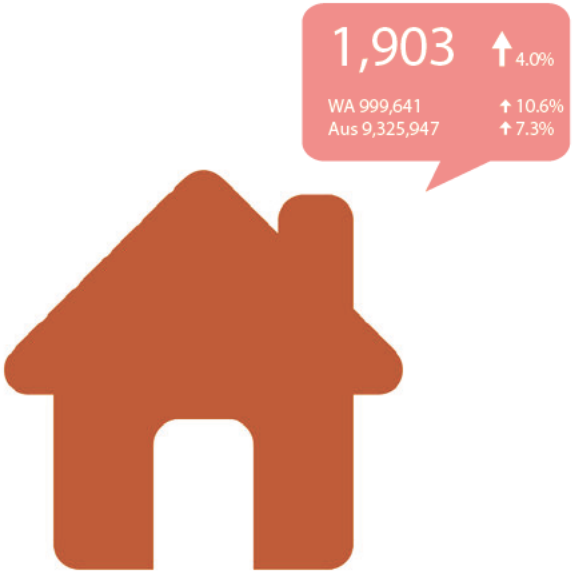
Median Age



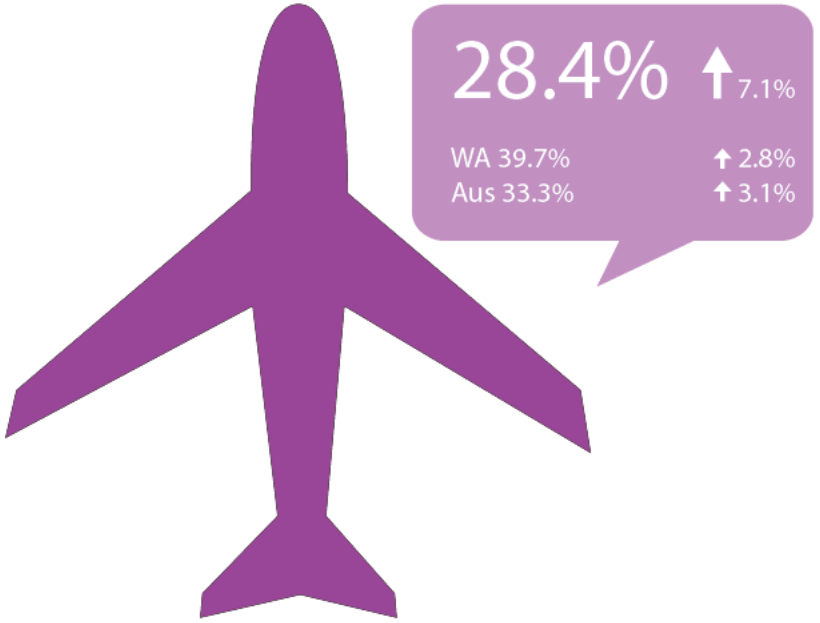




Local businesses



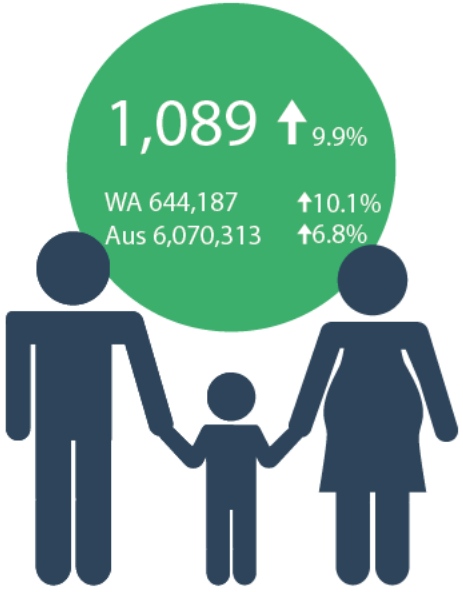

Private Dwellings




Overseas Born



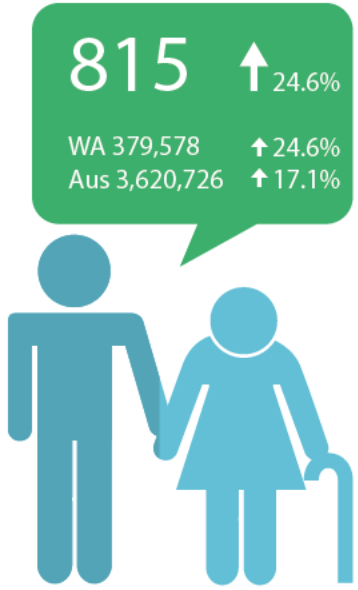

Median House Income




Families




Unemployment Rate




Volunteers

# Our Council



Cr Mike Walmsley

Shire President



Cr Naomi Purcell

Deputy Shire President



Cr Noel Dew



Cr John Mason



Cr Karen Odorisio



Cr Larry Scott



Cr Laurie Snell



Cr Vince Vitale

# Our Staff



## Ashleigh Nuttall
**Director Corporate Services**

- Governance
- Finance
- Human Resources
- Record Keeping
- Customer Service
- IT
- Library Services
- Ranger Services
- Licensing Services



## Rod Peake
**Acting Director Planning & Sustainability**

- Town Planning
- Building
- Environmental Health

## Dean Unsworth
**Chief Executive Officer**

- Leadership
- Elected Member Liaison
- Staff Management
- Communications & Marketing
- Partnership Management
- Emergency Management





## Patrick Steinbacher
**Director Infrastructure Services**

- Technical Services
- Infrastructure Services
- Operations
- Parks & Gardens
- Waste Services
- Environmental Services



## David Arkwright
**Acting Director Place, Community & Economic Development**

- Place & Community
- Economic Development
- Investment Attraction

# Vision, Mission & Values

## Vision

The Shire of Waroona will create a sense of place and identity, embracing creativity, our natural environment and a strong and diverse economy.

## Mission

We will be an organisation with a can-do attitude that strives for service excellence, continued improvement and a commitment to outcomes.

## Values

Our values are A REALITY

- Accountable
- Respect
- Excellence
- Accessible
- Leadership
- Innovative
- Transparent
- Yours





# Focus Areas & Aspirations to 2030



## Our Community

To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning.

## Our Economy

To create a diverse economy base that supports opportunity and employment.

## Our Environment

To continually care for, protect and enhance our environment for the generations to come.



## Our Built Assets

To build and effectively manage our assets to continually improve our standard of living.

## Our Leadership

To embed strong leadership through good governance, effective communication and ensuring value for money.

# Introduction

Local governments are primarily waste managers that provide household waste collection and recycling services, manage and operate landfill sites, and deliver education and awareness programs.

Local governments will provide information, infrastructure and incentives that encourage behaviour change and they will plan for the management of waste within their districts. The issues faced by local governments vary, particularly between metropolitan and regional areas, so there will be a need to identify local, fit-for purpose solutions that reflect better practice, align with the Waste Avoidance and Resource Recovery Strategy 2030 and support a move towards becoming a circular economy.

Local governments also generate waste resulting from the range of services provided to the community and can influence purchasing and practices to increase avoidance and recovery and maximise protection of the environment. The Shire of Waroona Waste Plan establishes the Shire's waste profile and baseline information, and aims to achieve the objectives and targets set out in the Waste Avoidance and Resource Recovery Strategy 2030:



# Strategic Alignment

| **Strategic Community Plan** | |
|---|---|
| Title: | Waroona 2030 - Shire of Waroona Strategic Community Plan 2020 - 2030 |
| Came into force: | 2020 |
| Date of next review: | 2030 |
| Waste-related priorities: | Broadly addressed in all 5 key focus areas, however directly featured in Key Focus Area 3 - Our Environment.<br>**Aspiration:** To continually care for, protect and enhance our environment for the generations to come.<br>**Strategy 3.2.4:** Improve waste management practices through diversion, re-use and recycling. |
| **Corporate Business Plan** | |
| Title: | Towards 2030 - Shire of Waroona Strategic Community Plan 2020 - 2024 |
| Came into force: | 2020 |
| Date of next review: | 2024 |
| Waste-related priorities: | Broadly addressed in all 5 key focus areas, however directly featured in Key Focus Area 3 - Our Environment.<br>**Aspiration:** To continually care for, protect and enhance our environment for the generations to come.<br>**Strategy 3.2.4:** Improve waste management practices through diversion, re-use and recycling.<br>**Action 3.2.4.1:** Develop and implement a Waste Management Strategy that aligns to State objectives.<br>**Action 3.2.4.2:** Construct the Transfer Station at the Buller Road Refuse Site.<br>Action 3.2.4.3: Progress the closure of the liquid waste facility. |

*Table 1: Links between plan for the future and waste management.*

# Avoid

Avoidance of waste generation is the preferred waste management option in the waste hierarchy. This section looks at waste generation rates and the reduction required to contribute to the state's waste generation reduction targets:

1. **2025**: Reduction in MSW generation per capita by 5%.
2. **2030**: Reduction in MSW generation per capita by 10%.

Reviewing this data is a critical element of waste planning as it can show how waste generation has changed, identify potential reasons for changes and indicate areas to target in the Implementation Plan.

| | Actual | | | | Targets | |
|---|---|---|---|---|---|---|
| | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2025 | 2030 |
| Population[1] | 3,864 | 4,230 | 4,252 | 4,274 | 4,487 | 4,712 |
| Households[1] | 1,546 | 1,692 | 1,701 | 1,710 | 1,795 | 1,885 |
| Total domestic waste generated[2] | 4,487 | 3,514 | 3,418 | 4,008 | | |
| Waste generation per capita/year (kg)[2] | 1,161 | 831 | 804 | 938 | 1,103 | 1,045 |

*Table 2: Shire of Waroona population, households and waste generation compared with state averages and targets for 2025 and 2030.*

(1) Source (except 2014-15): Western Australia Tomorrow Population Report No. 11 https://www.dplh.wa.gov.au/information-and-services/land-supply-and-demography/western-australia-tomorrow-population-forecasts. Population for 2014-15 from Western Australia Tomorrow Population Report No. 10. Population for intercensal years extrapolated. Households estimated using 'Average people per households' from 2016 ABS Census Quickstats.

(2) Source: Local Government Census data 2017/18

Using 2014/15 as the baseline, as in the original spreadsheet DWER provided, meant the The Targets for 2025 and 2030 were higher than current waste generation rates for 17/18. To address this issue the Shire proposes to use the 2017/18 figures as a baseline for internal purposes.

# Recover

Where waste generation is unavoidable, efforts should be made to maintain the circulation of materials within the economy. Table 3 outlines the overall recovery rate for Shire of Waroona compared to Waste Strategy targets and the state average. This is broken down into the proportion of the recovery which was materials recovery (reuse, reprocessing or recycling) or energy recovery. The Waste Strategy includes a target that from 2020, energy should only be recovered from residual waste.

| | Actual | | | | Targets | | |
|---|---|---|---|---|---|---|---|
| | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2020 | 2025 | 2030 |
| **Population**[1] | 3,864 | 4,230 | 4,252 | 4,274 | | | |
| **Households**[1] | 1,546 | 1,692 | 1,701 | 1,710 | | | |
| **Overall recovery**[2] | 10% | 24% | 24% | 38% | 65% | 67% | 70% |
| **Materials recovery** | 10% | 24% | 24% | 38% | >80% | >80% | >80% |
| **Energy recovery** | 0% | 0% | 0% | 0% | <20% | <20% | <20% |
| **Perth metro average**[3] | 36% | 38% | 40% | 41% | | | |

*Table 3: Shire of Waroona population, households and recovery rate compared with state averages and targets for 2020, 2025 and 2030.*

(1) Source (except 2014-15): Western Australia Tomorrow Population Report No. 11 https://www.dplh.wa.gov.au/information-and-services/land-supply-and-demography/western-australia-tomorrow-population-forecasts. Population for 2014-15 from Western Australia Tomorrow Population Report No. 10. Population for intercensal years extrapolated. Households estimated using 'Average people per households' from 2016 ABS Census Quickstats.

(2) Source: Local Government Census data 2017/18

(3) Source: Waste Authority data fact sheets http://www.wasteauthority.wa.gov.au/programs/data/data-fact-sheets/

The data provided to the Local Government Census is not based on weighbridge data, instead estimates are used based on the number of truck, car and other vehicles received at the Landfill.

# Protect

Objective 3 of the Waste Strategy is to protect the environment by managing waste responsibly, with targets for achieving better practice, reducing litter and illegal dumping. **By 2030 all waste is managed by and/or disposed to better practice facilities, by 2030 move towards zero illegal dumping and zero littering.**

## Better Practice

Adoption of better practice approaches to waste management is an important way in which local government can better protect the environment from the impacts of waste, and contribute to achievement of the targets under objective 3 of the Waste Strategy. Table 4 outlines better practice approaches and programs which may be considered by the Shire of Waroona.

| Waste management activity / service | Waste Authority better practice guideline of program | Date of adoption / implementation | Comment |
|---|---|---|---|
| Kerbside waste collection | Better bins | N/A | Currently 2 bin system that does not include FOGO |
| Behaviour change programs and initiatives | WasteSorted | 2019 | WasteSorted toolkit used for community education |
| Drop-off facilities and services | N/A (guideline yet to be developed) | N/A (guideline yet to be developed) | Planned construction of transfer station in line with guidelines |

*Table 4: Better practice approaches and programs adopted by the Shire of Waroona.*

## Litter

The data in Table 5 was reported by the Shire of Waroona in the 2017/18 local government census. Additional information to be provided by the local government in Table 6.

| Data | Response and comments |
|---|---|
| Litter hotspot used on a regular basis for littering in 2017/18. | Identified certain areas which have higher levels of litter and are consequently the focus of the Shires clean up activities. These areas are Drakesbrook Weir, Preston Beach and road intersections. |
| What are the main items littered at these hotspots? | This information is not collected. |
| Current measures aimed at contributing towards the zero littering target. | Weekly/fortnightly litter picks at the areas identified. |
| Estimated cost of cleanup (due to collection, disposal, education, infrastructure and enforcement). | $10,000 for litter collection and illegal dumping cleanup. |

*Table 5: 2017/18 litter data.*

Source: Local Government Census data 2017/18

| Data | Response and comments |
|---|---|
| Is littering increasing or decreasing in the Shire of Waroona? | No data collected. The National Litter Index is the only consistent reporting methodology that is available to assess this. |
| How were the costs associated with cleaning up litter calculated? Employee time? Dollar value? Both? | This covers employee time in undertaking the collection and cleanup of illegal dumping. |
| Does the Shire have a litter strategy? If not, what is the ETA for completing one? | The Shire's current focus is on improving its litter data. This could potentially inform the development of a litter strategy with the Shire of Murray in due course due to the resource sharing of the Ranger Services department. |
| Have any of the Shire's compliance and waste education officers undergone training on litter prevention? If so, what training? | The Shire is unaware of any training currently available. |
| What current policies and guidelines does your council enact to prevent litter? E.g. Event planning guidelines on the use of balloons in council facilities and the release of helium balloons; no cigarettes on the beach; no single use plastics at events. | The Shire does not have any current policys or guidelines in relation to litter. |
| How does your local government measure the effectiveness and impact of programs designed to reduce littering and illegal dumping? | The Shire works to ensure that highly littered areas are cleaned up regularly, currenlty there is not a specific measurement. |
| Which division/unit/section of your organisation is responsible for litter management/prevention? Waste services? Compliance (e.g. Rangers)? Infrastructure? | The Technical Services team (Works, Parks & Gardens and Waste services) undertake the litter collection. |
| How important is litter management to your organisation? (1 - Not at all important; 5 - Highly important). | 3 |

*Table 6: Additional litter information.*

The Shire is constantly looking at ways  to improve data collection in this area.

## Illegal Dumping

The data in Table 7 was reported by the Shire of Waroona in the 2017/18 local government census. Additional information to be provided by the local government in Table 8.

| Data | Response and comments |
|---|---|
| Cost of cleaning up illegally dumped waste during 2017/18. | $10,000 - includes litter pick and illegal dumping cleanup. |
| Sites used on a regular basis for illegal dumping in 2017/18. | 2 - Drakesbrook Weir and Hamel Pine Plantation. |
| What are the main 4 items dumped at these areas? | No data collected. |
| Current measures aimed at contributing towards the zero illegal dumping target. | Regular cleanup of material. |

*Table 7: 2017/18 illegal dumping data.*

Source: Local Government Census data 2017/18

| Data | Response and comments |
|---|---|
| Is illegal dumping increasing or decreasing in the Shire of Waroona? | No data collected. The Shire has started a database to record illegal dumping. |
| How does your local government measure the effectiveness and impact of programs designed to reduce illegal dumping? | The Shire works to ensure that illegal dumping on Local Government property is cleaned up promoptly. |
| Which division/unit/section of your organisation is responsible for illegal dumping management/prevention? Waste services? Compliance (e.g. Rangers)? Infrastructure? | Rangers, compliance and infringements / waste collection, and disposal. |

*Table 8: Additional litter information.*

The majority of illegal dumping that occurs within the Shire's boundaries is not on Shire land. For example the Pine Plantations are an illegal dumping hot spot but are managed by the Department of Biodiversity, Conservation and Attactions.

# Waste Management Tools

## Waste Services

Local government data relating to the waste collected, recovered and landfilled is presented in Table 9. It is important to review this data when developing and actioning the Implementation Plan, as it can:

- Provide an understanding of how different systems are performing (e.g. recovery levels);
- Highlight the need for any new collection systems or infrastructure; and
- Identify the timing and capacity of any new collection systems or facilities required to meet the changing needs of local governments.

In working towards alignment with the Waste Strategy, local government should focus on the materials resources with the greatest potential to support the objectives and targets of the Waste Strategy.

Department of Water and Environmental Regulation is currently developing a range of better practice guidelines. Better practice rates will need to be updatd as the guidelines are released.

| | Service / Sources | Tonnes Collected | Tonnes Received | Recovery Rate | Better Practice Rate | Target Rate 2025 | Target Rate 2030 |
|---|---|---|---|---|---|---|---|
| **Kerbside** | Mixed waste | 1,456 | 0 | 16% | **%** | 55% major regional centres<br><br>67% Perth and Peel | 60% major regional centres<br><br>70% Perth and Peel |
| | Comingled recyclables | 336 | 287 | | | | |
| | Green waste | 0 | 0 | | | | |
| | FOGO | 0 | 0 | | | | |
| **Vergeside** | Green waste | 0 | 0 | 0% | % | | |
| | Hard waste | 0 | 0 | | | | |
| **Drop-off** | Mixed waste | 550 | 0 | 33% | % | | |
| | Dry recyclables | 198 | 227 | | | | |
| | Green waste | 870 | 0 | | | | |
| | Inert waste | 609 | 456 | | | | |
| | Hazardous waste | 0.7 | 0.7 | | | | |
| **Public Place** | Mixed waste | 4 | 0 | 0% | % | | |
| | Comingled recyclables | 0 | 0 | | | | |
| **Special Event** | Mixed waste | 3 | 0 | 0% | % | | |
| | Comingled recyclables | 0 | 0 | | | | |

| | Service / Sources | Tonnes Collected | Tonnes Received | Recovery Rate | Better Practice Rate | Target Rate 2025 | Target Rate 2030 |
|---|---|---|---|---|---|---|---|
| **Commercial** | Mixed waste | 150 | 0 | 4% | **%** | 55% major regional centres<br><br>67% Perth and Peel | 60% major regional centres<br><br>70% Perth and Peel |
| | Comingled recyclables | 6 | 6 | | | | |
| | Paper/cardboard | 0 | 0 | | | | |
| **Local Government Waste** | Illegal dumping cleanup | 1.5 | 0 | 95% | % | | |
| | Street sweepings | 6 | 6 | | | | |
| | Roadworks | 0 | 0 | | | | |
| | Other C&D activities | 0 | 0 | | | | |
| | Roadside pruning | 21 | 21 | | | | |
| | Other | 0 | 0 | | | | |
| | | | | | | | |
| **TOTAL** | | 4,212 | 1,054 | 25% | % | | |

*Table 9: Significant sources and generators of waste in 2018/19.*

Source: Local Government Census data 2017/18

Vergeside Hardwaste: The Shire only undertakes hard waste verge collections every 2 years with the last collection being completed in FY 19/20 given this the data hasnt been added to the table above however it is likely to increase the material recovery in the hardwaste section to 219 Tonne with half of that being recovered. In the Shire's Licence conditions for the landfill, the burning of greenwaste is included. Previously this was reported through the LG Census as being recovered (on the basis it was not landfilled). The Shire acknowledges that this is not material or energy recovery in line with the definitions included in the Waste Strategy, therefore has amended Table 9 to show that greenwaste was not recovered. The tonnage data included has been updated to 18/19 figures.

## Waste Infrastructure

The number, type, capacity and location of key existing local government owned and/or operated waste and resource recovery infrastructure is required to understand the future need for different facility types. The range of infrastructure used by the Shire of Waroona to manage MSW is detailed in Table 10.

| Facility Name (and Licence Number if applicable) | Facility Type | Location | Managed By | Licence Category and Approved Production or Design Capactiy | Material Type | Service / Activity | Remaining Capacity (if applicable) | Anticipated Closure (year) |
|---|---|---|---|---|---|---|---|---|
| Buller Road Refuse Disposal Site L6756/1996/11 | Landfill and resource recovery centre | Lot 1701 on Plan 214632, 702 Buller Road, Waroona | Contractor | 61 - Liquid waste facility<br>64 - Class II or III putresible landfill site (Class II - 550t/a, Liquid Waste - 850t/a) | Inert | Drop off at facility | 25 - 30 years of capacity | Current licence to 2030 |
| | | | | | Domestic | Drop off at facility | | |
| | | | | | Mattress | Drop off at facility | | |
| | | | | | Tyres | Drop off at facility | | |
| | | | | | Carcass | Drop off at facility | | |
| | | | | | Green waste | Drop off at facility | | |
| | | | | | Asbestos | Drop off at facility | | |

*Table 10: Current waste and resource recovery infrastructure operated by the Shire of Waroona.*

The Shire is planning to create a community transfer station at the current site 702 Buller Road, Waroona. The purpose of the community transfer station is to remove the risk involved with day to day users of the facility being within the active cells. It is also expected that the Shire may need to have a transfer station once the current licence expires.

## Policy & Procurement

### Contracts

Information on the Shire of Waroona's existing waste contracts are detailed in Table 11. When reviewing services, it is a good opportunity to evaluate how they are performing, opportunities for regional collaboration and to identify any opportunities for review or renegotiation.

| Contractor | Services | | Notes / Comments |
|---|---|---|---|
| Cleanaway | Kerbside | Mixed waste | 3 years on contract (joint contract with the Shire of Murray) |
| | | Comingled dry recylcables | |
| | | Green waste | |
| In-house | Vergeside | Green waste | |
| | | Hard waste | |
| AM Pisconeri | Landfill | Landfill | Contract entered on 1 July 2020. Expires 30 June 2021. |

*Table 11: Existing waste management contracts.*

## Waste Local Laws & Policies

Information on the Shire of Waroona's existing local laws, strategies and policies that may complement/ support this waste plan and contribute to the Waste Strategy objectives are detailed in Table 12.

| Type of Local Law, Strategy or Policy | Name | Came into Effect | Comments |
|---|---|---|---|
| Policy | WKS002 - Bulk Rubbish Collection Policy 7 Guidelines | 18 December 2018 | The Shire of Waroona provides a biennial (alternate years) hard waste rubbish collection. This policy guides what can be taken and the process whereby residents can take advantage of the collection. |
| Local Law | Shire of Waroona Waste Local Law 2021 | Expected to be adopted in 2021 | |

*Table 12: Existing waste-related local laws, strategies and policies.*

## Land Use Planning Instruments

Information on the Shire of Waroona's existing local planning instruments which contribute to the management of waste are detailed in Table 13.

| | | |
|---|---|---|
| **Local Planning Strategy** | Title: | Shire of Waroona Local Planning Strategy 2009 |
| | Endorsed by WAPC: | Yes |
| | Next Review Date: | 2021 |
| | Is waste considered and reflected in the LPS? | No |
| | Does the LPS identify current and future waste facility sites? | No |
| | Does the LPS identify buffers around existing and/or future sites to avoid land use conflict? | No |
| **Local Planning Scheme** | Title: | Shire of Waroona Local Planning Scheme No. 7 |
| | Gazetted: | 17 December 1996 |
| | Next Review Date: | 2021 |
| | Are resource recovery facilities, waste disposal facility and waste storage facility defined as land uses (as per Planning and Development (Local Planning Schemes) Regulations 2015) and included in the council Local Planning Scheme zoning table, with either a P/I/D/A/X permissibility? | No. Not defined as such, but could be incorporated into an Industrial land use or addressed as a 'use not listed'. |
| | If these land uses are not defined and not in the zoning table, how does the Scheme deal with such land uses (i.e. is an alternative definition used to that in the Regulations 2015? Or are these land uses zoned as "Use not listed")? | See above. |
| | Does the Local Planning Scheme identify stautory buffers as Special Control Areas for strategic waste infrastructure facilities to avoid encroachment by incompatible land uses? | No. Currently does not, however is intended to show buffers in the review of the existing scheme. |

*Table 13: Existing waste-related land use planning instruments related to waste management.*

**Sustainable Procurement**

Local governments can be significant consumers whose purchasing decisions and procurement policies can have positive impacts. This section reviews activities relating to procurement of infrastructure, goods and services that avoid waste, promote resource recovery or encourage greater use of recyclable and recycled products. The Shire does not have a specific policy in place however the Shire limits the impact of single use plastic by reducing the purchasing of single use plastic products and participating in the collection of bottle tops etc. that the local school collect. The Shire will also be working with Community Recycling WA to have a mobile CDS and it is possible that the Shire will collect containers for this initiative.

## Behaviour Change Programs and Initiatives

Communication and engagement with waste generators and managers underpins many local government waste management activities, and are vital in driving behaviour change needed to achieve the objectives and targets of the Waste Strategy. Behaviour change programs and initiatives refers to activities that increase awareness, skills and knowledge; provide consistent messaging; help people to use waste infrastructure; and encourage the adoption of specific, positive waste behaviours and attitudes. Most local governments have existing behaviour change programs and initiatives and it is important to evaluate their effectiveness. This section includes an opportunity for a high level qualitative assessment process to understand what has worked and what has not. The results can be used to inform actions in the Implementation Plan. Information on the local government's existing waste behaviour change programs or initiatives are detailed in Table 14.

| Program / Initiative | Description | Outcomes Achieved | Evaluation Method | What's Worked / Not Worked? | Suggested Improvements |
|---|---|---|---|---|---|
| Waste education | School education program | Provided information to students about recycling | Recycling Education Report provided from a parent survey | Refer to additional comments | Conduct more school education programs and provide education material for newsletters. |

*Table 14: Behaviour change programs and initiatives, including Waste Authority programs and other intiaitives.*

In 2019, Council's contractor Cleanaway undertook a school base waste education as per the rubbish collection agreement. Students from the St Joesph's Primary School from Pre-Primary to year 6 participated in the program. Questionaires were given out and a total of 38 were returned. The report received from Cleanaway provided extra insight into how much students and their families knew about recycling and if they were happy with the services provided by the Shire. The response was that 87% were happy with Council's waste and recycling services. However the results showed that 61% don't refer to the Shire website for information about recycling services which shows an area for improvement.The end of the report itemises a few suggestions from families as to how the Shire could improve the waste services in the Waroona area. This provided some insight into what is wanted and majority of the ideas were in relation to providing a local recycling drop off for batteries, more recycling information, smaller general waste bin and larger recycling bin plus more recycling information on the shire website The program is offered to both schools however only St Joesph's Primary School took the opportunity to participate. If the program continues it will be offered to both schools.

## Data

Table 15 assesses existing waste data practices, identifies strengths and gaps and considers the kinds of data activities to include in the Implementation Plan to improve the Shire of Waroona's waste data. It has been completed based on the data/information covered in this document, as well as the individual experience of the officers responsible for collecting and using waste data.

| | Yes | No | Comment |
|---|---|---|---|
| Does the Shire have access to adequate waste data to complete the waste plan? | X | | The Shire implemented an electronic waste records system in 2019/20 to capture the data at real time. |
| Does the Shire use waste data when undertaking planning activities for waste projects/programs? | X | | |
| Does the Shire have access to adequate waste data for this? | X | | |
| Does the Shire use waste data when monitoring or assessing waste projects/programs? | X | | |
| Does the Shire have access to adequate waste data for this? | X | | |
| Does the Shire use adequate waste data to measure progress toward the targets and objectives of the Waste Strategy? | X | | |
| Does the Shire have access to adequate waste data for this? | X | | |
| Does the Shire have access to adequate waste data to fulfil annual data reporting obligations under the WARR Regulations? (previously undertaken through the Waste and Recycling Census) | X | | |
| Are there any types of waste data that the Shire does not currently collect or have access to that would be helpful/ useful? | X | | The Shire implemented a new data capture system at the landfill to more clearly and consistently identify the different material types and sources of waste disposed. A weighbridge is not an economically viable option for the landfill and that would be the more accurate option. |
| Are there any ways which the shire waste data collection, storage or use could be improved? | X | | The Shire implemented an electronic waste records system in 2019/20 to capture the data at real time. |
| Is the data collected by the Shire accurate? Are any new strategies needed to improve accuracy? | X | | Data collection will improve through the introduction of the electronic waste records system. |
| Any additional comments? | X | | The Shire is using the best data available, given resourcing constraints and existing systems and practices in place. |

*Table 15: Assessment of waste data.*

# Implementation

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Waste Services** | Conduct a visual bin audit. | New | Construct a visual bin audit on the kerbside bins within the Waroona townsite. Visual bin audit to be conducted annually for a 5 year period. | First audit is scheduled for FY 20/21 and will repeat the audit on an annual basis. | Conduct annual audits of kerbside bins in March of each year. Record the data collected consistently in a data base to allow comparisons. An estimated 50-100 residental properties will be part of the inspection zone. |
| | | | Record the data to get a clear picture of the type of material being disposed. | | |
| | | | Compare the data over the 5 year period. Data collected will be used to measure the success of behavioural changes through the waste education and will provide an insight for the FOGO investigation. | | |
| | Investigate the feasability of implementing a 3 bin systems including FOGO. | New | Investigate the current organic waste generation by residents through bin audit. | Based on a review of information collection/ costs and community consultation, provide a report to Council. | Provide a report to Council recommending whether to progress FOGO. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2021 | Yes | Yes | Yes | | Technical Officer, Shire of Waroona | All of the projects require some degree of budget allocation, the risk is that the funds will not be available.<br>Consequence - funding is essential for these activities to go ahead.<br>Mitigation strategies - by taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |
| 2023 | No, part of the Management and Risk Plan | Yes | | | Technical Officer, Shire of Waroona | |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Waste Services** | Investigate the feasability of implementing a 3 bin systems including FOGO. | New | Determine specifications for three bin FOGO system as per the better practice FOGO kerbside collection guidelines. | Based on a review of information collected and costs and community consultation, provide a report to Council on whether to progress FOGO. | Provide a Report to Council recommending whether to progress FOGO. |
| | | | Review the information and seek costings to implement FOGO in the Shire, taking into consideration a cost that would be realistic to residents and as the Shire is classified as Rural. | | |
| | | | Seek Community Input/ Feedback - Requested feedback would be in relation to the need of a FOGO system, Cost to rate payers, alternative methods already in place and the overall response to the actual proposal. | | |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2023 | No, part of the Management and Risk Plan | Yes | | | Technical Officer, Shire of Waroona | **Risk**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Waste Infrastructure** | Construct a community transfer station at the BRRDS.<br><br>*Aimed at removing the facility users from the active landfill cell. This will reduce the risk of the facility and allow for improved material recovery. The project is a 5 year project.* | New | Review the concept design.<br><br>Construct the hardstand area and investigate mateiral recovery options.<br><br>Construct the waste bund area for transfer of waste from the drop off zone to the active landfill.<br><br>Community transfer station completed and risk reduced with additional material recovery commencing. | 1. Finalise concept design.<br>2. Lodge a works approval to DWER for the design.<br>3. Receive the works approval and commence construction of community transfer station.<br>4. Commence material recovery trials.<br>5. Data collection with data showing improvements in material recovery. | Monitor the recovery material rates at the drop off location. Aim to improve the recovery rate from 25% to 30% by 2025. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2025 | Yes | | Yes | | Technical Officer, Shire of Waroona | **Risk**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. In addition the community use and education would be required and could prove to be a risk especially in a small rural town. |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Waste Infrastructure** | Improved material recovery at the active landfill site. | New | Review the current material that is being disposed at the landfill to identify if there are additional materials that can be separated to increase the recovery rate. For example cardboard bins. Commencing source separation with the current site will assist in the future with the source separation of material at the Transfer Station. | Investigate which of the materials currently collected could be separated and viably recovered. Based on investigation, put in additional source separation processes. | Implement and manage viable options by 2025 with trail material recovery commencing in 2021. |
| | Investigate a possible partnership with Shire of Murray for material recovery. | New | Review the current material that is being disposed to see if recovery of target material types can be done by resource sharing. | Investigate material recovery streams and viability to implement strategies. | Review of policies, local laws and WALGA better practices to see if the Shire can align as part of the resource sharing strategy. Material Recovery at the Cario Road transfer station and the Buller Road Refuse Disposal Site may be open to resource sharing to help reduce the transport cost. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2025 | Yes | | Yes | | Technical Officer, Shire of Warona | **Risk**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. In addition the community use and education would be required and could prove to be a risk especially in a small rural town. |
| 2023 | No | | Yes | | Technical Officer, Shire of Warona | |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Policies and Procurement** | Implement Waste Local Law | New | Review WALGA Template Waste Local Law and revise to reflect the Shire's specific context. Plan out the process the Local Law will need to go through, including the DWER and Local Government Act process, including seeking Council approval. Implement the waste local law development process. | Review and tailor WALGA Template Waste Local Law for Shire. Seek approval from Director General of DWER regarding the Local Law. Meet Local Government Act process for making a Local Law. | Monitor the recovery material rates at the drop off location. Aim to improve the recovery rate from 25% to 30% by 2025. |
| | Develop and implement a Management Plan and Risk Plan for the Shire's waste management operations. | New | Research, develop and implement a plan to address corporate and operational risks and procedures in relation to waste management. | 1. Risk management plan scope developed.<br>2. Stakeholders identified.<br>3. Assessment conducted.<br>4. Recommended options presented to Council.<br>5. Seek funding.<br>6. Recommendations implemented. | Commence - 2022<br>Implement - 2023/24 |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2022 | Yes | | Yes | | Director Infrastructure Services, Shire of Waroona<br><br>Technical Officer, Shire of Waroona | **Risks**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available. The Local Law development process may not be accepted by the Joint Standing Committee on Delegated Legislation and therefor the Shire will need to seek feeback from DWER to mitigate the risk.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |
| 2024 | No | | | Yes | Director Infrastructure Services, Shire of Waroona<br><br>Manager Works Services, Shire of Waroona<br><br>Technical Officer, Shire of Waroona | |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Data** | Implement a waste records system | New | Determine what data is required and how best to capture the data.<br>Develop and implement system.<br>Review system after 6 months of operation.<br>Review data on a monthly basis. | Implement system - February 2020 Review system - 6 monthly | Implement 2020 and 6 monthly review process. |
| | Review and improve data relating to litter and illegal dumping collections and monitor the need for an litter strategy. | New | Review current system to allow the recording of locations, waste type and time taken to collect/ dispose of litter and illegal dumping.<br>Investigate the need for a litter strategy. | Develop and implement a data capture system for litter and illegal dumping.<br>Investigate options for Programs to target key areas/ problematic materials.<br>Data to be used for possible litter strategy | Database to be created for data to be recorded by 2021. Twelve month review of data to be completed by 2022 prior to the recommendation of an litter strategy. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2021/22 | No, part of financial year 19/20 Budget | Yes | Yes | Yes | Manager Works Services, Shire of Waroona<br><br>Technical Officer, Shire of Warona | **Risks**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |
| 2022 | Yes | | | Yes | Technical Officer, Shire of Warona | |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Behaviour Change Programs and Initiatives** | Undertake an education campaign for residents on correct waste management behaviours to support the delivery of the Bin Audit program. | New | Using information from the results of the visual audit, tailor key education messages for the community.<br>The education messages will be promoted through various mediums including website and social media. | 1. Conduct visual bin audit.<br>2. Conduct community surveys.<br>3. Review data collected.<br>4. Implement education programs that are in line with WALGA best practices and the Waste Sorted toolkit. | Based on the annual visual bin audit data, aim for a 1% reduction in the contamination rate on an annual basis. Decrease the rate by 1% per year to reduce from current rate of 16% to 11%. |
| | Review Shire website to ensure waste management information is up to date and relevant. | Existing | Review the Shire website and create a easy to navigate website with improved information for ratepayers on waste management options for the Shire. | Based on results from the bin audit, review the Shire website and update with improved information.<br>Improve information on website regarding options for disposal of HHW.<br>Upload information related to the behaviour change program. | Upgrade the Shire website with information relevant to the bin audit by 2021 and the behaviour change program by 2022. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2022 | Yes | Yes | Yes | Yes | Technical Officer, Shire of Waroona | **Risks**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available. In additional the delivery of behaviour change not being consistant with best practice guidelines or that they are not tailered to the community needs and requirements.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |
| 2021 for bin audit information, 2022 for the behaviour change program initiative. | No, minor project with improvements to be minimal cost | Yes | Yes | Yes | Technical Officer, Shire of Waroona | |

| Waste Management Tool | Action | New or Existing | Details Actions | Milestones | Target (SMART) |
|---|---|---|---|---|---|
| **Behaviour Change Programs and Initiatives** | Improve the recovery of specific Household Hazardous Waste (HHW) at the Community Centre. | Existing | Work with the Community Centre to improve the recovery of materials such as mobile phones and batteries.<br>Make the programs more accessible for all.<br>Investigate an improved infrastructure, including appropriate signage, for a more convenient drop off of materials to prevent these materials being disposed in kerbside bins.<br>Increase advertising of what materials can be disposed of at the community centre.<br>Capture data on how much material is collected from the Community Centre.<br>Seek future opportunities to host a HHW Program Temporary Collection event. | Investigate which materials can be collected safely at the Community Centre and have free or low cost disposal/recycling costs.<br>Seek costings to develop new infrastructure and signage for material drop off.<br>Incorporate amount of material collected into existing data capture system.<br>Increase public awareness of drop off opportunity by promoting it on the Shire website and other publications/education interventions.<br>Monitor and evaluate material collected against 19/20 baseline. | Increase the scope and amount of materials collected by the Community Centre above the 2019/20 baseline. |

| Timeframe | Cost of Implementation Incorporated into Annual Budget and Corporate Business Plan | Aligns to Waste Strategy Objective | | | Responsibility for Implementation | Identified Risks |
|---|---|---|---|---|---|---|
| | | Avoid | Recover | Protect | | |
| 2024 | No, part of the education stream. | Yes | Yes | Yes | Technical Officer, Shire of Waroona<br><br>Waroona Community Resource Centre | **Risks**<br>All of the projects require some degree of budget allocation, the risk is that the funds will not be available. In additional the delivery of behaviour change not being consistant with best practice guidelines or that they are not tailered to the community needs and requirements.<br>**Consequence**<br>Funding is essential for these activities to go ahead.<br>**Mitigation Strategies**<br>By taking a clear, evidence based approach for the strategies proposed, and providing Council with costs/benefits of the actions, funding has the greatest likelihood of being allocated. |

# Resourcing the Waste Plan

To facilitate the achievement of the community's long term goals and aspirations as expressed in Waroona 2030 and the Corporate Business Plan, informing strategies have been developed to ensure the required financial strategies, infrastructure and workforce are in place.

**Long Term Financial Plan**

The Long Term Financial Plan is Council's ten year financial planning document with an emphasis on long term financial sustainability. Financial sustainability is one of the key issues facing local government due to several contributing factors including ageing infrastructure and constraints on revenue growth. This document tests the community aspirations and goals against financial realities. Included within the Long Term Financial Plan are:

- Assumptions used to develop the Plan
- Projected income and expenditure, balance sheet and cash flow statements
- Methods of monitoring financial performance

Balancing expectations, uncertainty of future revenue and expenditure forecasts are some of the most challenging aspects of the financial planning process.

As such, the longer the planning horizon, the more general the plan will be in the later years. Every effort has been taken to present the most current estimates and project scopes to be included in the Plan.

**Asset Management Plan**

The Asset Management Plan assists Council to provide the required level of service in the most cost effective manner through the creation, acquisition, maintenance, operations, rehabilitation and disposal of assets to provide for present and future generations. The Plan is part of an overall framework that aims to present information about assets, provide evidence of responsible asset management and compliance with regulatory requirements, and summarise information with regard to funding aimed at maintaining assets at the required levels of service Council utilises integrated decision making to ensure that built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management lifecycle. Council's strategic financial planning will ensure that:

- Funding requirements are assessed
- Additional funds are identified where appropriate for the investment in new and upgraded assets

**Workforce Plan**

The Workforce Plan provides a framework and strategy to address the human resourcing requirements for Council's Corporate Business Plan, and as such, has a four year horizon. The Plan recognises that Shire employees need to bring commitment, energy and flexibility to the workplace. In return, staff need clarity regarding how their personal goals align with organisational goals and priorities. This requires an investment in developing leaders, managers and employees with the right skills for our diverse businesses. It also requires clear learning pathways linked to performance development and an ongoing investment in attracting and retaining talented people, while maintaining a focus on workplace health and wellbeing.

The Shire is committed to the ongoing identification of efficient operating methods and is increasingly using technology to automate processes. The need to minimise financial impact to ratepayers is priority, and therefore, no additions to the workforce are planned over the next four years.

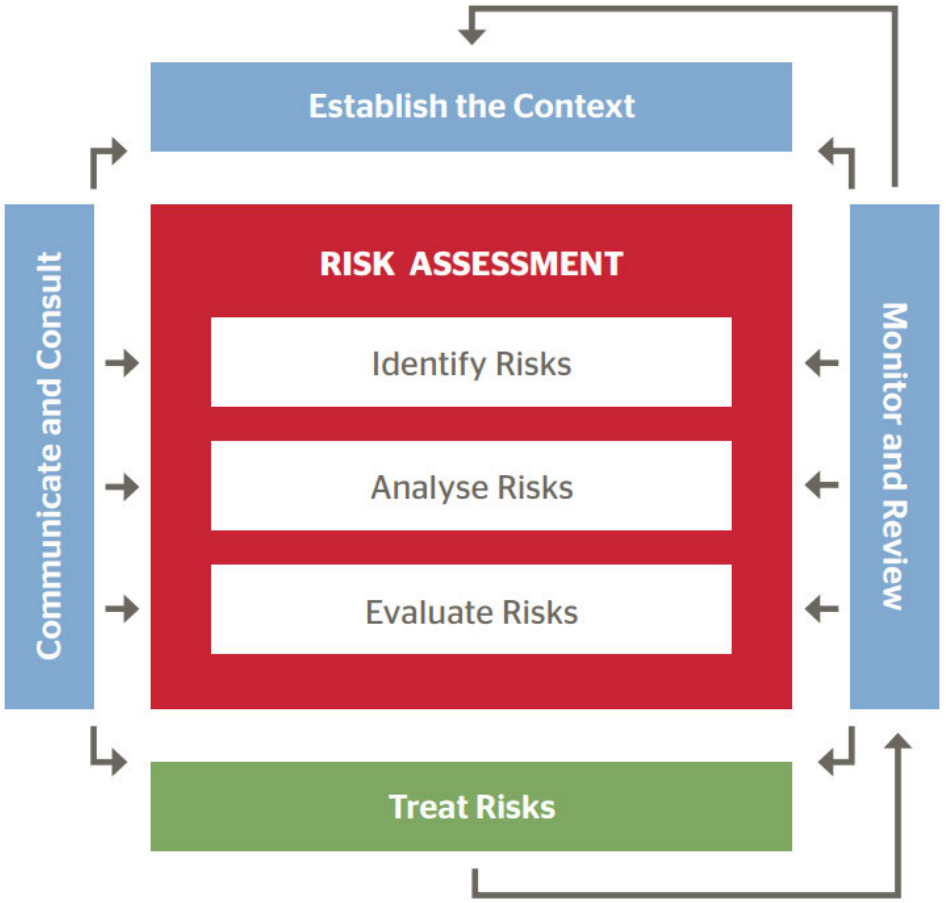


# Risk Management

The Shire of Waroona is committed to identifying, measuring and managing risks in order to capitalise on opportunities and achieve the objectives of the Council's strategic plans.

To achieve this, the Shire has adopted a risk management framework aligned to AS/NZS ISO 31000.2018 Risk Management – Principles and Guidelines. The frameworks, which is comprised of a Risk Management Policy and Strategy, provides a coordinated and systematic process for managing risks, integrating risk management into everyday decision making and business planning.

A Business Continuity Plan also compliments this framework, ensuring that the Shire can continue to provide essential services to stakeholders in the event of a crisis or major incident.



# Reviewing & Reporting

The Shire of Waroona has a robust reporting framework in place that tracks key performance indicators at the individual, service area and organisational level. The Chief Executive Officer has targets and objectives that are set and revised by the Council to deliver on key Council priorities.

The Shire's performance data is captured in our corporate database, ensuring that appropriate responsibilities, timeframes, measures and progress are accounted for. Another major performance measure is compliance with the Reporting Advisory Standards

The Shire will measure success and progress of the Waste Plan through the following mechanisms:

- Staff survey undertaken every year
- Community perception survey undertaken every two years
- Delivery of projects on time and on budget
- Progress on the delivery of the Waste Plan may be reported in the Shire's Annual Report



# Glossary

| Term | Description |
|---|---|
| Avoidance | Avoidance refers to the prevention or reduction of waste generation and is the most preferred option in the waste hierarchy. |
| Better Practice | Better practice refers to practices and approaches that are considered by the Waste Authority to be outcomes-focussed, effective and high performing, which have been identified based on evidence and benchmarking against comparable jurisdictions. |
| Commercial and Industrial (C&I) | Solid waste generated by the business sector, State and Federal Government entities, schools and tertiary institutions. |
| Commercial Waste Services | • Refers to drop-off, kerbside, vergeside or other waste services provided by the local government to commercial premises.<br>• Discretionary service, not offered by all local governments. |
| Construction and Demolition Waste (C&D) | Solid waste produced by demolition and building activities, including road and rail construction and maintenance, and excavation of land associated with construction activities. |

| Term | Description |
|---|---|
| Disposal | • Disposal refers to the discharge of waste into the environment, either into landfill or another disposal route.<br>• Disposal is the least preferred option in the waste hierarchy. |
| Drop-off Facilities and Services | • Drop-off collections are where reportable waste is delivered to the waste depot (drop-off facility) by the residents of the local government i.e. self-hauled waste.<br>• Services are provided to collect waste or recyclable materials.<br>• May be temporary or permanent standalone drop-off points for one or more materials, or may form part of other waste facilities (such as landfills or transfer stations).<br>Note: this does not include HHW drop-off points |
| Energy Recovery | The process of extracting energy from a waste stream through re-use, reprocessing, recycling or recovering energy from waste. |
| Household Hazardous Waste (HHW) Facility | • Refers to facilities for the drop-off and storage of HHW |

| Term | Description |
|---|---|
| Household Hazardous Waste (HHW) Facility | • Includes consideration of the drop-off and storage procedures and infrastructure, staffing and resourcing, layout, operation and management HHW facilities, etc. |
| Illegal Dumping | Illegal dumping is the unauthorised discharging or abandonment of waste and is an offence under Section 49A of the Environmental Protection Act 1986. Illegally dumped waste is generally considered to have the following attributes:<br>• Volume - > 1 cubic metre<br>• Environmental impact - contains items/substances that are potentially noxious or hazardous; potential for environmental harm if material leaks, spreads or degrades<br>• Type of waste - commercial or industrial waste; larger-scale household waste<br>• Reason for offence - premeditated decision; commercial benefit or avoidance of fee<br>• Mode of deposition - deposited using a vehicle |

| Term | Description |
|---|---|
| Kerbside Waste Services | • A regular, containerised collection service (often a wheelie bin) where the waste or recycling is collected from outside a resident's dwelling.<br>• Can apply to either recycling or general waste (and in a few instances green waste). |
| Landfill | • Refers to inert or putrescible waste, registered or licenced landfills.<br>• Activities related to the layout, operation, management and post closure of a landfill.<br>• Includes consideration of the technology and infrastructure on site, staffing and resourcing, and any other waste facilities or services at the landfill site (e.g. greenwaste or recycling drop off, mulching, tip shop, etc.). |
| Litter | Litter is defined in the Litter Act 1979 as including:<br>• all kinds of rubbish, refuse, junk, garbage or scrap; and<br>• any articles or material abandoned or unwanted by the owner or the person in possession thereof, |

| Term | Description |
|---|---|
| Litter | but does not include dust, smoke or other like products emitted or produced during the normal operations of any mining, extractive, primary or manufacturing industry.<br>• Volume - < 1 cubic metre<br>• Environmental impact - nil or minor actual or potential environmental impact<br>• Type of waste - personal litter<br>• Reason for offence - unpremeditated, convenient disposal<br>• Mode of deposition - deposited by hand (includes dropping by hand from a vehicle) |
| Local Government Waste Management | • Refers to waste generated by a local government in performing its functions.<br>• Includes materials such as construction and demolition waste from road and footpath building and maintenance; greenwaste from parks maintenance; waste generated at local government offices, depots, and facilities. |
| Municipal Solid Waste (MSW) | Solid waste generated from domestic (residential) premises and local government activities. |

| Term | Description |
|---|---|
| Peel Region | The Peel region is the area defined by the Peel Region Scheme. |
| Perth Metropolitan Region | The Perth metropolitan region or the Perth region is the area defined by the Metropolitan Region Scheme. |
| Public Place Services | Public place waste services refers to permanent bins provided by local government in public places to collect waste and/or recycling. |
| Recovery | The process of extracting materials or energy from a waste stream through re-use, reprocessing, recycling or recovering energy from waste. |
| Reuse | Reuse refers to using a material or item again. |
| Reprocessing | Reprocessing refers to using an item or material that might otherwise become waste during the manufacturing or remanufacturing process. |
| Recycling | The process by which waste is collected, sorted, processed (including through composting), and converted into raw materials to be used in the production of new products. |

| Term | Description |
|---|---|
| Residual Waste | • Waste that remains after the application of a better practice source separation process and recycling system, consistent with the waste hierarchy as described in section 5 of the WARR Act.<br>• Where better practice guidance is not available, an entity's material recovery performance will need to meet or exceed the relevant stream target (depending on its source - MSW, C&I or C&D) for the remaining non-recovered materials to be considered residual waste under this waste strategy. |
| Special Event Waste Services | Special event waste management refers to temporary bins and/or waste collection services provided by local government to manage waste generated at events such as fireworks displays, music festivals, sports events, markets etc. |
| Sustainable Procurement | Sustainable procurement involves meeting a need for goods and services in a way that achieves value for money and generates benefits not only to the organisation, but also to society and the economy, while minimising damage to the environment. |

| Term | Description |
|---|---|
| Transfer Station | • Refers to facilities which undertake large scale consolidation of waste or recyclable materials for transfer to another facility for processing or disposal.<br>• Activities related to the layout, operation and management of a transfer station.<br>• Includes consideration of the technology and infrastructure on site, staffing and resourcing, and any other waste facilities or services available at the site (e.g. greenwaste or recycling drop off, mulching, tip shop, etc.). |
| Vergeside Waste Services | • Vergeside collection services are bulk, infrequent (~every 4-6 month or on demand) services.<br>• Material is collected from residential 'vergesides' either non-containerised or in a skip provided by the local government. Vergeside services may relate to green waste or hard waste.<br>• Includes waste and/or recyclable materials that may be mixed or separated and the source and can include green waste or hard waste. |

| Term | Description |
|---|---|
| Waste Services | Waste services are defined by the *Waste Avoidance and Resource Recovery Act 2007* as the:<br>• the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or<br>• the provision of receptacles for the temporary deposit of waste; or<br>• the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste. |

# Appendix 1 - Bin Audit Composition Categories

| Recyclable Components | | | | |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | Descriptors |
| Recyclables | Paper | Recyclable Paper | Newspaper | Newspapers, Newspaper like pamphlets, |
| | | | Glossy Paper | magazines (glossy) pamphlets, present wrapping paper, |
| | | | Office Paper | A4 document paper, writing pads, letters, stationery papers, Print / Writing Paper, envelopes |
| | | | Coloured Paper | Coloured Paper |
| | | Non-Recyclable Paper | Composite Paper | Composite paper items where the weight of the paper is estimated to be greater the weight of the other materials, envelopes with transparent windows |
| | | | Contaminated Paper | Paper towel, Paper Napkins, Contaminated Paper - soiled not recyclable |
| | | | Other Paper | Non-Recyclable Paper, greaseproof paper, paper with wax coating, high wet strength papers, telephone books |
| | Cardboard | Recyclable Cardboard | Corrugated Cardboard | Corrugated cardboard boxes, |
| | | | Packaged Flat Cardboard | packing boxes etc, cereal boxes, business cards, folding cartons |
| | | | Liquid Paper Board Foil Lined and Other | UHT / Long life milk, Soy Milk Cartons, some fruit juice cartons, Carbon barriers, Milk Cartons, Cardboard with wax coating, paper/disposable cups including biodegradable cups |
| | | Non-Recyclable Cardboard | Composite cardboard | Composite cardboard items where the weight of the cardboard is estimated to be greater the weight of the other materials, e.g. pringle boxes etc, |
| | | | Contaminated Cardboard | Contaminated Cardboard e.g. pizza boxes |
| | | | Other Cardboard | Non-Recyclable Cardboard |
| | Plastics | Recyclable Plastics | PET #1 | Soft drink bottles, juice bottles, some food & mouthwash containers (e.g. jam & sauce bottles, peanut butter jars) including coloured PET |
| | | | HDPE#2 | Milk and cream bottles, shampoo and cleaner bottles, HDPE bottles, including coloured HDPE |
| | | | PVC#3 | Cordial and juice bottles, blister packs, plumbing pipes and fittings, PVC labels |
| | | | LDPE#4 | Ice cream container lids, cream bottle lids, squeeze bottles, lids, builder's black plastic, black mulch film, plant nursery bags |
| | | | Polypropylene#5 | Ice cream containers, drinking straws, pot plant pots, some bottle caps, plastic garden settings, potato crisp bags, compost bins |
| | | | Polystyrene #6 | Yoghurt / sour cream containers, hot drink cups, take away containers, plastic cutlery, video/CD boxes, packaging foam, any foam |
| | | | Plastic#7 Other | Tupperware, Mixed unidentifiable plastics, all other resins and multi-blend plastic materials |

| | | | | |
|---|---|---|---|---|
| Recyclables | Plastics | Non-Recyclable Plastics | Plastic Bags | Plastics Shopping Bags, Plastic Produce/Food Bags, Resealable Plastic Bags, Bin liners, Garbage bin liners, Compostable Plastics Bags |
| | | | Plastic Film | Cling film |
| | | | Composite (Mostly Plastic) | Composite plastic items where the weight of the plastic is estimated to be greater than the other material items |
| | Glass | Recyclable Glass (CDS Glass) | Glass Bottles | Beer/Cider Mixed Drinks, Soft drink bottles, not broken glass |
| | | Recyclable Glass | Glass Other | wine bottles, food and sauce jars, |
| | | Non-Recyclable Glass | Miscellaneous/Other Glass | Plate glass (window and windscreen), broken light globes glass, glass particles, Black or ceramic lined glass, Including broken glass that is recyclable more than 50mm in size |
| | Ferrous (Steel) | Steel | Steel Cans | Food cans, pet food cans, tins, empty paint tins, |
| | | | Steel Aerosols | Aerosol cans |
| | | | Composite Ferrous (Mostly Ferrous) | Composite ferrous items where the weight of the metal is estimated to be greater than the other material items |
| | | | Ferrous Other | Beer bottle tops, 100% ferrous items that are not cans / tins / packaging materials |
| | Non Ferrous (Aluminium) | Aluminium | Aluminium Cans | Beer and soft drink cans, |
| | | | Aluminium Aerosols | Aluminium aerosol cans |
| | | | Aluminium Foil | clean foil |
| | | | Composite Non-Ferrous (Mostly Non-Ferrous) | Composite non-ferrous metal items where the weight of the metal is estimated to be greater than the other material items |
| | | | Non-Ferrous Other | Copper / brass / bronze items, other metals (not ferrous / aluminium), Aluminium tamper proof seals |
| Contaminants/Non-Recyclable Components | | | | |
| Organic | Organic | Organic | Food Waste | Vegetable scraps, meat scraps, animal food, leftover food, Food particles, Bones |
| | | | Green Waste | Grass clippings, tree trimmings / pruning's, flowers, tree wood |
| | | | Packaged Food Waste | (Liquid containers - quarter full or more) and (Food Waste in containers or bags) |
| | | | Other Putrescible | Animal excrement, mixed compostable items |
| | Other Organics | Other Organics | Wood/Timber | Milled wood / timber, wooden skewers |
| | Textiles | Textiles | Textiles | (Natural/Synthetic - Apparel/Bedding etc.), (Leather and Rubber) |
| | | | Other Textiles | Shoes, handbags, millinery etc |
| | Earth | Earth | Soil/Dust 'n' Dirt and Inert and Broken Glass, Ash/Coal | Vacuum bag contents, soil, rocks, dirt, grit, mud, Broken Glass less than 50mm in size |
| | | | Ceramics, Rocks/Stones, Bricks, Concrete | Bricks and stones, Cups, bowls, pottery items, concrete |

| | | | | |
|---|---|---|---|---|
| Hazardous | Medical | Medical Waste | Pharmaceuticals | Unused prescription medicine, vitamins and Minerals |
| | | | Medical Waste | Band aids, Bandages, Used surgical gloves, Surgical Instruments, Medical aids/kits, Medical devices and radioactive materials, any solid waste generated from a diagnosis, treatment of humans or animals, /Medical Other |
| | | | Hypodermic Syringes | Hypodermic Syringes, Epi Pens |
| | Pathogenic Infectious | Pathogenic Infectious | Sanitary / Hygiene | used tissues (items with any bodily fluids), tampons/pads, cotton buds) |
| | | | Nappies | Adult and Child disposable nappies |
| | Hazardous | Hazardous | Chemicals | Bleach, Shampoo, Cleaning Products, (where the weight of the product is estimated to be greater than the weight of the container) |
| | | | Paint | Wet/Dry Paint |
| | | | Batteries Household | Batteries (Single Use and Rechargeable), Mobile phone battery |
| | | | Batteries Other | Vehicle Batteries e.g. Car/Boat, Industrial batteries e.g. Power Supply (UPS) |
| | | | Fluorescent Tubes/Light Bulbs | |
| | | | Oil Household, Motor & Other | |
| | | | Building Material | |
| | | | Hazardous Other | Uncategorized hazardous waste |
| Other | Electronic Waste | Electronic Waste | Toner Cartridges | Toner Cartridges |
| | | | Computer Equipment | Computer Components, Peripheral Devices/Computer Printer or Photocopier/Printer |
| | | | Mobile Phones | Mobile phones |
| | | | Electrical Items | Electrical Products |
| | Miscellaneous | Miscellaneous | Miscellaneous (Specify) | Any items not applicable to other categories |



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**www.waroona.wa.gov.au**

/ShireofWaroona


SHIRE OF
WAROONA
SEA TO SCARP




205
DP 34250

89°50'
20.12
90°10'

203
DP 233039

404.01

TOTAL ROAD AREA = *1.3975 Ha*

694.72

146
DP 232779

90°220"
HAYES ROAD
20.12
89°5740"

205
DP 34250

270.53

89°5945"
10.18
90°00'15"
20.12

SOMERS ROAD
BANCELL ROAD

R.I.T. McEWEN
LICENSED SURVEYOR
Mobile : 0428931806
Email : ritmcewen@gmail.com

# PROPOSED ROAD CLOSURE BROCKMAN ROAD WAGERUP

**CLIENT : ALCOA OF AUSTRALIA**

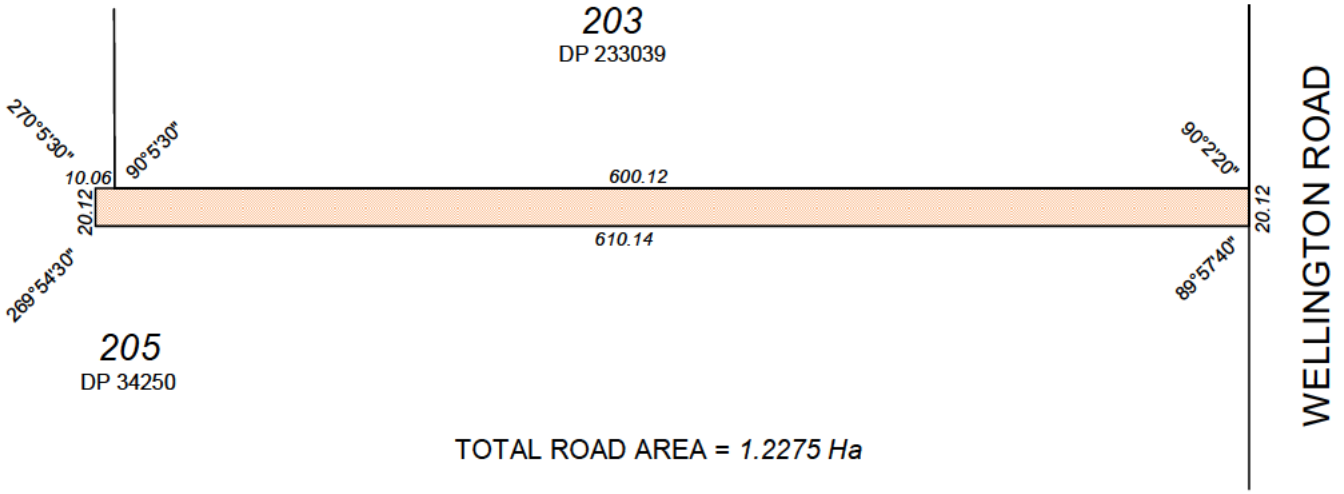
SCALE : 1 : 4,000 AT A4 SIZE

Reference : Job No. 1091

PLAN No : ARCW 001

DATE : 8th June 2020




TOTAL ROAD AREA = *1.2275 Ha*

R.I.T. McEWEN



**LICENSED SURVEYOR**

Mobile : 0428931806
Email : ritmcewen@gmail.com

# PROPOSED ROAD CLOSURE HAYES ROAD WAGERUP

**CLIENT : ALCOA OF AUSTRALIA**

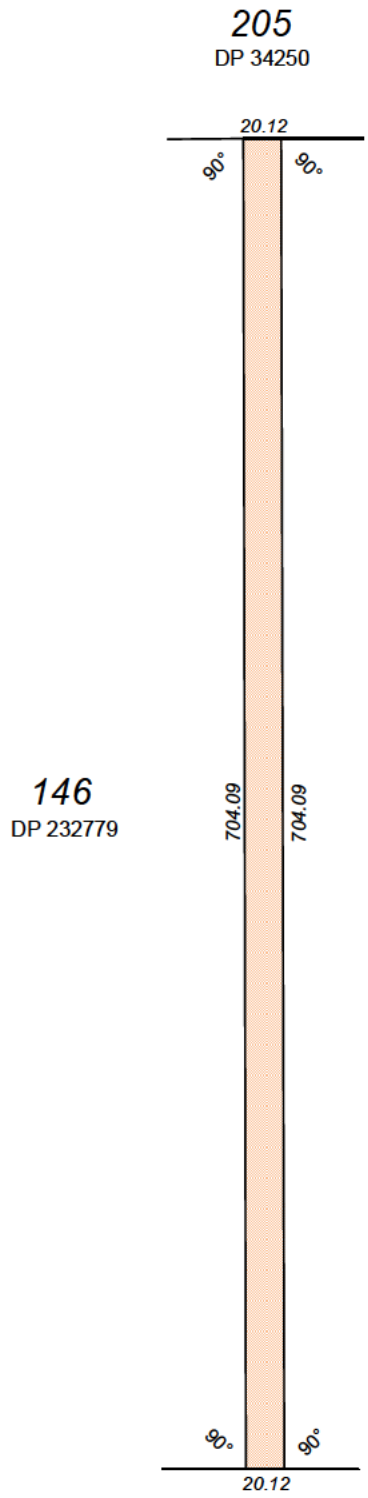
SCALE : 1 : 4,000 AT A4 SIZE

Reference : Job No. 1091

PLAN No : ARCW 002

DATE : 8th June 2020




TOTAL ROAD AREA = *1.4164 Ha*

R.I.T. McEWEN



*LICENSED SURVEYOR*

Mobile : 0428931806
Email : ritmcewen@gmail.com

# PROPOSED ROAD CLOSURE WELLINGTON ROAD WAGERUP

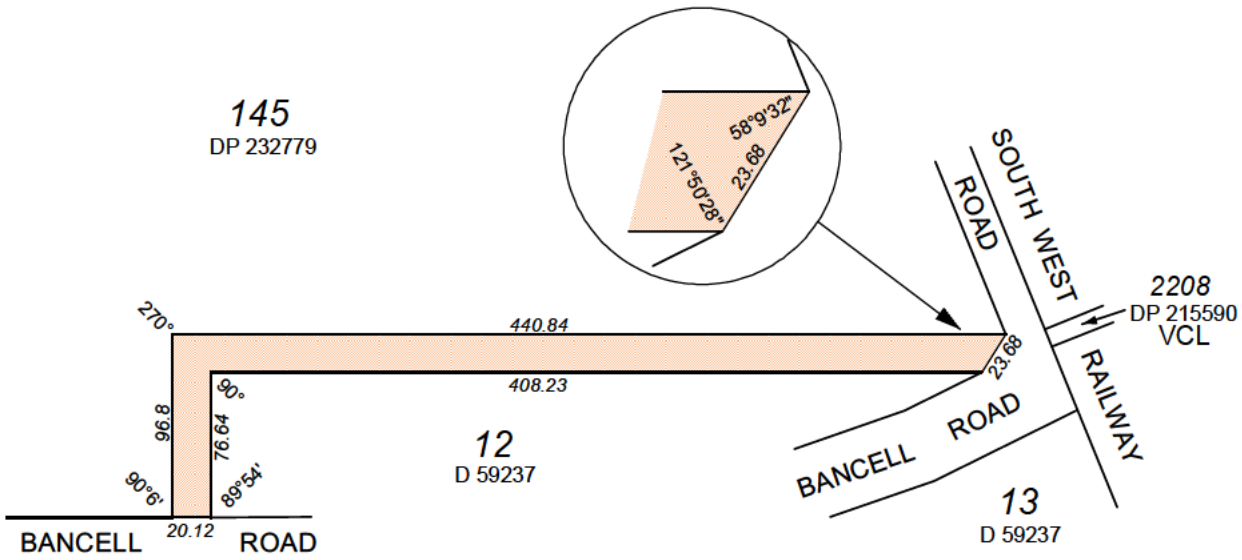
**CLIENT : ALCOA OF AUSTRALIA**

SCALE : 1 : 4,000 AT A4 SIZE

Reference : Job No. 1091

PLAN No : ARCW 003

DATE : 8th June 2020




TOTAL ROAD AREA = *1.0285 Ha*

R.I.T. McEWEN



*LICENSED SURVEYOR*

Mobile : 0428931806
Email : ritmcewen@gmail.com

# PROPOSED ROAD CLOSURE BROWNS LANE WAGERUP

**CLIENT : ALCOA OF AUSTRALIA**

SCALE : 1 : 4,000 AT A4 SIZE

Reference : Job No. 1091

PLAN No : ARCW 004

DATE : 8th June 2020

SCALE : 1 : 10,000 AT A3 SIZE

0 80 160 240 320 400 800

# PROPOSED ROAD AMALGAMATION PLAN

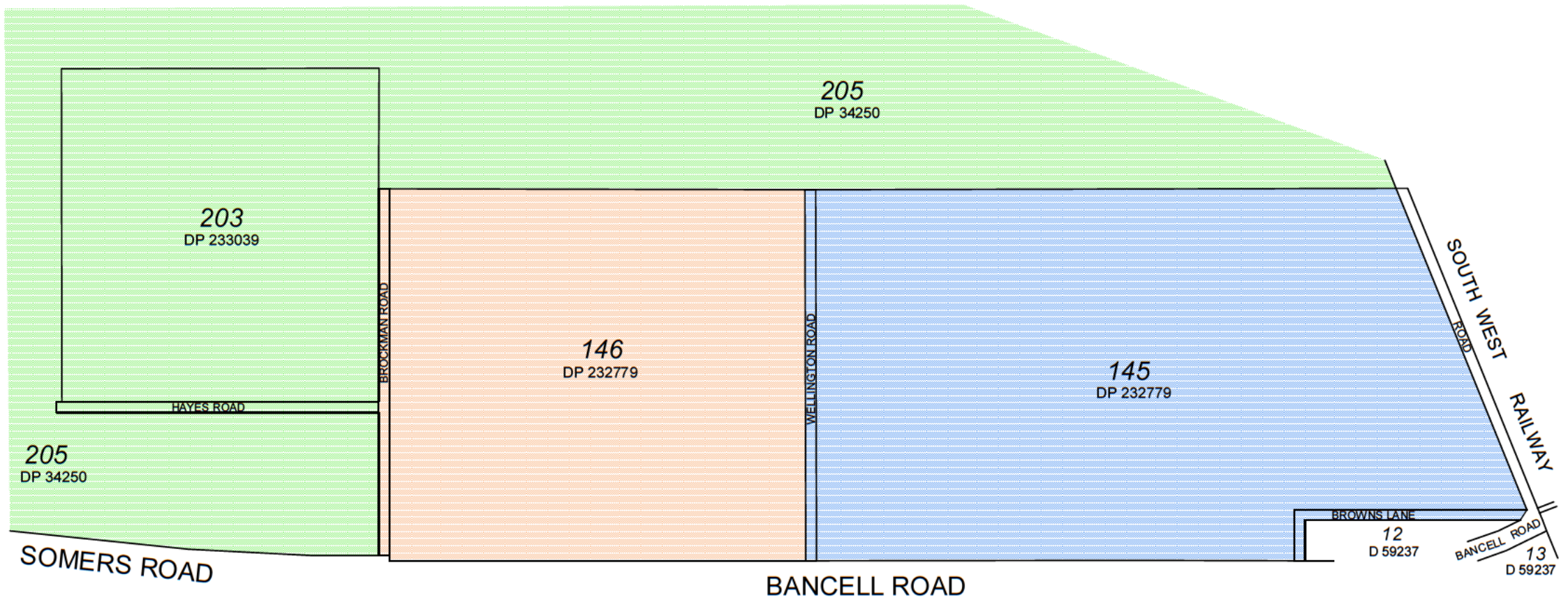
**LOTS 145, 146, 203 & 205**
**BANCELL ROAD**
**WAGERUP**

LOCAL AUTHORITY : SHIRE OF WAROONA

LOT 203 AND HAYES ROAD TO BE AMALGAMATED INTO LOT 205

BROCKMAN ROAD TO BE AMALGAMATED INTO LOT 146

WELLINGTON ROAD AND BROWNS LANE TO BE AMALGAMATED INTO LOT 145




NORTH

DRAWING No : ARCW 005

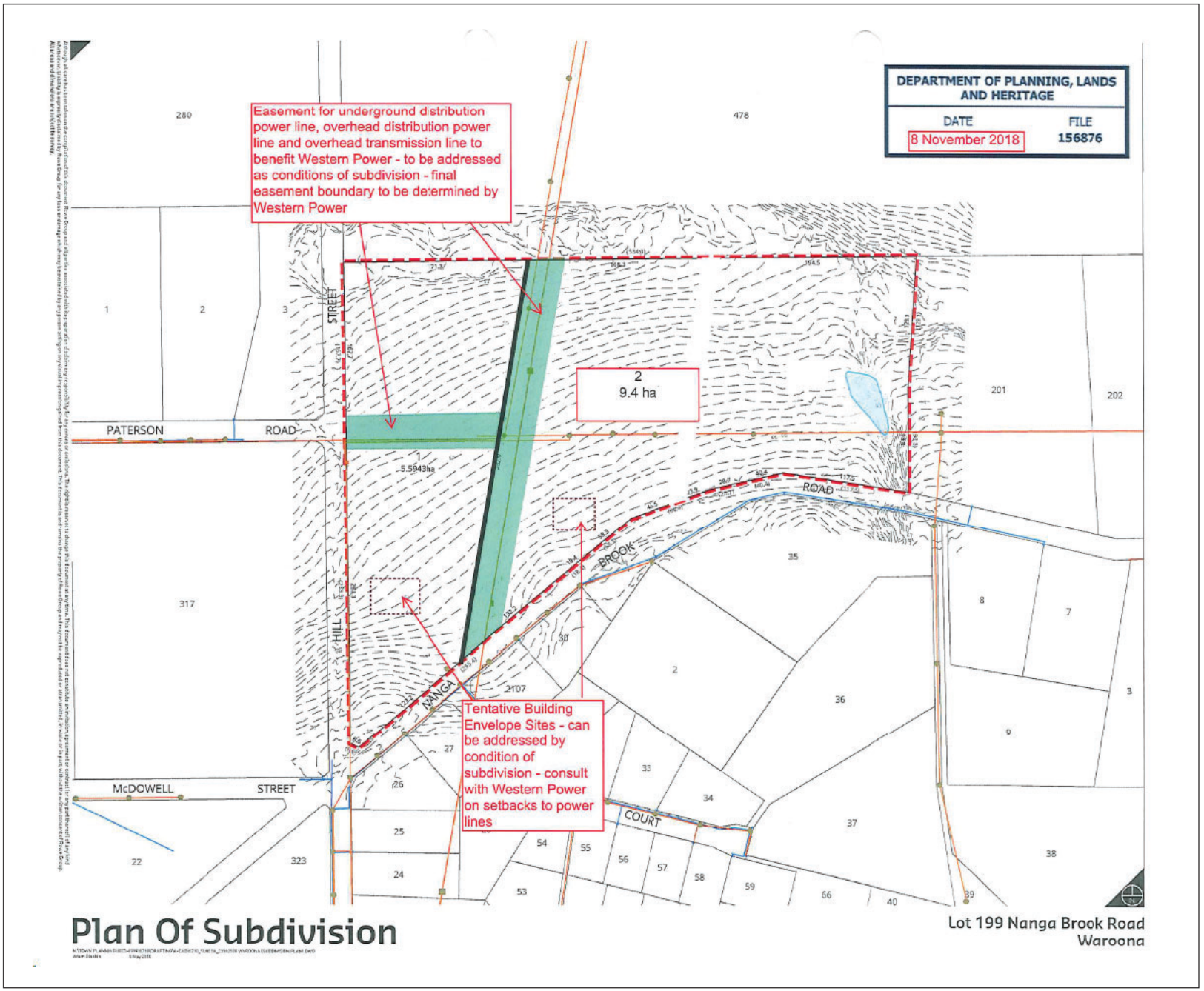

**R.I.T McEwen Licensed Surveyor**

Phone : 0428 931 806

Email : ritmcewen@gmail.com


DATE : 30th October 2020

APPENDIX 11.2.1E




## Legend

- Subject Site
- Contours
- 7 Existing Lot Numbers
- 7 Proposed Lot Numbers
- Existing Boundaries
- Proposed Boundaries
- Water
- Power
- Power Pole
- Transmission
- Transmission Pole
- Dam

- NOTE THAT POSITION ERRORS CAN BE >5M IN SOME AREAS
- AERIAL PHOTOGRAPHY SOURCED LANDGATE 2018
- OTHER DATA SOURCED LANDGATE 2018
(© Western Australian Land Information Authority 2018)

360 environmental
a 10 Bermondsey St West Leederville 6007 WA
t (08) 9388 8360
f (08) 9381 2360
www.360environmental.com.au

0 40 80
Meters
1:2,793 @ A4

LOCALITY MAP




| PROJECT ID | DATE |
|---|---|
| 3436 | 19/09/2019 |

HORIZONTAL DATUM AND PROJECTION
GDA 1994 MGA Zone 50

| CREATED | CHECKED | APPROVED | REVISION |
|---|---|---|---|
| SL | KL | KL | 0 |

**Ray Hull**
**L199 Nanga Brook Rd, Waroona**

**Site and Soil Assessment**

**Figure 2 Subdivision Plan**

APPENDIX 11.2.2

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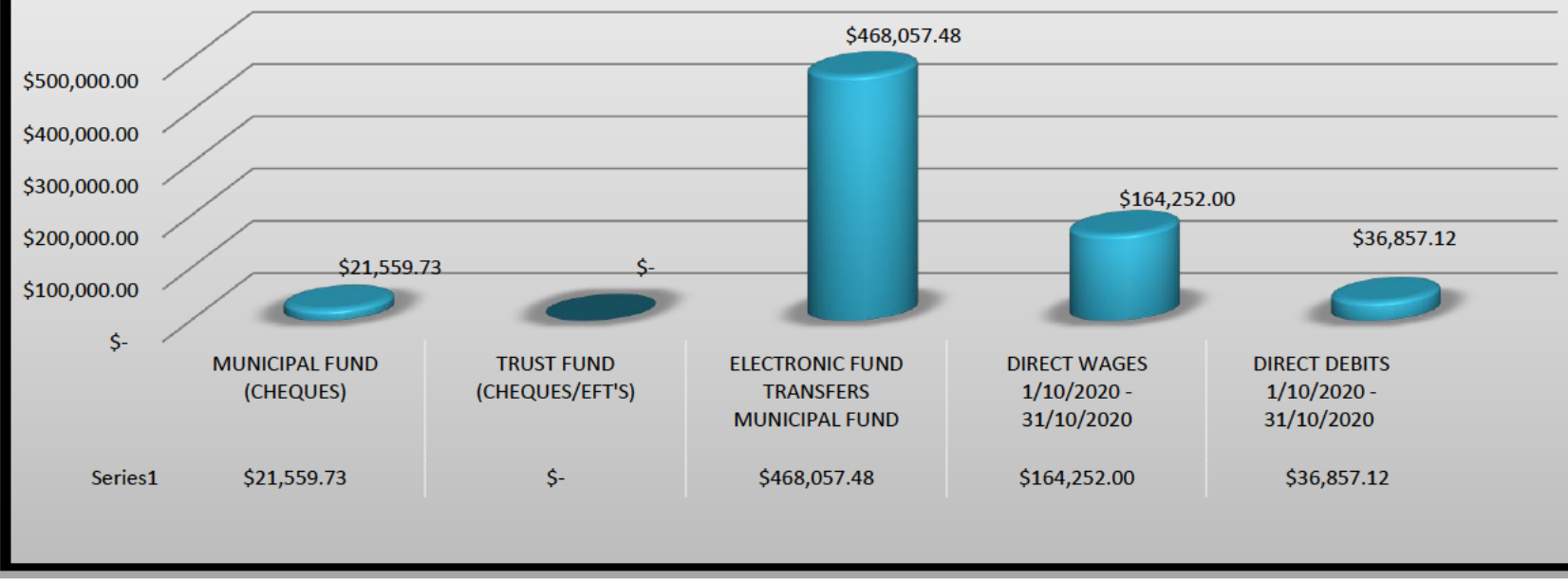
K:\Projects\10 WAM\3436 Lot 199 Waroona Site & Soil Evaluation\3436 Fx Background Maps.mxd

# SUMMARY OF PAYMENTS FOR THE PERIOD 1/10/2020 TO 31/10/2020

APPENDIX 11.3.1

| ACCOUNT | CHEQUE NO'S | TOTAL |
|---|---|---|
| MUNICIPAL FUND (CHEQUES) | 9556 - 9575 | $ 21,559.73 |
| TRUST FUND (CHEQUES/EFT'S) | | $ - |
| ELECTRONIC FUND TRANSFERS MUNICIPAL FUND | 32965 - 33130 | $ 468,057.48 |
| DIRECT WAGES 1/10/2020 - 31/10/2020 | N/A | $ 164,252.00 |
| DIRECT DEBITS 1/10/2020 - 31/10/2020 | N/A | $ 36,857.12 |

**GRAND TOTAL: $ 690,726.33**



## List of Accounts Due & Submitted to Committee November 2019
## Municipal Funds Cheques October 2019

| Chq/EFT | Date | Name | Description | Amount |
|---|---|---|---|---|
| 9556 | 01/10/2020 | KIM ROWLAND MARWICK | 2020/21 Rates Incentive Prize Winner | -850.00 |
| 9557 | 02/10/2020 | SYNERGY | Electricity Charges | -2390.98 |
| 9558 | 02/10/2020 | TELSTRA CORPORATION LIMITED | Telephone Charges | -29.00 |
| 9559 | 09/10/2020 | SHIRE OF WAROONA | BSL Commission Collected | -40.00 |
| 9561 | 09/10/2020 | CHRISTOPHER ROBERT SMITH | Rates Refund - 56 Lyons Road | -797.27 |
| 9562 | 09/10/2020 | SHIRE OF WAROONA - SUNDRY DEBTORS | Payroll Deductions | -830.00 |
| 9563 | 12/10/2020 | OPTUS BILLING SERVICES | Telephone Charges | -1128.68 |
| 9564 | 12/10/2020 | SHIRE OF WAROONA | BCITF Commission Collected | -16.50 |
| 9565 | 16/10/2020 | OPTUS BILLING SERVICES | Internet Usage | -220.70 |
| 9566 | 16/10/2020 | CITY OF MANDURAH | Contribution 2020/21 Mosquito Program | -1000.00 |
| 9567 | 16/10/2020 | FILTREX | Refund Septic Application - Lot 19 (10) Brookside Grange | -118.00 |
| 9568 | 16/10/2020 | PETTY CASH - please pay cash | Petty Cash Reimbursement | -92.60 |
| 9569 | 16/10/2020 | SYNERGY | Electricity Charges | -235.14 |
| 9570 | 16/10/2020 | CHRISTINE HYDE | Payment of Consignment Stock - Visitor Centre | -790.20 |
| 9571 | 23/10/2020 | OPTUS BILLING SERVICES | Telephone Charges | -1896.21 |
| 9572 | 23/10/2020 | PETTY CASH - please pay cash | Petty Cash Reimbursement | -328.00 |
| 9573 | 23/10/2020 | SHIRE OF WAROONA - SUNDRY DEBTORS | Payroll Deductions | -830.00 |
| 9574 | 23/10/2020 | SYNERGY | Electricity Charges | -9766.45 |
| 9575 | 23/10/2020 | SHIRE OF WAROONA | Purchase Shire Number Plates - 71WR - Jamie Chandler | -200.00 |
| | | | **TOTAL MUNICIPAL FUNDS CHEQUES** | **-$ 21,559.73** |

## Trust Fund Cheques/EFTs

| Chq/EFT | Date | Name | Description | Amount |
|---|---|---|---|---|
| | | **Nil** | | |
| | | | **TOTAL TRUST CHEQUES** | **$ -** |

## Direct Debit Payments

| DD No | Date | Name | Description | Amount |
|---|---|---|---|---|
| DD19082.1 | 07/10/2020 | WA SUPER | Payroll Deductions | -15594.11 |
| DD19082.2 | 07/10/2020 | ESSENTIAL SUPERANNUATION | Superannuation Contributions | -68.80 |
| DD19082.3 | 07/10/2020 | TELSTRA SUPER | Superannuation Contributions | -944.87 |
| DD19082.4 | 07/10/2020 | SUNSUPER | Superannuation Contributions | -440.39 |
| DD19082.5 | 07/10/2020 | CBUS SUPERANNUATION | Superannuation Contributions | -309.84 |
| DD19082.6 | 07/10/2020 | REST SUPER - RETAIL EMPLOYEES SUPERANNUATION FUND | Superannuation Contributions | -229.43 |
| DD19082.7 | 07/10/2020 | AUSTRALIAN SUPER | Superannuation Contributions | -255.07 |
| DD19082.8 | 07/10/2020 | AUSTRALIAN ETHICAL RETAIL SUPERANNUATION FUND | Superannuation Contributions | -265.61 |
| DD19082.9 | 07/10/2020 | MIML - MACQUARIE SUPER ACCUMULATOR | Superannuation Contributions | -43.56 |
| DD19101.1 | 29/10/2020 | TELAIR PTY LTD | Monthly Access Fee - Telair Fax | -19.95 |
| DD19111.1 | 21/10/2020 | WA SUPER | Payroll Deductions | -15995.31 |
| DD19111.2 | 21/10/2020 | MIML - MACQUARIE SUPER ACCUMULATOR | Superannuation Contributions | -58.08 |
| DD19111.3 | 21/10/2020 | BT SUPER FOR LIFE | Superannuation Contributions | -72.85 |

| | | | | |
|---|---|---|---|---|
| DD19111.4 | 21/10/2020 | COLONIAL FIRST STATE FIRSTCHOICE WHOLESALE PERSONAL SUPER | Superannuation Contributions | -46.94 |
| DD19111.5 | 21/10/2020 | TELSTRA SUPER | Superannuation Contributions | -944.87 |
| DD19111.6 | 21/10/2020 | SUNSUPER | Superannuation Contributions | -440.39 |
| DD19111.7 | 21/10/2020 | CBUS SUPERANNUATION | Superannuation Contributions | -309.84 |
| DD19111.8 | 21/10/2020 | ESSENTIAL SUPERANNUATION | Superannuation Contributions | -68.80 |
| DD19111.9 | 21/10/2020 | REST SUPER - RETAIL EMPLOYEES SUPERANNUATION FUND | Superannuation Contributions | -229.43 |
| DD19127.1 | 22/10/2020 | IINET TECHNOLOGIES | Internet Fees | -109.95 |
| DD19111.10 | 21/10/2020 | AUSTRALIAN SUPER | Superannuation Contributions | -226.14 |
| DD19111.11 | 21/10/2020 | AUSTRALIAN ETHICAL RETAIL SUPERANNUATION FUND | Superannuation Contributions | -182.89 |
| | | | **TOTAL DIRECT DEBIT PAYMENTS** | **-$ 36,857.12** |

## Municipal Electronic Funds Transfers

| Chq/EFT | Date | Name | Description | Amount |
|---|---|---|---|---|
| EFT32965 | 02/10/2020 | PETES TREEWORX | Tree Pruning | -7092.25 |
| EFT32966 | 02/10/2020 | CASTLEDEX | KolorKode 3 in 1 clips | -66.37 |
| EFT32967 | 02/10/2020 | ESTUARY BOBCATS | Repair Asphalt - South West Highway | -4400.00 |
| EFT32968 | 02/10/2020 | HEATLEY INDUSTRIAL AND SAFETY | Safety Glasses | -197.47 |
| EFT32969 | 02/10/2020 | BIG W (WOOLWORTHS LIMITED) | Tents, Sleeping bags, Pillows, Towels, Sheets | -599.50 |
| EFT32970 | 02/10/2020 | PEEL REGIONAL LEADERS FORUM INC | Contribution to PRLF 27/08/2020 | -16480.62 |
| EFT32971 | 02/10/2020 | OPTUS BILLING SERVICES | Sat Sleeve - Volunteer Rangers | -15.00 |
| EFT32972 | 02/10/2020 | TRAINING AND INSPECTION SERVICES | Annual Crane Inspection | -1474.00 |
| EFT32973 | 02/10/2020 | TECHNOLOGY ONE | Firebreak Rollover / Upgrade 2020 | -2156.00 |
| EFT32974 | 02/10/2020 | BT EQUIPMENT PTY LTD T/AS BRYANT EQUIPMENT | Parts | -510.44 |
| EFT32975 | 02/10/2020 | TOLL TRANSPORT PTY LTD | Freight charges | -71.89 |
| EFT32976 | 02/10/2020 | MACQUARIE BANK LIMITED | Solar Panel & PC Lease | -7708.91 |
| EFT32977 | 02/10/2020 | THE GOLLY EMPORIUM & TEA ROOM | Murdoch University Destination Project | -150.00 |
| EFT32978 | 02/10/2020 | INSTANT RACKING | End Frame & Brace | -2800.00 |
| EFT32979 | 02/10/2020 | ALL GLOVE INDUSTRIES | Gloves | -957.00 |
| EFT32980 | 02/10/2020 | AIRTOOLS WA | Air Operated Grease Kit | -1153.90 |
| EFT32981 | 02/10/2020 | [redacted] | Reimburse Gym Membership | -85.00 |
| EFT32982 | 02/10/2020 | AMD CHARTERED ACCOUNTANTS | Independent Audit - WA Primary Health Alliance funds | -880.00 |
| EFT32983 | 02/10/2020 | AUSTRALIAN SERVICES UNION | Payroll Deductions | -127.50 |
| EFT32984 | 02/10/2020 | BENARA NURSERIES | Plants | -788.81 |
| EFT32985 | 02/10/2020 | CHARLES HULL CONTRACTING | Hydraulic Hose Construction | -149.78 |
| EFT32986 | 02/10/2020 | JR & A HERSEY PTY LTD | Gloves | -128.70 |
| EFT32987 | 02/10/2020 | JETLINE CORPORATION PTY LTD | Kerbing - Buller Road/Coronation Road | -5175.50 |
| EFT32988 | 02/10/2020 | McLEODS | Legal Fees | -591.58 |
| EFT32989 | 02/10/2020 | OFFICEWORKS | Stationery | -82.00 |
| EFT32990 | 02/10/2020 | PLANT INVESTMENTS PTY LTD | Hire Mini Excavator | -1232.00 |
| EFT32991 | 02/10/2020 | PISCONERI, A. M. | Rubbish Tip Contract | -6556.10 |
| EFT32992 | 02/10/2020 | SOUTH WEST COMPRESSORS | Service Compressor | -326.70 |
| EFT32993 | 02/10/2020 | ST JOHN AMBULANCE WAROONA | First Aid Course | -160.00 |
| EFT32994 | 02/10/2020 | SHIRE OF MURRAY | Upgrade Synergy, Hardware Upgrade Meeting | -818.47 |
| EFT32995 | 02/10/2020 | WORK CLOBBER | Uniforms | -119.90 |

| | | | | |
|---|---|---|---|---|
| EFT32996 | 02/10/2020 | WAROONA NEWS | Stationery | -736.05 |
| EFT32997 | 02/10/2020 | WAROONA RURAL SERVICES | Hardware Supplies | -238.98 |
| EFT32998 | 02/10/2020 | WAROONA LICENCED POST OFFICE | Postage Charges | -1236.95 |
| EFT32999 | 02/10/2020 | WAROONA IGA | Groceries | -82.71 |
| EFT33000 | 02/10/2020 | WAROONA MITRE 10 | Hardware Supplies | -48.74 |
| EFT33001 | 09/10/2020 | BUILDING COMMISSION | BSL Collections | -2103.27 |
| EFT33002 | 09/10/2020 | PETES TREEWORX | Tree Pruning, Tree Removal | -6583.54 |
| EFT33003 | 09/10/2020 | ORIGIN ENERGY | LP Gas | -5546.70 |
| EFT33004 | 09/10/2020 | DATA 3 | Annual Maintenance and Support Fee | -814.92 |
| EFT33005 | 09/10/2020 | ESTUARY BOBCATS | Repair TPL Road Broom | -2202.20 |
| EFT33006 | 09/10/2020 | LEIGHTON O'BRIEN FIELD SERVICES PTY LTD | Testing - Unleaded Tank & Line | -2495.35 |
| EFT33007 | 09/10/2020 | BIG W (WOOLWORTHS LIMITED) | Various Books - Library Stock | -547.00 |
| EFT33009 | 09/10/2020 | KONECRANES PTY LTD | Annual Testing - Gantry Crane | -1182.50 |
| EFT33010 | 09/10/2020 | CITY & REGIONAL FUELS | Fuel | -4544.47 |
| EFT33011 | 09/10/2020 | 4SIGNS PTY LTD | Signs | -154.00 |
| EFT33012 | 09/10/2020 | LEONARD LONG | Reimburse Uniforms | -146.96 |
| EFT33013 | 09/10/2020 | HAIRY LENTIL | Catering | -75.00 |
| EFT33014 | 09/10/2020 | MALMAR ENTERPRISES & AMICA TRADING CO | Visitor Centre Stock | -714.91 |
| EFT33015 | 09/10/2020 | INTERFIRE AGENCIES PTY LTD | Helmet Sweat Bands - Preston Beach VBFB | -290.73 |
| EFT33016 | 09/10/2020 | FUEL TECHNOLOGY | Diesel Tank Clean | -1078.00 |
| EFT33017 | 09/10/2020 | EXAMINER NEWSPAPERS | Advertising | -550.00 |
| EFT33018 | 09/10/2020 | SEA 2 SCARP AIR CONDITIONING & REFRIGERATION SERVICES | De-Gassing Fridges & Freezers - Landfill Site | -240.00 |
| EFT33019 | 09/10/2020 | NAPA AUTO PARTS | Parts | -115.89 |
| EFT33020 | 09/10/2020 | STERLING OFFICE NATIONAL | Furniture - Waroona West Fire Brigade | -13852.00 |
| EFT33021 | 09/10/2020 | DA CHRISTIE PTY LTD | Electric Cooktop & Gas Bottle - Drakesbrook Weir | -11421.81 |
| EFT33022 | 09/10/2020 | AUSTRALIAN WILDFLOWER SEEDS | Wildflower Seed Stock | -340.00 |
| EFT33023 | 09/10/2020 | TOTAL TOOLS MANDURAH | Toolbox | -480.00 |
| EFT33024 | 09/10/2020 | AUSTRALIAN SERVICES UNION | Payroll Deductions | -127.50 |
| EFT33025 | 09/10/2020 | BELL FIRE EQUIPMENT | Monthly Auto Fire System Servicing | -105.41 |
| EFT33026 | 09/10/2020 | COCA -COLA AMATIL (AUST) PTY LTD | Kiosk Items | -892.06 |
| EFT33027 | 09/10/2020 | CURTIS ELECTRICAL CONTRACTING PTY LTD | Electrical Works | -1166.93 |
| EFT33028 | 09/10/2020 | DORMAKABA AUSTRALIA PTY LTD | Automatic Door Annual Service Maintenance | -484.00 |
| EFT33029 | 09/10/2020 | JR & A HERSEY PTY LTD | Safety Glasses | -125.40 |
| EFT33030 | 09/10/2020 | JASON SIGNMAKERS | Signage | -197.69 |
| EFT33031 | 09/10/2020 | LANDGATE | Valuation Fees | -241.50 |
| EFT33032 | 09/10/2020 | LEISURE INSTITUTE OF W.A. AQUATICS (INC) | LIWA Membership | -132.00 |
| EFT33033 | 09/10/2020 | MUNICIPAL WORKCARE SCHEME | Workers Compensation Insurance 20/21 | -29608.22 |
| EFT33034 | 09/10/2020 | LGIS LIABILITY | Property Insurance 20/21 | -46283.10 |
| EFT33035 | 09/10/2020 | ROYAL LIFESAVING SOC OF AUST | Pool Lifeguard Requal | -1272.00 |
| EFT33036 | 09/10/2020 | CHILD SUPPORT AGENCY | Payroll Deductions | -342.48 |
| EFT33037 | 09/10/2020 | SHIRE OF WAROONA STAFF LOTTO SYNDICATE | Payroll Deductions | -120.00 |
| EFT33038 | 09/10/2020 | SOUTHERN LOCK & SECURITY | Annual Community Centre Alarm Monitoring | -140.43 |
| EFT33039 | 09/10/2020 | TERRY WHITE CHEMMART PHARMACY WAROONA | First Aid Kit | -39.99 |
| EFT33040 | 09/10/2020 | WAROONA RURAL SERVICES | Hardware Supplies | -2230.31 |

| | | | | |
|---|---|---|---|---|
| EFT33041 | 09/10/2020 | WAROONA IGA | Groceries | -213.11 |
| EFT33042 | 09/10/2020 | WAROONA MITRE 10 | Hardware Supplies | -661.48 |
| EFT33043 | 12/10/2020 | BCITF | BCITF Collections | -843.00 |
| EFT33044 | 13/10/2020 | T13 CONSTRUCTION | Repairs to Roof due to Storm Damage - Waroona Bowling Club Insurance Claim | -4070.00 |
| EFT33045 | 16/10/2020 | DRAKESBROOK DESPATCH | Advertising | -200.00 |
| EFT33046 | 16/10/2020 | MURRY BRACKNELL | Reimburse Mobile Phone Charges | -60.00 |
| EFT33047 | 16/10/2020 | ESTUARY BOBCATS | Limestone, Spray Seal, Lay Intersection Mix, Kerbing & Concrete - Waroona West Fire Brigade | -41866.00 |
| EFT33048 | 16/10/2020 | MARKETFORCE PTY LTD | Advertising | -170.14 |
| EFT33049 | 16/10/2020 | LES ROWE | Payment of Consignment Stock - Visitor Centre | -132.75 |
| EFT33050 | 16/10/2020 | PETER FOEKEN | Payment of Consignment Stock - Visitor Centre | -71.25 |
| EFT33051 | 16/10/2020 | WATSON SERVICES WA | Repair Toilets - Preston Beach Ablutions | -635.25 |
| EFT33052 | 16/10/2020 | EXAMINER NEWSPAPERS | Advertising | -1005.00 |
| EFT33053 | 16/10/2020 | CONTRAFLOW | Traffic Control | -5438.34 |
| EFT33054 | 16/10/2020 | SCOPE BUSINESS IMAGING | Photocopier Charges | -806.20 |
| EFT33055 | 16/10/2020 | MACQUARIE BANK LIMITED | Computer Lease - Waroona West Fire Brigade | -798.64 |
| EFT33056 | 16/10/2020 | JFK ELECTRICAL SOLAR & AIR | Electronic Door Locks | -390.00 |
| EFT33057 | 16/10/2020 | WATER TECHNOLOGY PTY LTD | Preparation of Foreshore Management Plan | -11306.69 |
| EFT33058 | 16/10/2020 | RESOURCE FLUID POWER PTY LTD T/A HWC HYDRAULICS & | Hydraulic Motor | -1177.57 |
| EFT33059 | 16/10/2020 | MANDURAH CANVAS INDUSTRIES | Canvas Chainsaw Equipment bags | -1100.00 |
| EFT33060 | 16/10/2020 | KIM VAN AALEN | Refund - Planning not Required | -147.00 |
| EFT33061 | 16/10/2020 | OSCAR GRAHAM | Payment of Consignment Stock - Visitor Centre | -22.50 |
| EFT33062 | 16/10/2020 | ARROW BRONZE | Plaque - Niche Gazebo | -1161.21 |
| EFT33063 | 16/10/2020 | BELL FIRE EQUIPMENT | Monthly Fire Auto System Servicing - Admin | -261.23 |
| EFT33064 | 16/10/2020 | CLEANAWAY | Bin Collection | -29873.85 |
| EFT33065 | 16/10/2020 | CURTIS ELECTRICAL CONTRACTING PTY LTD | Electrical Works | -327.25 |
| EFT33066 | 16/10/2020 | DE ROSAS HIGHWAY MOTORS | Parts | -657.10 |
| EFT33067 | 16/10/2020 | DEPT OF FIRE & EMERGENCY SERVICES | 2020/21 ESL Part 6A | -5053.18 |
| EFT33068 | 16/10/2020 | GOLDEN GLASS | Barrier Door for Front Entry | -594.00 |
| EFT33069 | 16/10/2020 | HARVEY COURIER | Freight Charges | -11.54 |
| EFT33070 | 16/10/2020 | A1 LOCKSMITHS (MANDURAH LOCK & KEY) | Key Alike Building | -1172.00 |
| EFT33071 | 16/10/2020 | PRESTON BEACH GENERAL STORE | Fuel | -115.29 |
| EFT33072 | 16/10/2020 | THE WEST AUSTRALIAN (HARVEY REPORTER) | Advertising | -2149.62 |
| EFT33073 | 16/10/2020 | SYNERGY - STREETLIGHT ACCOUNT | Street Lighting | -8153.92 |
| EFT33074 | 16/10/2020 | BUNBURY TRUCKS | Service Kit | -242.37 |
| EFT33075 | 16/10/2020 | LOGIWEST EXPRESS | Freight | -84.03 |
| EFT33076 | 16/10/2020 | WAROONA RURAL SERVICES | Hardware Supplies | -261.60 |
| EFT33077 | 16/10/2020 | IAN DIFFEN CITY DISCOUNT TYRES WAROONA (WAROONA TYRE | Tyre & Service Charge | -1495.00 |
| EFT33078 | 16/10/2020 | WAROONA IGA | Groceries | -85.68 |
| EFT33079 | 16/10/2020 | WA HORTICULTURAL DEVELOPMENTS PTY LTD | Garden Maintenance | -5820.83 |
| EFT33080 | 16/10/2020 | PUMA WAROONA ROADHOUSE | Fuel | -397.49 |
| EFT33081 | 16/10/2020 | WAROONA WOOD SUPPLIES | Sullage Ponds Maintenance - Buller Roads Refuse Site | -1749.00 |
| EFT33082 | 16/10/2020 | JEANETTE HORNBY | Payment of Consignment Stock - Visitor Centre | -83.25 |
| EFT33083 | 19/10/2020 | PROFESSIONALS WAROONA | Deposit for Purchase of Land - 95 South West Highway | -1000.00 |
| EFT33084 | 22/10/2020 | AUSTRALIAN TAXATION OFFICE | Payroll Deductions | -18565.00 |

| | | | | | |
|---|---|---|---|---|---|
| EFT33085 | 22/10/2020 | NATIONAL AUSTRALIA BANK | Bunnings Vouchers for Retirement Gift | $300.00 | -1375.81 |
| | | | Drakesbrook Hotel - Lunch Meetings | $92.40 | |
| | | | Mail Chimp Subscription | $13.86 | |
| | | | Pinjarra Bakery - Catering | $167.50 | |
| | | | Google Suite - Councillor Email Domain | $157.08 | |
| | | | Catering - Preston Beach Community Garden Meeting | $11.60 | |
| | | | Parking Ticket - DPED | $25.31 | |
| | | | Country Café - Meeting with WAM | $25.50 | |
| | | | Notability App - Place & Community | $27.98 | |
| | | | Canva Design - Events Sign | $1.00 | |
| | | | Pinjarra Auto Group - Wheel Clamp | $79.95 | |
| | | | Officeworks - Keyboard & Mouse | $90.23 | |
| | | | Harvey Norman - Vacuum Cleaner | $268.95 | |
| | | | Nan & Pops Lolly shop - Catering | $60.00 | |
| | | | Card Fees | $54.45 | |
| EFT33086 | 22/10/2020 | WA TREASURY CORPORATION | Loan No. 121 Interest Payment - Memorial Hall Capital Upgrade | | -15927.57 |
| EFT33087 | 23/10/2020 | DEPARTMENT OF BIODIVERSITY, CONSERVATION AND | Book Stock - WA Naturally Publications | | -164.10 |
| EFT33088 | 23/10/2020 | KLEEN WEST DISTRIBUTORS | Cleaning Products | | -365.81 |
| EFT33089 | 23/10/2020 | PETES TREEWORX | Tree Pruning & Tree Removal | | -18108.75 |
| EFT33090 | 23/10/2020 | FIRE & SAFETY WA | Fire Hose Reel & Fittings | | -148.50 |
| EFT33091 | 23/10/2020 | HAYLEY JANE CURRY-DONOVAN | Reimburse Supplies and Parking - IT Vision Training | | -139.26 |
| EFT33092 | 23/10/2020 | COMMERCIAL CLEANING EQUIPMENT | Floor Scrubber - Service & Battery Replacement | | -2275.94 |
| EFT33093 | 23/10/2020 | HAIRY LENTIL | Catering | | -105.00 |
| EFT33094 | 23/10/2020 | WATSON SERVICES WA | Electrical Works | | -1397.00 |
| EFT33095 | 23/10/2020 | CONTRAFLOW | Traffic Control | | -858.00 |
| EFT33096 | 23/10/2020 | NAPA AUTO PARTS | Oil Drum Pumps | | -95.90 |
| EFT33097 | 23/10/2020 | TOLL TRANSPORT PTY LTD | Freight | | -10.73 |
| EFT33098 | 23/10/2020 | ZINNIA FLORAL DESIGNS | Sympathy Flower Arrangement | | -60.00 |
| EFT33099 | 23/10/2020 | ELEMENT ADVISORY PTD LTD | Preparation - Town Centre Revitalisation Plan | | -3850.00 |
| EFT33100 | 23/10/2020 | MOORE CONSTRUCTIONS (WA) PTY LTD | PC Final Claim - Waroona West Fire Brigade | | -11696.85 |
| EFT33101 | 23/10/2020 | WATER TECHNOLOGY PTY LTD | Preparation of Foreshore Management Plan | | -8319.41 |
| EFT33102 | 23/10/2020 | IRIS CONSULTING PTY LTD | Records Disposal Course | | -580.00 |
| EFT33103 | 23/10/2020 | THREE RIVERS BREWING CO | Business After Hours Function | | -154.00 |
| EFT33104 | 23/10/2020 | AUSTRALIAN SERVICES UNION | Payroll Deductions | | -127.50 |
| EFT33105 | 23/10/2020 | CARMEL HOLDINGS PTY LTD T/A ALLSTAMPS | Name Badges | | -269.12 |
| EFT33106 | 23/10/2020 | ADVANCED PEST CONTROL | Termite Inspection - Council Buildings | | -11443.30 |
| EFT33107 | 23/10/2020 | BOC GASES | Dissolved Acetylene | | -274.19 |
| EFT33108 | 23/10/2020 | TRISET BOSS BUSINESS PRINT | Stationery | | -875.60 |
| EFT33109 | 23/10/2020 | BULLIVANTS | Annual Testing Chains & Slings | | -1874.81 |
| EFT33110 | 23/10/2020 | CURTIS ELECTRICAL CONTRACTING PTY LTD | Replace Light - Library Carpark | | -96.77 |
| EFT33111 | 23/10/2020 | HARVEY WATER | Water Consumption | | -49.76 |
| EFT33112 | 23/10/2020 | ISWEEP TOWN & COUNTRY | Street Sweeping | | -660.00 |
| EFT33113 | 23/10/2020 | LAKE NAVARINO HOLIDAY PARK | Catering - Business After Hours Function | | -195.00 |
| EFT33114 | 23/10/2020 | MCCALL BROS. ENGINEERING | Sheet - BBQ Weir | | -192.00 |

| | | | | |
|---|---|---|---|---|
| EFT33115 | 23/10/2020 | McLEODS | Legal Fees | -5421.18 |
| EFT33116 | 23/10/2020 | PLANT INVESTMENTS PTY LTD | Drain Clearing | -649.00 |
| EFT33117 | 23/10/2020 | PFD FOOD SERVICES PTY LTD | Kiosk Items | -253.20 |
| EFT33118 | 23/10/2020 | PEEL H20 SOLUTIONS | Retic Parts | -1290.20 |
| EFT33119 | 23/10/2020 | PEEL HARVEY CATCHMENT COUNCIL | Contribution 2020/21 PHCC Lake Clifton Partnership Project | -2750.00 |
| EFT33120 | 23/10/2020 | CHILD SUPPORT AGENCY | Payroll Deductions | -342.48 |
| EFT33121 | 23/10/2020 | SHIRE OF WAROONA STAFF LOTTO SYNDICATE | Payroll Deductions | -120.00 |
| EFT33122 | 23/10/2020 | LOGIWEST EXPRESS | Freight | -177.02 |
| EFT33123 | 23/10/2020 | WAROONA RURAL SERVICES | Hardware Supplies | -186.14 |
| EFT33124 | 23/10/2020 | WAROONA IGA | Groceries | -528.84 |
| EFT33125 | 23/10/2020 | WA LIBRARY SUPPLIES | Book Coverings | -209.70 |
| EFT33126 | 23/10/2020 | WAROONA SEPTICS | Pump out Septics - Preston Beach Ablutions | -913.00 |
| EFT33127 | 23/10/2020 | WAROONA MITRE 10 | Hardware Supplies | -637.45 |
| EFT33128 | 23/10/2020 | KIRSTY JEAN FERRARO | Reimburse Uniforms | -216.83 |
| EFT33129 | 23/10/2020 | WAROONA KARATE CLUB | Refund Hall & Key Deposit | -180.00 |
| EFT33130 | 23/10/2020 | MOORE CONSTRUCTIONS (WA) PTY LTD | Practical Completion Retention Release - Waroona West Fire Brigade | -17675.32 |
| | | | **TOTAL MUNICIPAL ELECTRONIC FUNDS TRANSFER** | **-$ 468,057.49** |

## Electronic Fund Transfer - Direct Salaries & Wages

| Date | Name | Description | Amount | |
|---|---|---|---|---|
| 07/10/2020 | National Australia Bank | Net Pays | -$ | 81,199.20 |
| 21/10/2020 | National Australia Bank | Net Pays | -$ | 83,052.80 |
| | | **TOTAL DIRECT WAGES TRANSFER** | **-$** | **164,252.00** |

| | | |
|---|---|---|
| **Total Municipal Fund Cheques** | **-$** | **21,559.73** |
| **Total Trust Fund Cheques** | **$** | **-** |
| **Total Direct Debit Payments** | **-$** | **36,857.12** |
| **Total Electronic Funds** | **-$** | **468,057.49** |
| **Total Direct Wages** | **-$** | **164,252.00** |
| **GRAND TOTAL ALL ACCOUNTS PAYABLE** | **-$** | **690,726.34** |

**SHIRE OF WAROONA**
Monthly financial report
FOR THE PERIOD ENDED 31 OCTOBER 2020

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

# Statement of financial activity

*by program*

FOR THE PERIOD ENDED 31 OCTOBER 2020

| | Note | Original Budget | YTD Budget | YTD Actual (b) | Var. $ (b)-(a) | Var. % (b)-(a)/(b) | Var. |
|---|---|---|---|---|---|---|---|
| **Operating Revenues** | | $ | $ | **$** | $ | % | |
| Governance | | 108,672 | 48,391 | **53,260** | 4,869 | 9% | |
| General Purpose Funding | | 1,027,850 | 253,269 | **272,708** | 19,439 | 7% | |
| Law, Order and Public Safety | | 115,515 | 33,984 | **54,357** | 20,373 | 37% | |
| Health | | 37,500 | 7,630 | **7,798** | 168 | 2% | |
| Education and Welfare | | 68,264 | 14,294 | **57,737** | 43,443 | 75% | ▲ |
| Housing | | 15,600 | 3,548 | **3,809** | 261 | 7% | |
| Community Amenities | | 997,684 | 744,263 | **818,951** | 74,688 | 9% | |
| Recreation and Culture | | 448,215 | 55,094 | **55,972** | 878 | 2% | |
| Transport | | 1,084,990 | 445,119 | **387,436** | (57,683) | (15%) | ▼ |
| Economic Services | | 76,602 | 24,434 | **27,534** | 3,100 | 11% | |
| Other Property and Services | | 24,760 | 6,564 | **4,367** | (2,197) | (50%) | |
| **Total (Excluding Rates)** | | **4,005,652** | **1,636,590** | **1,743,928** | | | |
| **Operating Expense** | | | | | | | |
| Governance | | (1,453,169) | (549,523) | **(460,187)** | 89,336 | 19% | ▼ |
| General Purpose Funding | | (153,214) | (36,197) | **(35,654)** | 543 | 2% | |
| Law, Order and Public Safety | | (567,915) | (172,652) | **(114,553)** | 58,099 | 51% | ▼ |
| Health | | (231,608) | (75,181) | **(60,229)** | 14,952 | 25% | |
| Education and Welfare | | (386,215) | (122,181) | **(82,807)** | 39,374 | 48% | ▼ |
| Housing | | (9,030) | (3,990) | **(4,041)** | (51) | (1%) | |
| Community Amenities | | (1,558,041) | (490,574) | **(442,751)** | 47,823 | 11% | ▼ |
| Recreation and Culture | | (2,963,033) | (1,064,578) | **(929,634)** | 134,944 | 15% | ▼ |
| Transport | | (2,832,478) | (1,058,263) | **(977,344)** | 80,919 | 8% | |
| Economic Services | | (661,817) | (197,956) | **(198,773)** | (817) | (0%) | |
| Other Property and Services | | (34,375) | (90,165) | **(104,381)** | (14,216) | (14%) | |
| **Total** | | **(10,850,895)** | **(3,861,260)** | **(3,410,354)** | | | |
| **Funding Balance Adjustment** | | | | | | | |
| Add back Depreciation | | 3,292,598 | 1,092,396 | **1,140,035** | 47,639 | 4% | |
| Adjust (Profit)/Loss on Asset Disposal | 10 | 18,205 | 4,000 | **(8)** | (4,008) | 52662% | |
| Unspent Grants July B/fwd | | 77,597 | 0 | **0** | 0 | | |
| Unspent Grants June C/fwd | | 0 | 0 | **0** | | | |
| Adjust Provisions and Accruals | | (36,438) | 0 | **0** | 0 | | |
| **Net Operating (Ex. Rates)** | | **(3,493,280)** | **(1,128,274)** | **(526,399)** | **43,631** | | |
| **Capital Revenues** | | | | | | | |
| Proceeds from Disposal of Assets | 10 | 194,000 | 16,167 | **33,182** | 17,015 | 51.28% | |
| Proceeds from New Debentures | | 0 | 0 | **0** | 0 | | |
| Self-Supporting Loan Principal | | 0 | 0 | **0** | 0 | | |
| Low Interest Loan Repayments | | 5,000 | | **0** | | | |
| Interfund Transfer/Adj | | 0 | 0 | **970** | | | |
| Transfer from Reserves | 9 | 318,770 | 0 | **0** | 0 | | |
| **Total** | | **517,771** | **16,167** | **34,152** | **17,015** | | |
| **Capital Expenses** | | | | | | | |
| Land and Buildings | 10 | (363,000) | (63,360) | **(69,543)** | (6,183) | (8.89%) | |
| Plant and Equipment | 10 | (685,630) | (76,939) | **(44,009)** | 32,930 | 74.82% | ▼ |
| Furniture and Equipment | 10 | (32,000) | 0 | **(24,492)** | (24,492) | (100.00%) | |
| Infrastructure Assets - Roads | 10 | (1,466,044) | 0 | **(47,681)** | (47,681) | (100.00%) | ▲ |
| Infrastructure Assets - Other | 10 | (410,005) | (114,820) | **(39,655)** | 75,165 | 189.55% | ▼ |
| Repayment of Debentures | | (64,045) | (22,933) | **(13,745)** | 9,188 | 66.85% | |
| Transfer to Reserves | 9 | (152,070) | 0 | **0** | 0 | | |
| Principal Payments of Lease Liability | | 0 | 0 | **0** | 0 | | |
| **Total** | | **(3,172,794)** | **(278,052)** | **(239,125)** | **38,927** | | |
| **Net Capital** | | **(2,655,023)** | **(261,885)** | **(204,973)** | **55,942** | | |
| **Total Net Operating + Capital** | | **(6,148,303)** | **(1,390,159)** | **(731,372)** | **99,573** | | |
| Rate Revenue | | 5,023,646 | 5,023,646 | **5,026,330** | 2,684 | 0.05% | |
| Opening Funding Surplus(Deficit) | | 1,124,657 | 1,187,251 | **1,187,251** | 0 | 0.00% | |
| **Closing Funding Surplus(Deficit)** | 3 | **(0)** | **4,820,738** | **5,482,210** | **102,258** | | |

# Statement of financial activity

*by nature or type*

FOR THE PERIOD ENDED 31 OCTOBER 2020

| | Note | Original Budget | YTD Budget | YTD Actual |
|---|---|---|---|---|
| **Operating Revenues** | | $ | $ | $ |
| Grants, Subsidies and Contributions | 8 | 1,077,647 | 197721 | **349,779** |
| Profit on Asset Disposal | 10 | 13,952 | 0 | **8** |
| Fees and Charges | | 1,298,904 | 873,528 | **848,792** |
| Service Charges | | 0 | 0 | **0** |
| Interest Earnings | | 70,190 | 10,204 | **800** |
| Other Revenue | | 94,500 | 30,500 | **6,101** |
| **Total (Excluding Rates)** | | **2,555,193** | **1,111,953** | **1,205,480** |
| **Operating Expense** | | | | |
| Employee Costs | | (3,353,761) | (1,158,465) | **(1,027,801)** |
| Materials and Contracts | | (3,350,289) | (1,174,670) | **(845,572)** |
| Utilities Charges | | (407,460) | (178,950) | **(96,662)** |
| Depreciation (Non-Current Assets) | | (3,292,598) | (1,092,396) | **(1,140,035)** |
| Interest Expenses | | (11,587) | (3,937) | **(841)** |
| Insurance Expenses | | (228,944) | (228,946) | **(195,993)** |
| Loss on Asset Disposal | 10 | (32,157) | (4,000) | **0** |
| Other Expenditure | | (335,566) | (27,112) | **(39,833)** |
| Reallocation Code | | 161,467 | 7,216 | **(63,618)** |
| **Total** | | **(10,850,898)** | **(3,861,260)** | **(3,410,354)** |
| **Funding Balance Adjustment** | | | | |
| Add Back Depreciation | | 3,292,598 | 1,092,396 | **1,140,035** |
| Adjust (Profit)/Loss on Asset Disposal | 10 | 18,205 | **4,000** | **(8)** |
| Unspent Grants July B/fwd | | 77,597 | 0 | **0** |
| Unspent Grants June C/fwd | | 0 | 0 | **0** |
| Adjust Provisions and Accruals | | (36,438) | 0 | **0** |
| **Net Operating (Ex. Rates)** | | **(4,943,742)** | **(1,652,911)** | **(1,064,847)** |
| **Capital Revenues** | | | | |
| Grants, Subsidies and Contributions | 8 | 1,450,459 | 524,637 | **538,448** |
| Proceeds from Disposal of Assets | 10 | 194,000 | 16,167 | **33,182** |
| Proceeds from Advances | | 0 | 0 | **0** |
| Self-Supporting Loan Principal | | 5,000 | 0 | 0 |
| Interfund Transfer Adj | | 0 | 0 | **970** |
| Transfer from Reserves | 9 | 318,770 | 0 | **0** |
| **Total** | | **1,968,230** | **540,804** | **572,600** |
| **Capital Expenses** | | | | |
| Land and Buildings | 10 | (363,000) | (63,360) | **(69,543)** |
| Plant and Equipment | 10 | (685,630) | (76,939) | **(44,009)** |
| Furniture and Equipment | 10 | (32,000) | 0 | **(24,492)** |
| Infrastructure Assets - Roads | 10 | (1,466,044) | 0 | **(47,681)** |
| Infrastructure Assets - Other | 10 | (410,005) | (114,820) | **(39,655)** |
| Repayment of Debentures | | (64,045) | **(22,933)** | **(13,745)** |
| Payment of Low Interest Loan | | 0 | **0** | **0** |
| Transfer to Reserves | 9 | 0 | 0 | **0** |
| **Total** | | **(3,020,724)** | **(278,052)** | **(239,125)** |
| **Net Capital** | | **(1,052,494)** | **262,752** | **333,475** |
| **Total Net Operating + Capital** | | **(5,996,236)** | **(1,390,159)** | **(731,372)** |
| Rate Revenue | | 5,023,646 | 5,023,646 | **5,026,330** |
| Opening Funding Surplus(Deficit) | | 1,124,657 | 1,187,251 | **1,187,251** |
| **Closing Funding Surplus(Deficit)** | 3 | **152,070** | **4,820,738** | **5,482,210** |

# Statement of financial position

FOR THE PERIOD ENDED 31 OCTOBER 2020

| | | |
|---|---|---|
| **Current Assets** | | |
| Cash At Bank | | 4,790,497 |
| Reserves | | 2,446,605 |
| Trust Fund Bank | | 2,140,818.34 |
| Sundry Debts - Rates | | 1,557,521 |
| Sundry Debts - Sanitation | | 73,940 |
| Sundry Debts - Other | | 16,319 |
| Stock On Hand | | 783 |
| Prepayments | | 0 |
| Gst Expenditure Control | | 29,105 |
| Emergency Services Levy | | (170,607) |
| Municipal Deposits (Muni Bonds/Trust) | | (660,178) |
| Total Current Assets | | 10,224,803 |
| **Current Liabilities** | | |
| Creditors | | 257,878 |
| Accrued Expense | | 0 |
| Long Service Leave Accrual | | 417,893 |
| Provision For Annual Leave | | 316,695 |
| Trust Fund | | 2,141,788.34 |
| Gst Income Control | | 20,704 |
| WITHHOLDING TAX HELD | | 0 |
| Contract Liability | | 0 |
| Lease Liability - Current | | 168,537 |
| Municipal Withdraw (Muni Bonds/Trust) | | (123,412) |
| Total Current Liabilities | | 3,200,084 |
| | **Net Current Assets** | **7,024,719** |
| **Non Current Assets** | | |
| Buildings | | 17,570,037 |
| Land | | 17,926,000 |
| Plant & Equipment | | 2,468,351 |
| Furniture & Equipment | | 189,523 |
| Sporting Club Loans | | 5,000 |
| Self Supporting Loan | | 0 |
| Tools | | 1,114 |
| Infrastructure - Roads | | 74,743,767 |
| Infrastructure - Other | | 15,826,363 |
| Leased Assets | | 168,537 |
| Total Non Current Assets | | 128,898,692 |
| **Non Current Liabilities** | | |
| Borrowings | | 290,204 |
| Provision Long Service Leave | | 79,050.63 |
| Total Non Current Liabilities | | 369,255 |
| | **Net Assets** | **135,554,156** |
| **Equity** | | |
| Emergency Assistance Reserve | | 105,401 |
| Sporting Organisations | | 72,322 |
| Long Service Leave Reserve | | 128,245 |
| Asset Revaluation | | 118,929,864 |
| Waste Management Reserve | | 823,315 |
| Recreation Centre Bdg Mtce Res | | 124,098 |
| Admin Centre Extension Reserve | | 0 |
| Hamel Hall Amenities Reserve | | 0 |
| Plant Replacement Reserve | | 566,846 |
| Depot Redevelopment Reserve | | 79,841 |
| Building Asset Mtce Reserve | | 86,644 |
| Strategic Planning Reserve | | 19,856 |
| Town Centre Redevelopment Reserve | | 0 |
| Industrial Land Development Res | | 216,699 |
| Drakesbrook Weir Redevelopment Res | | 0 |
| Preston Volunteer Rangers Res | | 31,466 |
| Information Technology Reserve | | 142,734 |
| Footpath Construction Reserve | | 31,691 |
| Asset Management Reserve | | 0 |
| History Book Reprint Reserve | | 8,279 |
| Coronation Bridge Road Reserve | | 0 |
| Fire Recovery Assistance Reserve | | 0 |
| Risk & Insurance Reserve | | 9,167 |
| Surplus/Defecit Ytd | | 3,359,904 |
| Movement from/to reserves | | 0 |
| Accummulated Surplus | | 10,817,783 |
| | **Total Equity** | **135,554,156** |

**Note 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. The estimates and associated assumptions are based on historical experience and various other factors 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

**(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.

**(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 | 40 to 60 years |
| Furniture and Equipment | 3 to 20 years |
| Plant and Equipment | 5 to 20 years |
| Seats and Benches | 15 to 25 years |
| Water Supply Piping | 20 to 40 years |
| | |
| Sealed roads and streets | |
| Formation | not depreciated |
| Construction | 45 to 55 years |
| Bituminous Seals | 15 to 25 years |
| Asphalt Seals | 25 to 30 years |
| | |
| Unsealed Roads | |
| Formed | 10 to 15 years |
| Gravel | 12 to 15 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.

**(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.

**(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 these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

**Interest Earnings**

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

**Other Revenue / Income**

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

**Employee Costs**

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

**Materials and Contracts**

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

**Utilities (Gas, Electricity, Water, etc.)**

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

**Insurance**

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

**Loss on asset disposal**

Loss on the disposal of fixed assets.

**Depreciation on non-current assets**

Depreciation expense raised on all classes of assets.

**Interest expenses**

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

**Other expenditure**

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

**(r) Program Classifications (Function/Activity)**

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

**GOVERNANCE**

**Objective:**

To provide a decision making process for the efficient allocation of scarce resources.

**Activities:**

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

**GENERAL PURPOSE FUNDING**

**Objective:**

To collect revenue to allow for the provision of services.

**Activities:**

Rates, general purpose government grants and interest revenue.

**LAW, ORDER, PUBLIC SAFETY**

**Objective:**

To provide services to help ensure a safer and environmentally conscious community.

**Activities:**

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

**HEALTH**

**Objective:**

To provide an operational framework for environmental and community health.

**Activities:**

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance.

**EDUCATION AND WELFARE**

**Objective:**

To provide services to disadvantaged persons, the elderly, children and youth.

**Activities:**

Maintenance of playgroup centre, senior citizen centre and aged care centre. Provision and maintenance of home and community care programs and youth services.

**HOUSING**

**Objective:**

To provide and maintain elderly residents housing.

**Activities:**

Provision and maintenance of elderly residents housing.

**COMMUNITY AMENITIES**

**Objective:**

To provide services required by the community.

**Activities:**

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

**RECREATION AND CULTURE**

**Objective:**

To establish and effectively manage infrastructure and resource which will help the social well being of the community.

**Activities:**

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

**TRANSPORT**

**Objective:**

To provide safe, effective and efficient transport services to the community.

**Activities:**

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

**ECONOMIC SERVICES**

**Objective:**

To help promote the shire and its economic wellbeing.

**Activities:**

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

**OTHER PROPERTY AND SERVICES**

**Objective:**

To monitor and control City/Town/Shire overheads operating accounts.

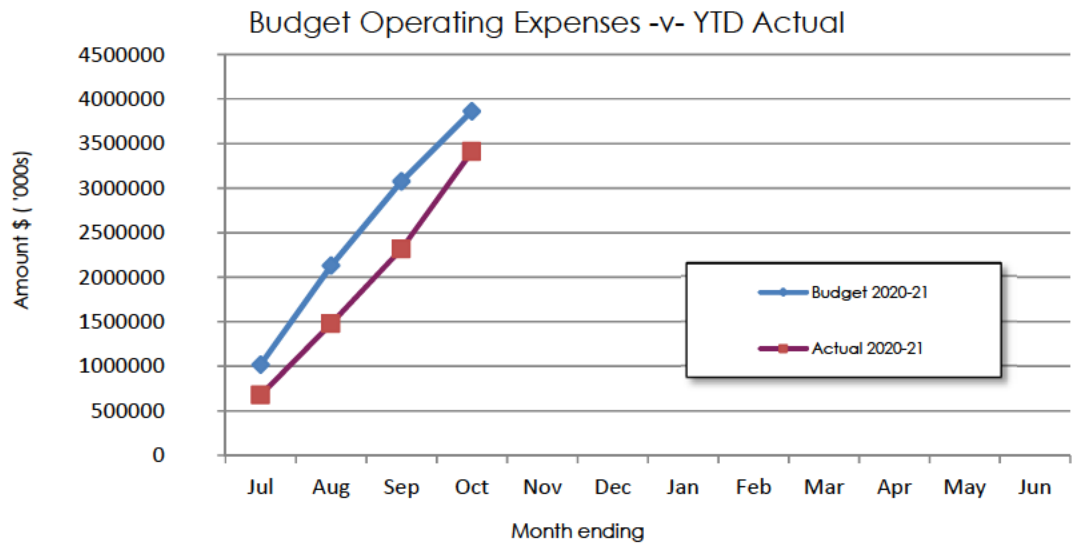
**Activities:**

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

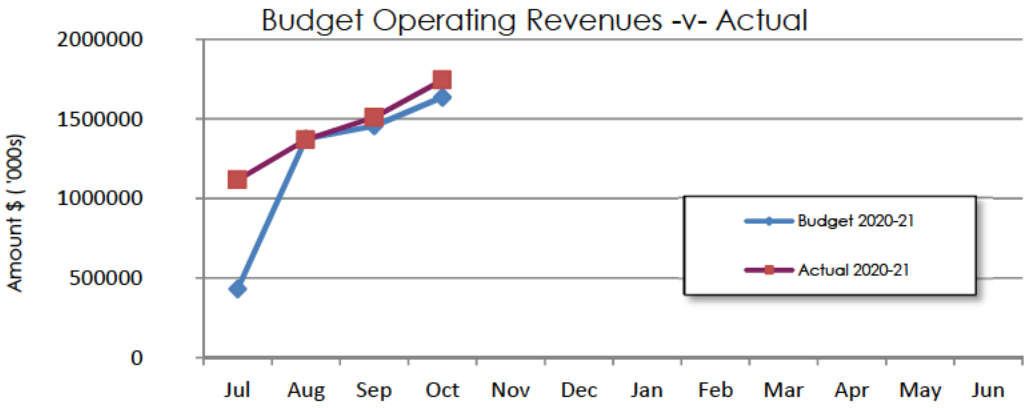
# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 2 - Graphical Representation - Source Statement of Financial Activity**




**Comments/Notes - Operating Expenses**

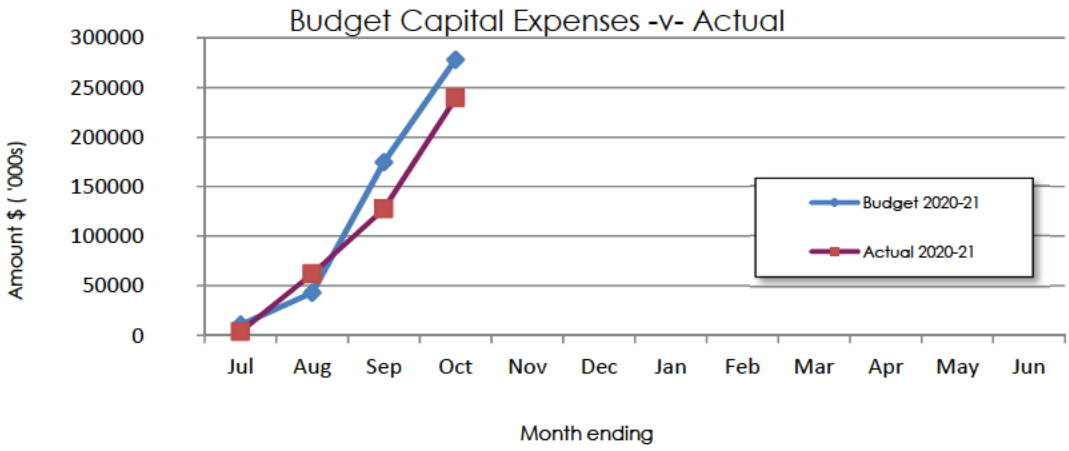



**Comments/Notes - Operating Revenues**

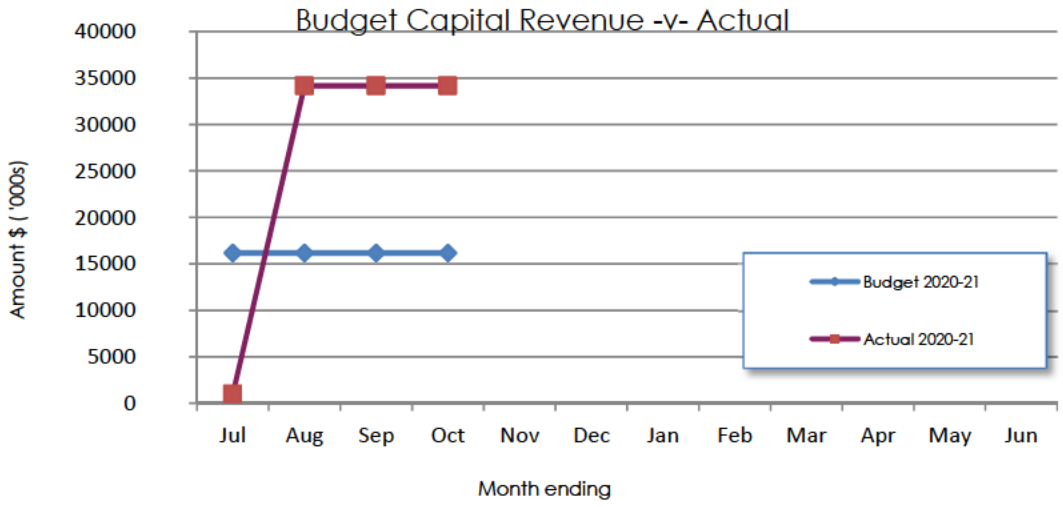
# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 2 - Graphical Representation - Source Statement of Financial Activity**




**Comments/Notes - Capital Expenses**



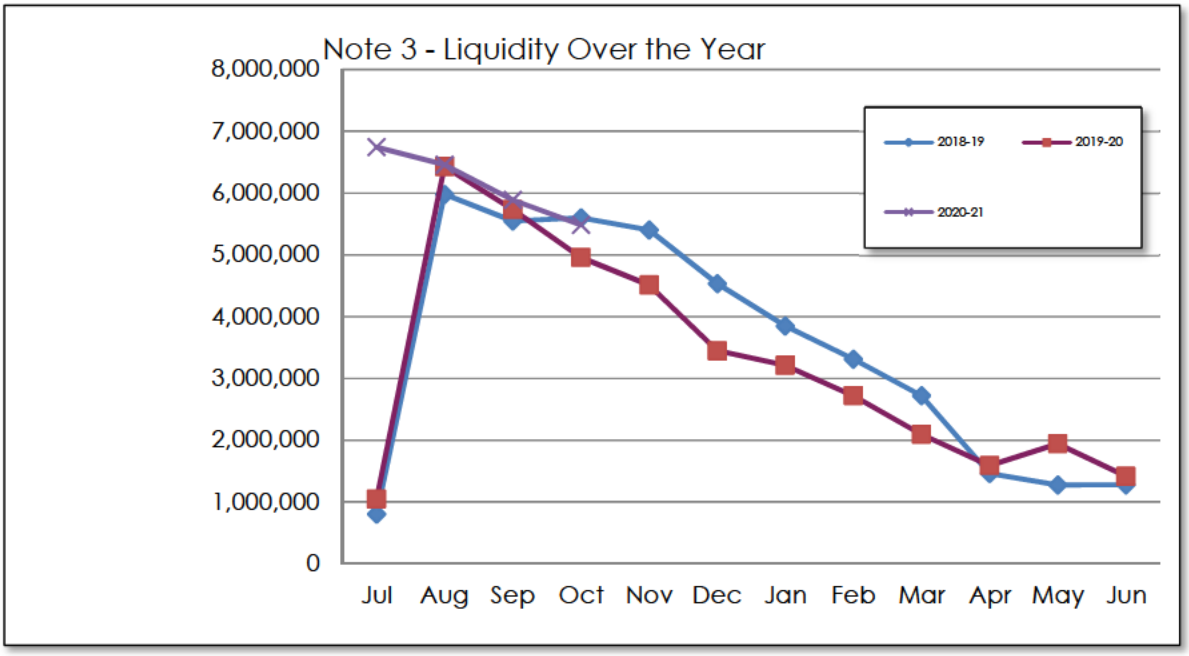

**Comments/Notes - Capital Revenues**

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

Note 3: NET CURRENT FUNDING POSITION

| | | Positive=Surplus (Negative=Deficit) | | |
|---|---|---|---|---|
| | | 2020-21 | | |
| | Note | This Period | Last Period | Same Period Last Year |
| | | $ | $ | $ |
| Current Assets | | | | |
| Cash Unrestricted | | **4,790,497** | 4,811,373 | 3,555,099 |
| Cash Restricted | | **2,446,605** | 2,446,605 | 2,397,936 |
| Cash Restricted - Muni Bonds (Trust) | | **(536,766)** | (536,504) | 0 |
| Receivables | | **1,506,279** | 1,923,162 | 1,812,598 |
| Inventories | | **783** | 783 | 0 |
| | | **8,207,397** | 8,645,419 | 7,765,633 |
| Less: Current Liabilities | | **(278,583)** | (349,971) | (411,005) |
| Payables | | **(278,583)** | (349,971) | (411,005) |
| Less: Cash Restricted | | **(2,446,605)** | (2,446,605) | (2,397,936) |
| | | **(2,446,605)** | (2,446,605) | (2,397,936) |
| Net Current Funding Position | | **5,482,210** | 5,848,843 | 4,956,692 |




Comments - Net Current Funding Position

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 4: CASH AND INVESTMENTS**

| | | Interest Rate | Unrestricted $ | Restricted $ | Trust $ | Investments $ | Total Amount $ | Institution | Maturity Date |
|---|---|---|---|---|---|---|---|---|---|
| (a) | **Cash Deposits** | | | | | | | | |
| | Municipal Account | | 2,001,818 | | | | 2,001,818 | NAB | |
| | Cash Management | | 1,135 | | | | 1,135 | NAB | |
| | Trust Account | | | | 427,578 | | 427,578 | NAB | |
| (b) | **Term Deposits** | | | | | | | | |
| | Sporting Reserve | 0.65% | | 72,477 | | | 72,477 | NAB | 15/01/2021 |
| | Building Asset Maintenance Reserve | 0.65% | | 86,830 | | | 86,830 | NAB | 15/01/2021 |
| | Recreation Centre Building Maintenance Reserve | 0.65% | | 124,364 | | | 124,364 | NAB | 15/01/2021 |
| | Preston Beach Volunteer Rangers Reserve | 0.65% | | 31,534 | | | 31,534 | NAB | 15/01/2021 |
| | Emergency Assistance Reserve | 0.65% | | 105,627 | | | 105,627 | NAB | 15/01/2021 |
| | Works Depot Redevelopment | 0.65% | | 80,012 | | | 80,012 | NAB | 15/01/2021 |
| | Council Building Construction Reserve | 0.65% | | 217,164 | | | 217,164 | NAB | 15/01/2021 |
| | Information Technology Reserve | 0.65% | | 143,041 | | | 143,041 | NAB | 15/01/2021 |
| | Footpath Construction Reserve | 0.65% | | 31,759 | | | 31,759 | NAB | 15/01/2021 |
| | Plant Reserve | 0.65% | | 568,062 | | | 568,062 | NAB | 15/01/2021 |
| | Staff Leave Reserve | 0.65% | | 128,530 | | | 128,530 | NAB | 15/01/2021 |
| | Strategic Planning Reserve | 0.65% | | 19,898 | | | 19,898 | NAB | 15/01/2021 |
| | Waste Management Reserve | 0.65% | | 825,081 | | | 825,081 | NAB | 15/01/2021 |
| | History Book Reprint Reserve | 0.65% | | 8,297 | | | 8,297 | NAB | 15/01/2021 |
| | Risk & Insurance Reserve | 0.65% | | 9,187 | | | 9,187 | NAB | 15/01/2021 |
| (c) | **Investments** | | | | | | | | |
| | Muni Cash Deposit #1 | 0.72% | | | | 800,000 | 800,000 | NAB | 16/11/2020 |
| | Muni Cash Deposit #2 | 0.60% | | | | 1,000,000 | 1,000,000 | NAB | 5/01/2021 |
| | Muni Cash Deposit #3 | 0.40% | | | | 500,000 | 500,000 | NAB | 6/11/2020 |
| | Muni Cash Deposit #4 | 0.45% | | | | 500,000 | 500,000 | NAB | 20/11/2020 |
| | Alcoa Waroona Sustainability - Term Deposit | 0.72% | | | | 1,726,000 | 1,726,000 | NAB | 16/11/2020 |
| | **Total** | | 2,002,953 | 2,451,864 | 427,578 | 4,526,000 | 9,408,395 | | |

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 5a: MAJOR VARIANCES**

**Comments/Reason for Variance**

Council policy in relation to materiality states that for highlighting variances (budget to actual) the factor shall be 10% with a minimum of $25,000

**5.1 OPERATING REVENUE**

The following programmes were identified as having a material variance in accordance with Council Policy

EDUCATION & WELFARE
Income is higher than budget profile due to transfer of unspent grants from previous financial year.

TRANSPORT
Income is lower than budgeted due to profile setting. This will be assessed further into the financial year

**5.2 OPERATING EXPENSES**

The following programmes were identified as having a material variance in accordance with Council Policy:

GOVERNANCE
Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

LAW ORDER & PUBLIC SAFETY
Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

EDUCATION & WELFARE
Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

COMMUNITY AMENITIES
Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

RECREATION & CULTURE
Expenditure is lower than budgeted due to depreciation and parks and gardens maintenance. This will likely be a profile issue and will be reviewed.

**5.3 CAPITAL**

**5.4 SUMMARY**

See Notes 10 and 11 for details of asset acquisition including progress expenditure.

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 6: BUDGET AMENDMENTS**

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

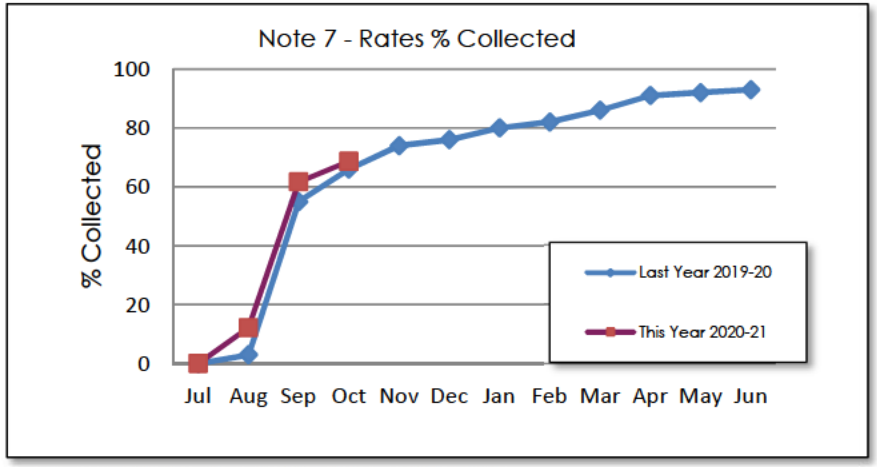
| GL Account Code | Description | Council Resolution | Classification | No Change -(Non Muni Adjust) | Increase in Available Cash | Decrease in Available Cash | Amended Budget Running Balance |
|---|---|---|---|---|---|---|---|
| | | | | $ | $ | $ | $ |
| | Difference between Budget Surplus and Actual Surplus | | | | 1,186,251 | 1,186,251 | 0 |
| | | | | | | | 0 |
| | | | | | | | 0 |
| | | | | | |

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 7: RECEIVABLES**

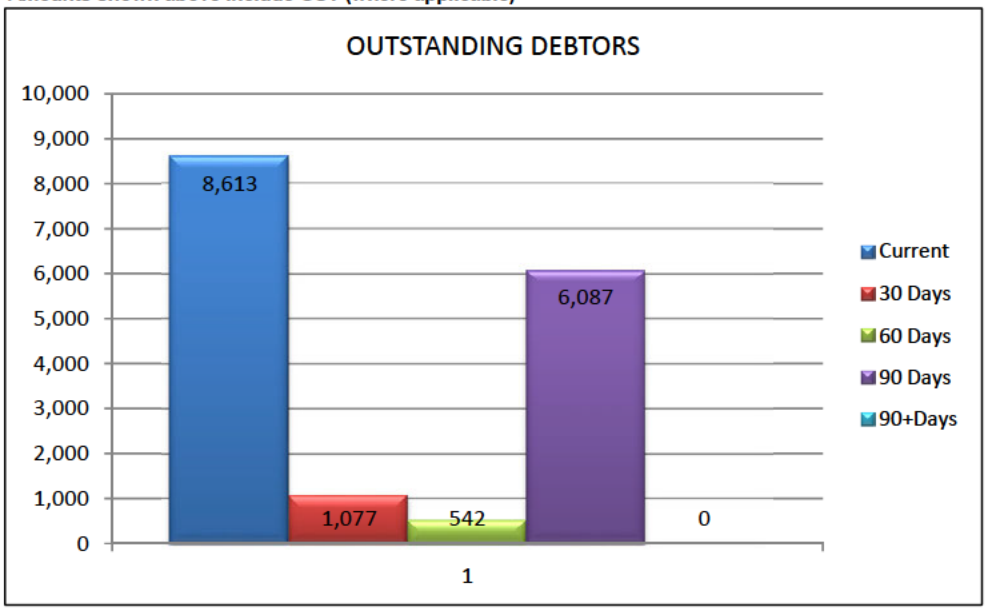
| **Receivables - Rates & Rubbish** | **Current 2020-21** | **Previous 2019-20** |
|---|---|---|
| | $ | $ |
| Opening Arrears Previous Years | 220,487 | 193,456 |
| Rates & Rubbish Levied this year | 5,704,874 | 5,933,740 |
| Less Collections to date | (4,068,957) | (5,713,253) |
| Equals Current Outstanding | **1,635,917** | **220,487** |
| **Net Rates Collectable** | **1,635,917** | **220,487** |
| % Collected | 68.67% | 93.24% |




**Comments/Notes - Receivables Rates and Rubbish**

| **Receivables - General** | Current | 30 Days | 60 Days | 90 Days | 90+Days |
|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ |
| | 8,613 | 1,077 | 542 | 6,087 | 0 |
| **Total Outstanding** | | | | | **16,319** |

**Amounts shown above include GST (where applicable)**




**Comments/Notes - Receivables General**

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 8: GRANTS AND CONTRIBUTIONS**

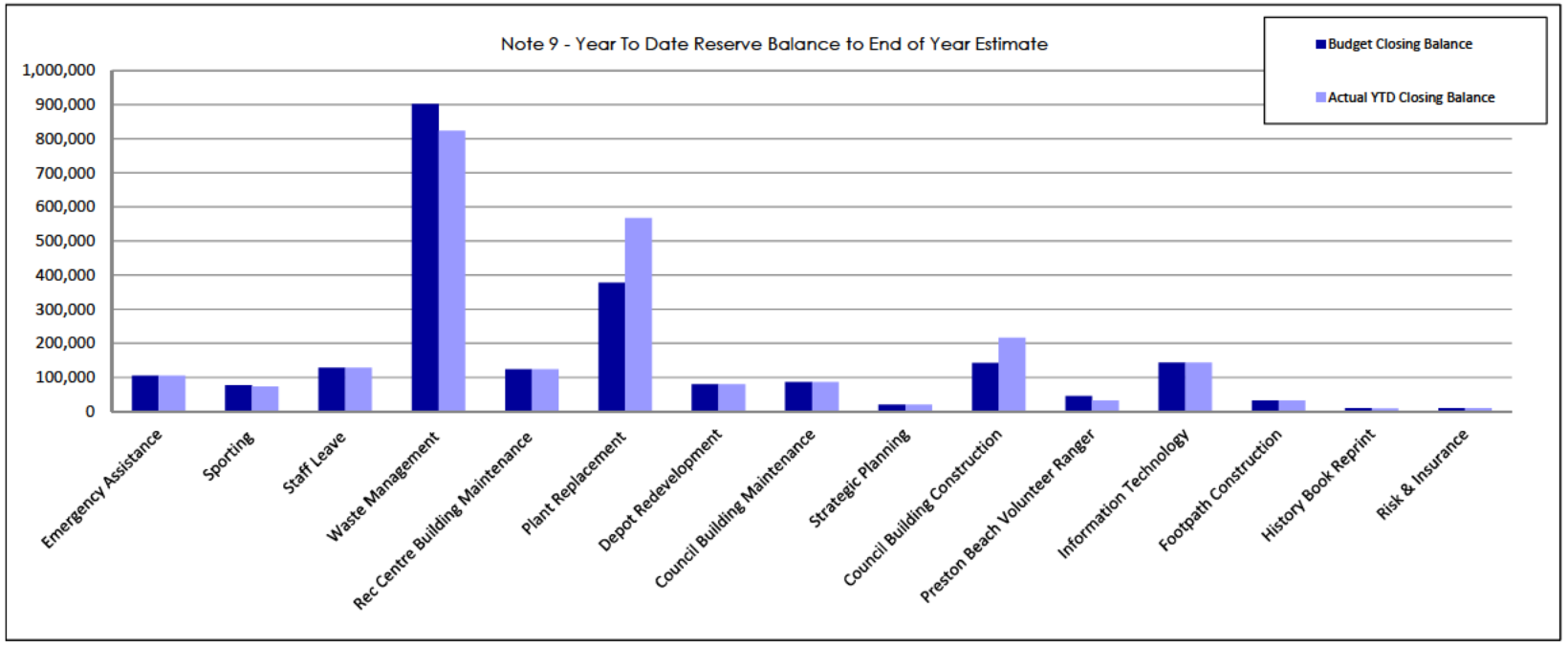
| Program/Details | | Provider | 2020-21 Budget | Recoup Status | |
|---|---|---|---|---|---|
| | | | | Received | Not Received |
| | | | $ | $ | $ |
| **GENERAL PURPOSE FUNDING** | | | | | |
| 3265 | FEDERAL LOCAL ROAD FUNDS | Federal Govt | 183,367 | $44,948 | $ 138,420 |
| 0091 | FEDERAL GOVT GRANTS | Federal Govt | 430,963 | $111,006 | $ 319,957 |
| 3493 | SPECIAL RTR FUNDING | Federal Govt | 289,000 | $131,521 | $ 157,479 |
| **LAW, ORDER, PUBLIC SAFETY** | | | | | |
| 945 | GRANT INCOME | State Govt Grant | 10,000 | $0 | $ 10,000 |
| 3203 | ESL - TOTAL ALLOCATION | DFES | 53,775 | $36,541 | $ 17,234 |
| **EDUCATION AND WELFARE** | | | | | |
| 5213 | GRANTS & CONTRIBUTIONS | Lotterywest / Alcoa of Australia | 51,655 | $57,327 | -$ 5,672 |
| **COMMUNITY AMENITIES** | | | | | |
| 7503 | GRANTS & CONTRIBUTIONS | Landcare | 75,392 | $0 | $ 75,392 |
| 2113 | PROTECTION OF THE ENVIRONMENT | Various Contributions | 15,000 | $18,000 | -$ 3,000 |
| **RECREATION AND CULTURE** | | | | | |
| 2733 | GRANTS & CONTRIBUTIONS | Dept Sport Rec | 5,000 | $0 | $ 5,000 |
| 3723 | CONTRIBUTION TO OVAL PROJECTS | CSRFF Grant | 21,000 | $0 | $ 21,000 |
| 3643 | GRANTS & CONTRIBUTIONS | AWSF - Youth Precinct | 46,305 | $0 | $ 46,305 |
| **TRANSPORT** | | | | | |
| 3255 | RDS TO RECOVERY GRANT | Federal | 252,529 | $0 | $ 252,529 |
| 3225 | BLACKSPOT FUNDING | Federal | 133,900 | $53,560 | $ 80,340 |
| 3275 | GOVT GRANTS-REGION RD GRP | MRWA | 520,000 | $208,000 | $ 312,000 |
| 3285 | GOVT GRANTS - DIRECT | Federal | 97,663 | $97,420 | $ 243 |
| **TOTALS** | | | **2,185,549** | **758,322** | **1,427,227** |

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 9: Cash Backed Reserve**

| Name | Opening Balance | Budget Interest Earned | Actual Interest Earned | Budget Transfers In (+) | Actual Transfers In (+) | Budget Transfers Out (-) | Actual Transfers Out (-) | Budget Closing Balance | Actual YTD Closing Balance |
|---|---|---|---|---|---|---|---|---|---|
| | $ | $ | $ | $ | $ | $ | | $ | $ |
| Emergency Assistance | 105,401 | | | | | | | 105,401 | 105,401 |
| Sporting | 72,322 | | | 5,250 | | | | 77,572 | 72,322 |
| Staff Leave | 128,245 | | | | | | | 128,245 | 128,245 |
| Waste Management | 823,315 | | | 133,000 | | (55,000) | | 901,315 | 823,315 |
| Rec Centre Building Maintenance | 124,098 | | | | | | | 124,098 | 124,098 |
| Plant Replacement | 566,846 | | | | | (188,770) | | 378,076 | 566,846 |
| Depot Redevelopment | 79,841 | | | | | | | 79,841 | 79,841 |
| Council Building Maintenance | 86,644 | | | | | | | 86,644 | 86,644 |
| Strategic Planning | 19,856 | | | | | | | 19,856 | 19,856 |
| Council Building Construction | 216,699 | | | | | (75,000) | | 141,699 | 216,699 |
| Preston Beach Volunteer Ranger | 31,466 | | | 13,170 | | | | 44,636 | 31,466 |
| Information Technology | 142,734 | | | | | | | 142,734 | 142,734 |
| Footpath Construction | 31,691 | | | | | | | 31,691 | 31,691 |
| History Book Reprint | 8,279 | | | 650 | | | | 8,929 | 8,279 |
| Risk & Insurance | 9,167 | | | | | | | 9,167 | 9,167 |
| | 2,446,604 | 0 | 0 | 152,070 | 0 | (318,770) | 0 | 2,279,904 | 2,446,604 |



# Notes to the statement financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 10: CAPITAL DISPOSALS AND ACQUISITIONS**

| Profit(Loss) of Asset Disposal | | | | Disposals | Current Budget Replacement | | | |
|---|---|---|---|---|---|---|---|---|
| Account | WDV | Proceeds | (Loss) | | Budget | Actual | Variance | |
| | $ | $ | $ | | $ | $ | $ | |
| 0574 | | | 0 | Resource Shared Vehicle (Recreation) - 110WR | 44,000 | | (44,000) | ▼ |
| 4164 | | | 0 | DPED Vehicle - 103WR | 33,000 | | (33,000) | ▼ |
| 3534 | 33,174 | 33,182 | 8 | DTS Vehicle - 106WR | 38,500 | 38,746 | 246 | ▲ |
| 5204 | | | 0 | PCDC Vehicle | 37,000 | | (37,000) | ▼ |
| 3554 | | | 0 | Holden Colorado (Gardener) WR106 | 38,000 | | (38,000) | ▼ |
| 3554 | | | 0 | Holden Colorado (Workshop) 109WR | 38,000 | | (38,000) | ▼ |
| 3554 | | | 0 | Caterpillar Grader - WR7285 | 200,000 | | (200,000) | ▼ |
| 3554 | | | 0 | 10 Vibe Roller 10T Flat Drum | 160,000 | | (160,000) | ▼ |
| 3554 | | | 0 | New Fuel Trailer | 15,000 | | (15,000) | ▼ |
| 3524 | | | 0 | Diesel Bowser Replacement | 8,000 | | (8,000) | ▼ |
| 3554 | | | 0 | General Plant | 9,130 | | (9,130) | ▼ |
| | **33,174** | **33,182** | **8** | **Totals** | **620,630** | **38,746** | **(581,884)** | |

**Comments - Capital Disposal**

| Contributions Information | | | | Summary Acquisitions | Current Budget | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | Variance | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **Property, Plant & Equipment** | | | | |
| | | | | Land and Buildings | 363,000 | 64,473 | (298,527) | ▼ |
| | | | | Plant & Equipment | 685,630 | 81,642 | (603,988) | ▼ |
| | | | | Furniture & Equipment | 32,000 | 0 | (32,000) | ▼ |
| | | | | **Infrastructure** | | | | |
| | | | | Roadworks | 1,466,044 | 47,681 | (1,418,363) | ▼ |
| | | | | Other Infrastructure | 410,005 | 33,075 | (376,930) | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **2,956,679** | **226,871** | **(2,729,808)** | |

**Comments - Capital Acquisitions**

| Contributions | | | | Land & Buildings | Current Budget This Year | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | Variance | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **GOVERNANCE** | | | 0 | |
| | | | | Admin Building Various Upgrades | 15,000 | 5,087 | (9,913) | ▼ |
| | | | | **LAW & ORDER** | | | | |
| | | | | Constuct Waroona West BFB Shed | 99,000 | 56,737 | (42,263) | ▼ |
| | | | | **RECREATION & CULTURE** | | | | |
| | | | | Library - Replace Alarm System | 5,000 | 0 | (5,000) | ▼ |
| | | | | Memorial Hall - Emergency Exit Upgrades | 6,000 | 0 | (6,000) | ▼ |
| | | | | Various Repairs at the Rec Centre | 216,000 | 0 | (216,000) | ▼ |
| | | | | **ECONOMIC SERVICES** | | | | |
| | | | | Waroona Visitor Centre - Building Refurbish | 22,000 | 2,650 | (19,350) | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **363,000** | **64,473** | **(298,527)** | |

# Notes to the statement financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**Note 10: CAPITAL DISPOSALS AND ACQUISITIONS**

| Contributions | | | | Plant & Equipment | Current Budget This Year | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | (Under)Over | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **GOVERNANCE** | | | | |
| | | | | Changeover of Vehicles | 44,000 | 0 | (44,000) | ▼ |
| | | | | **LAW ORDER PUBLIC SAFETY** | | | | |
| | | | | Upgrade Two Way System to VHS | 50,000 | 0 | (50,000) | ▼ |
| | | | | **COMMUNITY AMENITIES** | | | | |
| | | | | Capital Upgrade to Refuse Site CAT Loader & Comp | 15,000 | 0 | (15,000) | ▼ |
| | | | | **TRANSPORT** | | | | |
| | | | | Plant Replacement Program | 460,130 | 4,149 | (455,981) | ▼ |
| | | | | Vehicle Replacement | 38,500 | 38,747 | 247 | ▲ |
| | | | | Diesel Bowser Replacement | 8,000 | 38,747 | 30,747 | ▲ |
| | | | | **EDUCATION & WELFARE** | | | | |
| | | | | Changeover PCDC Vehicle | 37,000 | 0 | (37,000) | ▼ |
| | | | | **ECONOMIC SERVICES** | | | | |
| | | | | Changeover DPED Vehicle | 33,000 | 0 | (33,000) | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **685,630** | **81,642** | **(603,988)** | |

| Contributions | | | | Furniture & Equipment | Current Budget This Year | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | (Under)Over | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **OTHER LAW ORDER & PUBLIC SAFETY** | | | | |
| | | | | CCTV Cameras Sth West & Speed Signs | 22,000 | 0 | (22,000) | |
| | | | | **RECREATION & CULTURE** | | | | |
| | | | | Rec Centre - Alarm - 24 Hr Gymnasium | 10,000 | 0 | (10,000) | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **32,000** | **0** | **(32,000)** | |

| Contributions | | | | Infrastructure - Roads | Current Budget This Year | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | (Under)Over | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **Roads Construction** | 1,466,044 | 47,681 | 1,418,363 | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **1,466,044** | **47,681** | **1,418,363** | |

| Contributions | | | | Other Infrastructure | Current Budget This Year | | | |
|---|---|---|---|---|---|---|---|---|
| Grants | Reserves | Borrowing | Total | | Budget | Actual | (Under)Over | |
| $ | $ | $ | $ | | $ | $ | $ | |
| | | | | **COMMUNITY AMENITIES** | | | | |
| | | | | Townsite Drainage | 60,000 | 2,361 | (57,639) | ▼ |
| | | | | Refuse Site Sewerage Pond Closure | 55,000 | 0 | (55,000) | ▼ |
| | | | | Transfer station construction | 62,500 | 0 | (62,500) | ▼ |
| | | | | **RECREATION AND CULTURE** | | | | |
| | | | | Lake Clifton Entry Statement Signage | 4,200 | 0 | (4,200) | ▼ |
| | | | | Playground Equipment Upgrade | 18,000 | 10,383 | (7,617) | ▼ |
| | | | | Construct New Cricket Nets | 63,000 | 0 | (63,000) | ▼ |
| | | | | Refurbish Sporting Ovals Retic Systems | 40,000 | 0 | (40,000) | |
| | | | | Youth Precint Design & Concept | 46,305 | 0 | (46,305) | |
| | | | | **TRANSPORT** | | | | |
| | | | | Footpaths & Gravel Paths | 53,000 | 20,331 | (32,669) | ▼ |
| | | | | **ECONOMIC SERVICES** | | | | |
| | | | | Info Bay sign refurbishment | 8,000 | 0 | (8,000) | ▼ |
| **0** | **0** | **0** | **0** | **Totals** | **410,005** | **33,075** | **(376,930)** | |

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 OCTOBER 2020
**Note 11. Significant Capital Projects**

| Project/Purchase | COA | Total Project Cost | Income | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Federal Govt Grants | State Govt Grants | Special Funding RtR Funding | Contributions / Sale Proceeds | Loan Funds | Council Reserves | Alcoa Sustainability | Carried Forward Funding | General Revenue |
| | | $ | $ | $ | $ | $ | $ | $ | $ | $ | $ |
| Total Road Construction Program | 3184/3204 | 1,466,044 | [1] 386,429 | [2] 617,663 | | - | | | | | 461,952 |
| Replace CBD CCTV Cameras | 0934 | 10,000 | | | | | | | | | 10,000 |
| Business Case Funding | 7772 | 95,000 | | | | | | | | | 95,000 |
| Summer Events Program | 1482 | 11,000 | | | | | | | | 4,800 | 6,200 |
| Fawcett Road - Tree Pruning | EP04 | 29,000 | | | 29,000 | | | | | | 0 |
| Visitor Centre - Marketing & Advertising | 3972 | 10,500 | | | | | | | | | 10,500 |
| Visitor Centre - Upgrade Kitchen & Flooring | 3904 | 14,000 | | | | 8,000 | | | | | 6,000 |
| Environmental Study - Foreshore Management Plan | 2082 | 55,000 | | | | 15,000 | | | | 15,000 | 25,000 |
| Connect Electricity to Weir | 3632 | 28,000 | | | 28,000 | | | | | | 0 |
| Complete construction Waroona West Fire Station | 0774 | 99,000 | | | | | | 75,000 | | | 24,000 |
| Emergency / Crisis Packages - Lotterywest | 5392 | 36,655 | | | | | | | | 36,655 | 0 |
| Cricket Oval - Install new practice nets | 3714 | 63,000 | | [3] 21,000 | 22,000 | | | | | | 20,000 |
| Sporting Ovals - Reticulation Upgrade | 3724 | 40,000 | | | | | | | | | 40,000 |
| Area Promotion - Information Bay Sign | 3944 | 8,000 | | | | | | | | | 8,000 |
| Area Promotion - Harvest Highway Promotion | 3912 | 10,000 | | | | | | | | | 10,000 |
| Upgrade 1 Way Radio System | 0744 | 50,000 | | | | | | | | | 50,000 |
| Buller Road Refuse Site - Construct Transfer Station | 1544 | 62,500 | | | | | | | | | 62,500 |
| Buller Road Refuse Site - Sewerage Pond Closure | 1534 | 55,000 | | | | | | 55,000 | | | 0 |
| Purchase Flat Drum Roller | 3554 | 160,000 | | | | | | 12,640 | | | 147,360 |
| Purchase New Fuel Trailer | 3554 | 15,000 | | | | | | | | | 15,000 |
| Replace CAT 12G Grader | 3554 | 200,000 | | | | 50,000 | | 150,000 | | | 0 |
| Purchase additional speed display signs | 0934 | 12,000 | | 2,000 | | | | | | | 10,000 |
| Recreation Centre - Upgrade Ablutions | 7104 | 100,000 | | | 100,000 | | | | | | 0 |
| Recreation Centre - Replace Pool Concourse | 7104 | 110,000 | | | 110,000 | | | | | | 0 |
| Recreation Centre - Install alarm & 24hr gym access | 7114 | 10,000 | | | | | | | | | 10,000 |
| | | **2,749,699** | **386,429** | **640,663** | **289,000** | **73,000** | **0** | **292,640** | **0** | **56,455** | **1,011,512** |

| | | |
|---|---|---|
| 1. Roads to Recovery | $ | 133,900 |
| 2. Blackspot | $ | 252,529 |
| Regional Road Group | $ | 520,000 |
| Direct Grant | $ | 97,663 |
| Special | $ | - |
| 3. CSRFF | $ | 21,000 |

# Notes to the financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**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-20 | Amount Received | Amount Paid | Closing Balance 31-Oct-20 |
|---|---|---|---|---|
| | $ | $ | $ | $ |
| EXTRACTIVE INDUSTRIES | 18,016 | 3 | 0 | **18,019** |
| PUBLIC OPEN SPACE | 43,060 | 7 | 0 | **43,066** |
| ALCOA WAROONA SUSTAINABILITY | 1,968,614 | 132,119 | 20,000 | **2,080,733** |
| | **2,029,690** | **132,129** | **20,000** | **2,141,818** |

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 31 OCTOBER 2020

**13 INFORMATION ON BORROWINGS**

**(a) Debenture Repayments**

| | | Principal 1-Jul-20 | New Loans | Principal Repayments | | Principal Outstanding | | Interest Repayments | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Actual $ | Budget $ | Actual $ | Budget $ | Actual $ | Budget $ |
| **Recreation & Culture** | | | | | | | | | |
| Basketball Stadium | 117 | 67,561 | | | 15,287 | | 52,274 | | 4,134 |
| Rec Centre Upgrade | 120 | 89,385 | | | 21,066 | | 68,319 | | 3,291 |
| Memorial Hall Upgrade | 121 | 147,003 | | 13,745 | 27,693 | 133,259 | 119,310 | 2,183 | 4,162 |
| | | 303,949 | | 13,745 | 64,046 | 133,259 | 239,903 | 2,183 | 11,587 |

*(SS) Self Supporting Loan*

*All debenture repayments are to be financed by General Purpose Revenue*

**(b) New Debentures**

*There are no new debentures budgeted for in 2020/21*

APPENDIX 11.3.3



# RISK MANAGEMENT
## Framework 2020/21

SHIRE OF WAROONA
SEA TO SCARP




**About this document**

This document has been prepared by the Shire of Waroona to assist in organisational risk management.

The content has been prepared with significant content originating from the International Organisation for Standardisation (ISO), particularly ISO 31000:2018.

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# 1. Introduction

Organisations of all types and sizes face external and internal factors and influences that make it uncertain whether they will achieve their objectives.

Managing risk is iterative and assists organisations in setting strategy, achieving objectives and making informed decisions.

Managing risk is part of governance and leadership, and is fundamental to how the organisation is managed at all levels. It contributes to the improvement of management systems.

Managing risk is part of all activities associated with an organisation and includes interaction with stakeholders.

Managing risk considers the external and internal context of the organisation, including human behaviour and cultural factors.

Principles, framework and process might already exist in full or in part within the organisation, however, they might need to be adapted or improved so that managing risk is efficient, effective and consistent. Risk is usually expressed in terms of risk sources, potential events, their consequences and their likelihood.

## 1.1 Terms & Definitions

**risk** – effect of uncertainty on objectives.

**effect** – a deviation from the expected that can be positive, negative or both and can address, create or result in opportunities or threats.

**objectives** – can have different aspects and categories, and can be applied at different levels.

**risk management** – coordinated activities to direct and control an organisation with regard to risk.

**stakeholder** – person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity.

**risk source** – element which alone or in combination has the potential to give rise to risk.

**event** – occurrence or change of a particular set of circumstances.

* an event can have one or more occurrences, and can have several causes and several consequences.

** an event can also be something that is expected which does not happen, or something that is not expected which does happen.

*** an event can be a risk source.

**consequence** – outcome of an event affecting objectives.

* a consequence can be certain or uncertain and can have positive or negative direct or

** consequences can be expressed qualitatively or quantitatively.
*** any consequence can escalate through cascading and cumulative effects.

**likelihood** – chance of something happening, whether defined, measured or determined objectively or subjectively, qualitatively or quantitatively, and described using general terms or mathematically.

**control** – measure that maintains and/or modifies risk
* controls include, but are not limited to, any process, policy, device, practice, or other conditions and/or actions which maintain and/or modify risk.
** controls may not always exert the intended or assumed modifying effect.

## 2. Principles

The purpose of risk management is the creation and protection of value. It improves performance, encourages innovation and supports the achievement of objectives.

The principles outlined in figure 1 provide guidance on the characteristics of effective and efficient risk management, communicating its value and explaining its intention and purpose. The principles are the foundation for managing risk and should be considered when establishing the Shire of Waroona's risk management framework and processes. These principles should enable the Shire to manage the effects of uncertainty on its objectives.

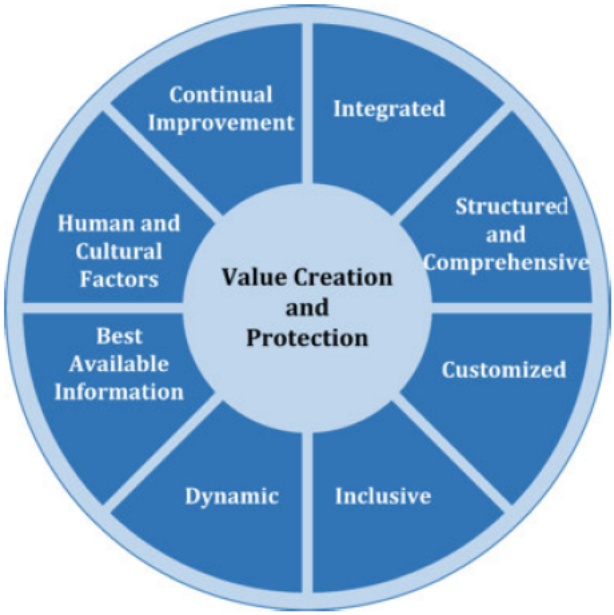



*Figure 1: Risk management principles. Source: ISO 31000:2018.*

Effective risk management requires the elements of Figure 1 and can be further explained as follows.

**a) Integrated**

[illegible] integral part of all organisational activities.

**b) Structured and comprehensive**

A structured and comprehensive approach to risk management contributes to consistent and comparable results.

**c) Customised**

The risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives.

**d) Inclusive**

Appropriate and timely involvement of stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.

**e) Dynamic**

Risks can emerge, change or disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner.

**f) Best available information**

The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly takes into account any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available to relevant stakeholders.

**g) Human and cultural factors**

Human behaviour and culture significantly influence all aspects of risk management at each level and stage.

**h) Continual improvement**

Risk management is continually improved through learning and experience.

# 3. Framework

## 3.1 General

The purpose of the risk management framework is to assist the Shire in integrating risk management into activities and functions. The effectiveness of risk management will depend on its integration into the governance of the Shire, including decision-making. This requires support from stakeholders, particularly Council and Executive Management. Framework development encompasses integrating, designing, implementing, evaluating and improving risk management across the Shire. Figure 2 illustrates the components of a framework.




*Figure 2: Risk management framework. Source: ISO 31000:2018*

The Shire should evaluate its existing risk management practices and processes, evaluate any gaps and address those gaps within the framework. The components of the framework and the way in which they work together should be customised to the needs of the Shire.

## 3.2 Leadership and commitment

Council and Executive Management where applicable, should ensure that risk management is integrated into all Shire activities and should demonstrate leadership and commitment by:

- customising and implementing all components of the framework;
- issuing a statement or policy that establishes a risk management approach, plan or course of action;
- ensuring that the necessary resources are allocated to managing risk;
- assigning authority, responsibility and accountability at appropriate levels within the Shire.

This will help the Shire to:

- align risk management with its objectives, strategy and culture;
- recognise and address all obligations, as well as its voluntary commitments;
- establish the amount and type of risk that may or may not be taken to guide the development of risk criteria, ensuring that they are communicated to the Shire and its stakeholders;
- communicate the value of risk management to the Shire and its stakeholders;
- promote systematic monitoring of risks;
- ensure that the risk management framework remains appropriate to the context of the Shire.

Council and Executive Management are accountable for managing risk and overseeing risk

- ensure that risks are adequately considered when setting the Shire's objectives;
- understand the risks facing the Shire in pursuit of its objectives;
- ensure that systems to manage such risks are implemented and operating effectively;
- ensure that such risks are appropriate in the context of the Shire's objectives;
- ensure that information about such risks and their management is properly communicated.

## 3.3 Integration

Integrating risk management relies on an understanding of organisational structures and context. Structures differ depending on the organisation's purpose, goals and complexity. Risk is managed in every part of the organisation's structure. Everyone in the Shire has responsibility for managing risk.

Governance guides the course of the Shire, its external and internal relationships, and the rules, processes and practices needed to achieve its purpose. Management structures translate governance direction into the strategy and associated objectives required to achieve desired levels of sustainable performance and long-term viability. Determining risk management accountability and oversight roles within the Shire are integral parts of the Shire's governance.

Integrating risk management into the Shire is a dynamic and iterative process, and should be customised to the Shire's needs and culture. Risk management should be a part of, and not separate from, the Shire's purpose, governance, leadership and commitment, strategy, objectives and operations.

## 3.4 Design

### 3.4.1 Understanding the Shire and its context

When designing the framework for managing risk, the Shire should examine and understand its external and internal context.

Examining the Shire's external context may include, but is not limited to:

- the social, cultural, political, legal, regulatory, financial, technological, economic and environmental factors, whether international, national, regional or local;
- key drivers and trends affecting the objectives of the Shire;
- external stakeholders' relationships, perceptions, values, needs and expectations;
- contractual relationships and commitments;
- the complexity of networks and dependencies.

Examining the Shire's internal context may include, but is not limited to:

- vision, mission and values;
- governance, organisational structure, roles and accountabilities;
- strategy, objectives and policies;
- the organisational culture;
- [illegible] and models adopted by the Shire;

- capabilities, understood in terms of resources and knowledge (e.g. capital, time, people, intellectual property, processes, systems and technologies);
- data, information systems and information flows;
- relationships with internal stakeholders, taking into account their perceptions and values;
- contractual relationships and commitments;
- interdependencies and interconnections.

### 3.4.2 Articulating risk management commitment

Council and Executive Management, where applicable, should demonstrate and articulate their continual commitment to risk management through a policy, a statement or other forms that clearly convey the Shire's objectives and commitment to risk management. The commitment should include, but is not limited to:

- the Shire's purpose for managing risk and links to its objectives and other policies;
- reinforcing the need to integrate risk management into the overall culture of the Shire;
- leading the integration of risk management into core business activities and decision-making;
- authorities, responsibilities and accountabilities;
- making the necessary resources available;
- the way in which conflicting objectives are dealt with;
- measurement and reporting within the Shire's performance indicators;
- review and improvement.

The risk management commitment should be communicated within the Shire and to stakeholders, as appropriate.

### 3.4.3 Assigning organisational roles, authorities, responsibilities and accountabilities

Council and Executive Management, where applicable, should ensure that the authorities, responsibilities and accountabilities for relevant roles with respect to risk management are assigned and communicated at all levels of the Shire, and should:

- emphasise that risk management is a core responsibility;
- identify individuals who have the accountability and authority to manage risk (risk owners).

### 3.4.4 Allocating resources

Council and Executive Management, where applicable, should ensure allocation of appropriate resources for risk management, which can include, but are not limited to:

- people, skills, experience and competence;
- the Shire's processes, methods and tools to be used for managing risk;
- documented processes and procedures;
- information and knowledge management systems;
- professional development and training needs.

The Shire should consider the capabilities of, and constraints on, existing resources.

### 3.4.5 Establishing communication and consultation

The Shire should establish an approved approach to communication and consultation in order to support the framework and facilitate the effective application of risk management. Communication involves sharing information with targeted audiences. Consultation also involves participants providing feedback with the expectation that it will contribute to and shape decisions or other activities. Communication and consultation methods and content should reflect the expectations of stakeholders, where relevant.

Communication and consultation should be timely and ensure that relevant information is collected, collated, synthesised and shared, as appropriate, and that feedback is provided and improvements are made.

## 3.5 Implementation

The Shire should implement the risk management framework by:

- developing an appropriate plan including time and resources;
- identifying where, when and how different types of decisions are made across the Shire, and by whom;
- modifying the applicable decision-making processes where necessary;
- ensuring that the Shire's arrangements for managing risk are clearly understood and practised.

Successful implementation of the framework requires the engagement and awareness of stakeholders. This enables the Shire to explicitly address uncertainty in decision-making, while also ensuring that any new or subsequent uncertainty can be taken into account as it arises. Properly designed and implemented, the risk management framework will ensure that the risk management process is a part of all activities throughout the Shire, including decision-making, and that changes in external and internal contexts will be adequately captured.

## 3.6 Evaluation

In order to evaluate the effectiveness of the risk management framework, the Shire should:

- periodically measure risk management framework performance against its purpose, implementation plans, indicators and expected behaviour;
- determine whether it remains suitable to support achieving the objectives of the Shire.

## 3.7 Improvement

### 3.7.1 Adapting

The Shire should continually monitor and adapt the risk management framework to address external and internal changes. In doing so, the Shire can improve its value.

### 3.7.2 Continually improving

The Shire should continually improve the suitability, adequacy and effectiveness of the risk management framework and the way the risk management process is integrated. As relevant gaps or improvement opportunities are identified, the Shire should develop plans and tasks and assign them to those accountable for implementation. Once implemented, these improvements should contribute to the enhancement of risk management.

# 4. Process

## 4.1 General

The risk management process involves the systematic application of policies, procedures and practices to the activities of communicating and consulting, establishing the context and assessing, treating, monitoring, reviewing, recording and reporting risk. This process is illustrated in Figure 3.

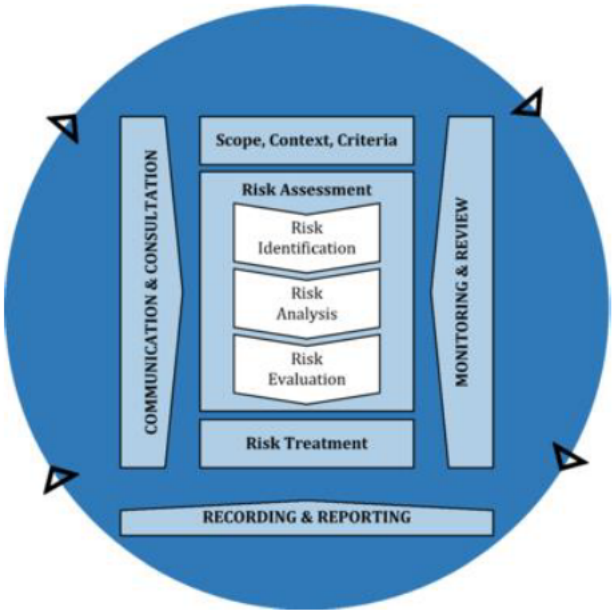



*Figure 3: Risk management process. Source: ISO 31000:2018.*

The risk management process should be an integral part of management and decision-making and integrated into the structure, operations and processes of the Shire. It can be applied at strategic, operational, programme or project levels.

There can be many applications of the risk management process within the Shire, customised to achieve objectives and to suit the external and internal context in which they are applied.

The dynamic and variable nature of human behaviour and culture should be considered throughout the risk management process.

Although the risk management process is often presented as sequential, in practice it is iterative.

## 4.2 Communication and consultation

The purpose of communication and consultation is to assist relevant stakeholders in understanding risk, the basis on which decisions are made and the reasons why particular actions are required. Communication seeks to promote awareness and understanding of risk, whereas consultation involves obtaining feedback and information to support decision-making. Close coordination between the two should facilitate factual, timely, relevant, accurate and understandable exchange of information, taking into account the confidentiality and integrity of information as well as the privacy rights of individuals.

Communication and consultation with appropriate external and internal stakeholders should take place within and throughout all steps of the risk management process.

Communication and consultation aims to:

- bring different areas of expertise together for each step of the risk management process;
- ensure that different views are appropriately considered when defining risk criteria and when evaluating risks;
- provide sufficient information to facilitate risk oversight and decision-making;
- build a sense of inclusiveness and ownership among those affected by risk.

## 4.3 Scope, context and criteria

### 4.3.1 General

The purpose of establishing the scope, the context and criteria is to customise the risk management process, enabling effective risk assessment and appropriate risk treatment. Scope, context and criteria involve defining the scope of the process, and understanding the external and internal context.

### 4.3.2 Defining the scope

The Shire should define the scope of its risk management activities.

As the risk management process may be applied at different levels (e.g. strategic, operational, programme, project, or other activities), it is important to be clear about the scope under consideration, the relevant objectives to be considered and their alignment with organisational objectives.

When planning the approach, considerations include:

- objectives and decisions that need to be made;
- outcomes expected from the steps to be taken in the process;
- time, location, specific inclusions and exclusions;
- appropriate risk assessment tools and techniques;
- resources required, responsibilities and records to be kept;
- relationships with other projects, processes and activities.

### 4.3.3 External and internal context

The external and internal context is the environment in which the Shire seeks to define and achieve its objectives.

The context of the risk management process should be established from the understanding of the external and internal environment in which the Shire operates and should reflect the specific environment of the activity to which the risk management process is to be applied.

Understanding the context is important because:

- risk management takes place in the context of the objectives and activities of the Shire;
- organisational factors can be a source of risk;
- the purpose and scope of the risk management process may be interrelated with the objectives of the Shire as a whole.

The Shire should establish the external and internal context of the risk management process by considering the factors mentioned in 3.4.1.

### 4.3.4 Defining risk criteria

The Shire should specify the amount and type of risk that it may or may not take, relative to objectives. It should also define criteria to evaluate the significance of risk and to support decision-making processes. Risk criteria should be aligned with the risk management framework and customised to the specific purpose and scope of the activity under consideration. Risk criteria should reflect the organization's values, objectives and resources and be consistent with policies and statements about risk management. The criteria should be defined taking into consideration the Shire's obligations and the views of stakeholders.

While risk criteria should be established at the beginning of the risk assessment process, they are dynamic and should be continually reviewed and amended, if necessary.

To set risk criteria, the following should be considered:

- the nature and type of uncertainties that can affect outcomes and objectives (both tangible and intangible);
- how consequences (both positive and negative) and likelihood will be defined and measured;
- time-related factors;
- consistency in the use of measurements;
- how the level of risk is to be determined;
- how combinations and sequences of multiple risks will be taken into account;
- the Shire's capacity.

## 4.4 Risk assessment

### 4.4.1 General

Risk assessment is the overall process of risk identification, risk analysis and risk evaluation.

Risk assessment should be conducted systematically, iteratively and collaboratively, drawing on the knowledge and views of stakeholders. It should use the best available information, supplemented by further enquiry as necessary.

### 4.4.2 Risk identification

The purpose of risk identification is to find, recognise and describe risks that might help or prevent the Shire achieving its objectives. Relevant, appropriate and up-to-date information is important in identifying risks.

The Shire can use a range of techniques for identifying uncertainties that may affect one or more objectives. The following factors, and the relationship between these factors, should be considered:

- tangible and intangible sources of risk;
- causes and events;
- threats and opportunities;
- vulnerabilities and capabilities;
- changes in the external and internal context;
- indicators of emerging risks;
- the nature and value of assets and resources;
- consequences and their impact on objectives;
- limitations of knowledge and reliability of information;
- time-related factors;
- biases, assumptions and beliefs of those involved.

The Shire should identify risks, whether or not their sources are under its control. Consideration should be given that there may be more than one type of outcome, which may result in a variety of tangible or intangible consequences.

### 4.4.3 Risk analysis

The purpose of risk analysis is to comprehend the nature of risk and its characteristics including, where appropriate, the level of risk. Risk analysis involves a detailed consideration of uncertainties, risk sources, consequences, likelihood, events, scenarios, controls and their effectiveness. An event can have multiple causes and consequences and can affect multiple objectives.

Risk analysis can be undertaken with varying degrees of detail and complexity, depending on the purpose of the analysis, the availability and reliability of information, and the resources available. Analysis techniques can be qualitative, quantitative or a combination of these, depending on the circumstances and intended use.

Risk analysis should consider factors such as:

- the likelihood of events and consequences;
- the nature and magnitude of consequences;
- complexity and connectivity;
- time-related factors and volatility;
- effectiveness of existing controls;

The risk analysis may be influenced by any divergence of opinions, biases, perceptions of risk and judgements. Additional influences are the quality of the information used, the assumptions and exclusions made, any limitations of the techniques and how they are executed. These influences should be considered, documented and communicated to decision makers.

Highly uncertain events can be difficult to quantify. This can be an issue when analysing events with severe consequences. In such cases, using a combination of techniques generally provides greater insight.

Risk analysis provides an input to risk evaluation, to decisions on whether risk needs to be treated and how, and on the most appropriate risk treatment strategy and methods. The results provide insight for decisions, where choices are being made, and the options involve different types and levels of risk.

### 4.4.4 Risk evaluation

The purpose of risk evaluation is to support decisions. Risk evaluation involves comparing the results of the risk analysis with the established risk criteria to determine where additional action is required. This can lead to a decision to:

- do nothing further;
- consider risk treatment options;
- undertake further analysis to better understand the risk;
- maintain existing controls; or
- reconsider objectives.

Decisions should take account of the wider context and the actual and perceived consequences to external and internal stakeholders. The outcome of risk evaluation should be recorded, communicated and then validated at appropriate levels of the Shire.

## 4.5 Risk treatment

### 4.5.1 General

The purpose of risk treatment is to select and implement options for addressing risk. Risk treatment involves an iterative process of:

- formulating and selecting risk treatment options;
- planning and implementing risk treatment;
- assessing the effectiveness of that treatment;
- deciding whether the remaining risk is acceptable; and
- if not acceptable, taking further treatment.

### 4.5.2 Selection of risk treatment options

Selecting the most appropriate risk treatment option(s) involves balancing the potential benefits derived in relation to the achievement of the objectives against costs, effort or disadvantages of implementation.

Risk treatment options are not necessarily mutually exclusive or appropriate in all circumstances. Options for treating risk may involve one or more of the following:

- avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- taking or increasing the risk in order to pursue an opportunity;
- removing the risk source;
- changing the likelihood;
- changing the consequences;
- sharing the risk (e.g. through contracts, buying insurance);
- retaining the risk by informed decision.

Justification for risk treatment is broader than solely economic considerations and should take into account all of the Shire's obligations, voluntary commitments and stakeholder views. The selection of risk treatment options should be made in accordance with the Shire's objectives, risk criteria and available resources.

When selecting risk treatment options, the Shire should consider the values, perceptions and potential involvement of stakeholders and the most appropriate ways to communicate and consult with them. Though equally effective, some risk treatments can be more acceptable to some stakeholders than to others.

Risk treatments, even if carefully designed and implemented might not produce the expected outcomes and could produce unintended consequences. Monitoring and review need to be an integral part of the risk treatment implementation to give assurance that the different forms of treatment become and remain effective.

Risk treatment can also introduce new risks that need to be managed.

If there are no treatment options available or if treatment options do not sufficiently modify the risk, the risk should be recorded and kept under ongoing review.

Decision makers and other stakeholders should be aware of the nature and extent of the remaining risk after risk treatment. The remaining risk should be documented and subjected to monitoring, review and, where appropriate, further treatment.

### 4.5.3 Preparing and implementing risk treatment plans

The purpose of risk treatment plans is to specify how the chosen treatment options will be implemented, so that arrangements are understood by those involved, and progress against the plan can be monitored. The treatment plan should clearly identify the order in which risk treatment should be implemented.

Treatment plans should be integrated into the management plans and processes of the organisation, in consultation with appropriate stakeholders.

The information provided in the treatment plan should include:

- the rationale for selection of the treatment options, including the expected benefits to

- those who are accountable and responsible for approving and implementing the plan;
- the proposed actions;
- the resources required, including contingencies;
- the performance measures;
- the constraints;
- the required reporting and monitoring; and
- when actions are expected to be undertaken and completed.

## 4.6 Monitoring and review

The purpose of monitoring and review is to assure and improve the quality and effectiveness of process design, implementation and outcomes. Ongoing monitoring and periodic review of the risk management process and its outcomes should be a planned part of the risk management process, with responsibilities clearly defined.

Monitoring and review should take place in all stages of the process. Monitoring and review includes planning, gathering and analysing information, recording results and providing feedback.

The results of monitoring and review should be incorporated throughout the Shire's performance management, measurement and reporting activities.

## 4.7 Recording and reporting

The risk management process and its outcomes should be documented and reported through appropriate mechanisms. Recording and reporting aims to:

- communicate risk management activities and outcomes across the Shire;
- provide information for decision-making;
- improve risk management activities;
- assist interaction with stakeholders, including those with responsibility and accountability for risk management activities.

Decisions concerning the creation, retention and handling of documented information should take into account, but not be limited to: their use, information sensitivity and the external and internal context.

Reporting is an integral part of the Shire's governance and should enhance the quality of dialogue with stakeholders and support top management and oversight bodies in meeting their responsibilities. Factors to consider for reporting include, but are not limited to:

- differing stakeholders and their specific information needs and requirements;
- cost, frequency and timeliness of reporting;
- method of reporting;
- relevance of information to organisational objectives and decision-making.

## 5. Risk Categories

| | |
|---|---|
| Financial | • Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources |
| Environmental | • Regulatory compliance, contamination, inadequate processes etc |
| Operational | • Adverse effects on core business, business continuity, human resource risks, loss of knowledge |
| Reputation | • Public perception, poor customer service, sub standard works, corruption |
| Health | • Exposure to health risks, injuries to public or staff within Council buildings or on Council property |
| Project | • Delays to start or completion, variations to scope or budget, insufficient funds |

## 6. Risk Likelihood

| Level | Description | Probability |
|---|---|---|
| 5 | Almost certain | Expected to occur in most circumstances<br>e.g. More than once per year or > 90% chance |
| 4 | Likely | Will probably occur in most circumstances<br>e.g. At least once per year or 60% - 90% |
| 3 | Possible | Should occur at some time<br>e.g. At least once in 3 years or 30% - 60% |
| 2 | Unlikely | Could occur at some time<br>e.g. at least once in 10 years or 5% - 30% |
| 1 | Rare | May occur, only in exceptional circumstances<br>e.g. less than once in 15 years or < 5% |

# 7. Risk Consequence

| Level | Description | Financial | Health | Reputation | Operation | Environment | Project |
|---|---|---|---|---|---|---|---|
| 1 | Insignificant | Less than $10,000 | Near miss / negligible injuries or health effect | Low impact, low profile, minor complaint | Little impact – objectives still achieved with minimum extra cost or inconvenience | Contained, little and reversible impact managed by on site personnel | Insignificant impact on the project. It is not possible to measure the impact on the project as it is minimal |
| 2 | Minor | $10,000 to $50,000 | Minor injury or health effect / First aid treatment | Heightened concern by community, several complaints | Inconvenient delays – partial achievement of objectives with some compensating action taken | Contained, minor damage or contamination that is reversible and managed by on site personnel | <5% deviation in scope, scheduled end-date or project budget requiring Managers approval |
| 3 | Moderate | $50,000 to $250,000 | Moderate injury or health effect / Medical treatment | Low level local news profile | Significant delays to major deliverables – additional costs required and or time delays to achieve objectives. Adverse impacts on KPI's and targets | Contained, significant contamination and damage that is reversible, managed by on site personnel | 5-10% deviation in scope, scheduled end-date or project budget requiring Senior Management approval |
| 4 | Major | $250,000 to $1 million | Serious health effect, death or extensive injuries | Major coverage in local media, low profile in state media | Unable to achieve corporate objectives or statutory obligations resulting in significant visible impact on service provision such as closure of facilities | Uncontained, significant contamination and damage that is reversible but requires third party assistance, minor breach of legislation | 10-25% deviation in scope, scheduled end-date or project budget requiring restructure of project and Senior Management or Council approval |
| 5 | Catastrophic | More than $1 million | Multiple deaths or severe permanent disablements | High state or national news profile | Organisation unable to function | Extensive contamination and damage that is irreversible, major breach of legislation | >25% deviation in scope, scheduled end-date or project budget requiring the project to be deferred or redeveloped |

## 8. Risk Matrix

| Likelihood | | Consequence | | | | |
|---|---|---|---|---|---|---|
| | | Insignificant 1 | Minor 2 | Moderate 3 | Major 4 | Catastrophic 5 |
| | Almost Certain 5 | M (5) | H (10) | H (15) | E (20) | E (25) |
| | Likely 4 | M (4) | M (8) | H (12) | H (16) | E (20) |
| | Possible 3 | L (3) | M (6) | M (9) | H (12) | H (15) |
| | Unlikely 2 | L (2) | M (4) | M (6) | M (8) | H (10) |
| | Rare 1 | L (1) | L (2) | L (3) | M (4) | M (5) |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| L | Low | M | Moderate | H | High | E | Extreme |

# 9. Risk Acceptance Criteria

| Risk Rating | Descriptor | Action required | Criteria for Risk Acceptance | Review Frequency | | Risk Owner | |
|---|---|---|---|---|---|---|---|
| | | | | Strategic / Operational | Project Risks | Strategic / Operational | Project Risks |
| **Low** | Acceptable | Accept the risk | Risk acceptable with adequate controls | Annual | If the scope / context changes | Operational Manager | Project Manager |
| **Moderate** | Monitor | Monitor the risk but consider Risk Treatments | Risk acceptable with adequate controls | Semi-annual | If the scope / context changes | Operational Manager | Project Manager |
| **High** | Treat | Treat the risk. Reduce either the likelihood. consequence or both by improving existing controls or adding new controls | Risk acceptable with excellent controls | Quarterly | Monthly | Executive Management | Steering Committee where relevant or Project Director |
| **Extreme** | Treat | Treat the risk. Reduce either the likelihood, consequence or both by improving existing controls or adding new controls | Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible | Monthly | Monthly | CEO | Steering Committee where relevant or Project Director |




**Photo Credits**

Cover, Back Shire of Waroona

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# POLICY FIN018 – CHEQUES & ELECTRONIC FUND TRANSFERS

**Related Management Practice**
No

**Relevant Delegation**
Yes

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**POLICY INTENTION:**

The intent of this policy is to establish which officers are given delegated authority to process payments from the Shire's Municipal and Trust Funds.

**POLICY:**

i) That any two of the following be authorised to sign cheques from the Council's Municipal and Trust fund:

Chief Executive Officer
Director Corporate Services
Director Infrastructure Services
Manager Corporate Services
Manager Works & Services

ii) That any two of the following be permitted to authorise electronic funds transfers from the Council's Municipal fund:

Chief Executive Officer
Director Corporate Service
Director Infrastructure Services
Director Planning & Economic Development
Manager Corporate Services
Manager Works & Services

| **Policy Administration** | |
|---|---|
| Division: | Finance |
| Contact Officer Position: | Deputy Chief Executive Officer / Director Corporate Services |
| Parent Legislation: | Local Government (Financial Management) Regulations 1996 Reg.12 |
| Other Relevant Documents: | |
| Date Adopted: | 18 December 2018 – OCM 18/12/126 |
| Reviews/Amendments: | 19 December 2019 – OCM 19/12/163 |

# POLICY COM024 – SHIRE OF WAROONA SPECIAL LOCAL AUTHORITY VEHICLE NUMBER PLATES

**Related Management Practice**
No

**Relevant Delegation**
No

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**POLICY INTENTION:**

This policy is to provide guidance in the consideration of applications for Shire of Waroona Special Local Authority vehicle number plates.

**POLICY:**

Those persons wishing to purchase Shire of Waroona Special Local Authority vehicle number plates being numbered from 0 to 9999 (with the exception of the single digit of 0, no prefix of 0 is permitted), embossed with the “Sea to Scarp” and Council logo are to make an application as per the guidelines and authorised numbering detailed above.

Staff are to ensure that the application is correctly completed on a specified Department of Transport, “Special Series Number Plate” application form within the authorised number range.

| **Policy Administration** | |
|---|---|
| Division: | Community |
| Contact Officer Position: | Manager Corporate Services |
| Parent Legislation: | Internal |
| Other Relevant Documents: | Nil |
| Date Adopted: | |
| Reviews/Amendments: | Nil |



# DELEGATIONS REGISTER
## 2020/21

SHIRE OF WAROONA
SEA TO SCARP

| Document Control | | | |
|---|---|---|---|
| Date Reviewed | Council Resolution | Details | Author |
| 27/11/18 | OCM18/11/113 | Register adopted by Council | Ian Curley |
| 17/12/19 | OCM19/12/162 | Register adopted by Council | Brad Vitale |

SHIRE OF
WAROONA
SEA TO SCARP

**About this document**

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The Register of Delegations records the compiled delegation made by Council and the Chief Executive Officer under the authority of the *Local Government Act 1995* and other legislative instruments as specified.



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# Background

The *Local Government Act 1995* requires local governments to review their delegation of powers and authority to the Chief Executive Officer at least once in every twelve months, and for the Chief Executive Officer to review their delegation of authority within the same review period.

## Statutory Context

This Register of Delegations has been prepared in accordance with:

### Local Government Act 1995

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

(1) 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.
** Absolute majority required.*

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

(3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

s.5.17 – Limits on delegation of powers and duties to certain committees

(1) A local government can delegate —
(a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
(i) any power or duty that requires a decision of an absolute majority of the council; and
(ii) any other power or duty that is prescribed; and
(b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
(c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
(i) the local government's property; or
(ii) an event in which the local government is involved.



(2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

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

s.5.42 – Delegation of some powers and duties to CEO

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

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

s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —
(a) any power or duty that requires a decision of an absolute majority of the council;
(b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
(c) appointing an auditor;
(d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
(e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
(f) borrowing money on behalf of the local government;
(g) hearing or determining an objection of a kind referred to in section 9.5;
(h) any power or duty that requires the approval of the Minister or the Governor;
(i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

(1) 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.

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

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —



(a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

s.5.45 – Other matters relevant to delegations under this Division

(1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

(2) Nothing in this Division is to be read as preventing —
(a) a local government from performing any of its functions by acting through a person other than the CEO; or
(b) a CEO from performing any of his or her functions by acting through another person.

s.5.46 – Register of, and records relevant to, delegations to CEO and employees

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

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

(3) 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.

## Local Government (Administration) Regulations 1996

r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —
(a) section 7.12A(2), (3)(a) or (4); and
(b) regulations 18C and 18D.

r.19 – Delegates to keep certain records (Act s.5.46(3))



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; and
(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.

## Other Legislation

- Building Act 2011
- Building Regulations 2012
- Bush Fires Act 1954
- Caravan Parks & Camping Grounds Act 1995
- Caravan Parks & Camping Grounds Regulations 1997
- Cat Act 2011
- Cat Regulations 2012
- Control of Vehicle (Off-road Areas) Act 1978
- Control of Vehicle (Off-road Areas) Regulations 1979
- Criminal Procedures Act 2004
- Criminal Procedures Regulations 2005
- Dog Act 1976
- Food Act 2008
- Food Regulations 2009
- Health (Miscellaneous Provisions) Act 1911
- Liquor Control Act 1988
- Litter Act 1979
- Litter Regulations 1981
- Local Government (Financial Management) Regulations 1996
- Local Government (Miscellaneous Provisions) Act 1960
- Local Government (Parking for People with Disabilities) Regulations 2014
- Planning & Development (Local Planning Schemes) Regulations 2015
- Road Traffic Act 1974
- Shire of Waroona Activities on Thoroughfares & Trading in Public Places Local Law 2001
- Shire of Waroona Cemeteries Local Law 2001
- Shire of Waroona Dogs Local Law 2001
- Shire of Waroona Fencing Local Law 2014
- Shire of Waroona Local Government Property Local Law 2014
- Strata Titles Act 1985
- Strata Titles General Regulations 1996



## Definitions

The *Local Government Act 1995* has not defined the term "delegation" or "delegated power", however:

- s.5.16 refers to "…the exercise of any of its powers and duties…"
- s.5.42 refers to "…the exercise of any of its powers or the discharge of any of its duties…"

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

"Authority" means the permission or requirement for a committee or an officer to act in accordance with:

- the *Local Government Act 1995*, regulation or other legislation,
- a delegation made by Council,
- a policy made by Council, or
- a specific decision by Council.

"Delegation" means the authority to exercise a power, or discharge a duty, as conferred under the provisions of the relevant legislation.

"Policy" as the context requires, means either:

- a procedural direction to officers to implement Council's wishes or instruction in a particular way; or
- the authority for officers to act, where that authority is not considered a delegation of a legislative or other specific power or duty.

"Instruction" means the requirement for a staff member to act in accordance with a direction given by the CEO, senior officer or supervisor.

## Department of Local Government, Sport & Cultural Industries – Guideline No. 17

The Department of Local Government, Sport & Cultural Industries has published guidelines for the formation of delegations.

Guideline No. 17 can be found on the Department website www.dlgsc.wa.gov.au

## Administration

Delegations from Council require approval by an absolute majority of Council.

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



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

## Record Keeping

Section 5.46 of the *Local Government Act 1995* and Regulation 19 of the *Local Government (Administration) Regulations 1996* require a person who is delegated a power or duty to keep records in relation to the exercise of the power or discharge of the duty. The written record is to contain:

- How the person executed the delegation;
- When the person executed the delegation; and
- The persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

## Review of Delegations

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

However, it is a requirement of the *Local Government Act 1995* s.5.18 and s.5.46(1) that all delegations made under the authority of the Act be reviewed by the delegator at least once in each financial year.

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

Review of delegations from the Council to committees and the CEO will be carried out before the end of each financial year and preferably in conjunction with the annual review of Council policies.

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

## New Delegations

Council and the CEO may make new delegations at any time.

However, unless specifically resolved that the authority is to be included in the Register of Delegations, the authority to act is for a specific matter, and is not a general or ongoing delegation.



# Certification

## Review of Delegations – Financial Year 2020/21

The delegations contained in Parts 1 to 3 of this register were formally reviewed by Council on 24 November 2020 and adopted by resolution OCM20/XX/XXX.

_____

Cr Mike Walmsley
Shire President



# 1. Delegations from Council to Committees

## 1.1 Local Government Act 1995

An Act to provide for a system of local government in Western Australia, to amend the Local Government Act 1960 and for related purposes.

### 1.1.1 Audit and Risk Committee

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.16 Delegation of some powers and duties to certain committees<br>s.7.1B Delegation of some powers and duties to audit committees |
| **Express power or duty delegated** | s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits |
| **Function** | 1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].<br>2. Authority to examine the report of the Auditor and determine matters that require action to be taken by the Shire of Waroona; and ensure that appropriate action is taken in respect to those matters [s.7.12A(3)].<br>3. Authority to review and endorse the Shire of Waroona's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)]. |
| **Delegates** | Finance & Audit Committee |
| **Conditions** | This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.7.1B. |
| **Statutory framework** | Nil |
| **Policy** | Nil |
| **Record keeping** | *Local Government (Administration) Regulations 1996*<br>r.19 Delegates to keep certain records |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



# 2. Delegations from Council to Chief Executive Officer

## 2.1 Building Act 2011

An Act to provide for the following — permits for building work and demolition work; standards for the construction and demolition of buildings and incidental structures; the use and maintenance of, and requirements in relation to, existing buildings and incidental structures; work affecting land other than land on which the work is done; and related matters.

### 2.1.1 Uncertified Application to be Considered by Building Surveyor

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.17(1) Uncertified application to be considered by building surveyor |
| **Function** | Authority to refer to a building surveyor an uncertified application if the application complies with section 16 [s.17(1)]. |
| **Delegates** | Authorised Officers – Reference Delegation 2.1.11 |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.1.2 Building Permits

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.18 Further information<br>s.20 Grant of building permit<br>s.22 Further grounds for not granting an application<br>s.23 Time for deciding an application for building permit<br>s.24 Notice of decision not to grant building permit<br>s.27(1) & (3) Impose conditions on permit<br><br>*Building Regulations 2012*<br>r.23 Application to extend time during which permit has effect [s.32]<br>r.24 Extension of time during which permit has effect [s.32(3)]<br>r.26 Approval of new responsible persons [s.35(c)] |
| **Function** | 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].<br>2. Authority to refuse to consider an application [s.18(2)].<br>3. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22].<br>4. Authority to refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in s.23(1) and (2) [s.23(4)].<br>5. Record the grounds on which a decision to refuse to grant a building permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].<br>6. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].<br>7. Authority to determine an application to extend time during which a building permit has effect [r.23 and r.24]. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26]. |
| **Delegates** | Authorised Officers – Reference Delegation 2.1.11 |



| | |
|---|---|
| **Conditions** | Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Regulation 5 of the *Building Regulations 2012*. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.1.3 Demolition Permits

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.18 Further information<br>s.21 Grant of demolition permit<br>s.22 Further grounds for not granting an application<br>s.23 Time for deciding an application for building permit<br>s.24 Notice of decision not to grant building permit<br>s.27(1) & (3) Impose conditions on permit<br><br>*Building Regulations 2012*<br>r.23 Application to extend time during which permit has effect [s.32]<br>r.24 Extension of time during which permit has effect [s.32(3)]<br>r.26 Approval of new responsible persons [s.35(c)] |
| **Function** | 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].<br>2. Authority to refuse to consider an application [s.18(2)].<br>3. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.21(1) & (2) and s.22].<br>4. Authority to refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in s.23(1) and (2) [s.23(4)].<br>5. Record the grounds on which a decision to refuse to grant a demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].<br>6. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].<br>7. Authority to determine an application to extend time during which a demolition permit has effect [r.23 and r.24].<br>8. Authority to approve, or refuse to approve, an application for a new responsible person for a responsible permit [r.26]. |
| **Delegates** | Authorised Officers – Reference Delegation 2.1.11 |



| | |
|---|---|
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.1.4 Occupancy Permits or Building Approval Certificates

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.55 Further information<br>s.58 Grant of occupancy permit, building approval certificate<br>s.59 Time for granting occupancy permit or building approval certificate<br>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate<br>s.62(1) and (3) Conditions imposed by permit authority<br>s.65(4) Extension of period of duration<br><br>*Building Regulations 2012*<br>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate [s.65] |
| **Function** | 1. Authority to require an applicant to provide any documentation or information required in order to determine an application and to verify the information by statutory declaration [s.55(1)].<br>2. Authority to refuse to consider an application [s.55(2)].<br>3. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].<br>4. Authority to record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60].<br>5. Authority to impose, add, vary or revoke conditions on an occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1) and (3)].<br>6. Authority to give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62 (4) and (5)].<br>7. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. |



| | |
|---|---|
| | 8. Authority to refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40 (2)]. |
| **Delegates** | Authorised Officers – Reference Delegation 2.1.11 |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.1.5 Designate Employees as Authorised Persons

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.96(3) Authorised persons<br>s.99(3) Limitation on powers of authorised person |
| **Function** | 1. Authority to designate an employee as an authorised person [s.96(3)].<br>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)] |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.1.6 Building Orders

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.88 Finishes of walls close to boundaries<br>s.110(1) A permit authority may make a building order<br>s.111(1) Notice of proposed building order other than building order (emergency)<br>s.117(1) & (2) A permit authority may revoke a building order or notify that it remains in effect<br>s.118(2) & (3) Permit authority may give effect to building order if non-compliance<br>s.133(1) A permit authority may commence a prosecution for an offence against this Act |
| **Function** | 1. Authority to make Building Orders in relation to:<br>a. building work;<br>b. demolition work; and<br>c. an existing building or incidental structure [s.110(1)].<br>2. Authority to specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)].<br>3. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].<br>4. Authority to revoke a building order [s.117].<br>5. Authority to decide on whether the building order has been fully complied with and either revoke the building order or inform teach person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)].<br>6. If there is non-compliance with a building order, authority to cause an authorised person to:<br>a. take any action specified in the order; or<br>b. commence or complete any work specified in the order; or<br>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. |



| | |
|---|---|
| | 7. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].<br>8. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.1.7 Inspection and Copies of Building Records

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.131(2) Inspection, copies of building records |
| **Function** | Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.1.8 Referrals and Issuing Certificates

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | s.145A Local Government functions |
| **Function** | 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].<br>2. Authority to issue a Certificate of Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Waroona's District [s.145A(2)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
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### 2.1.9 Private Pool Barrier – Alternative and Performance Solutions

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | *Building Regulations 2012*<br>r.51 Approvals by permit authority |
| **Function** | 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].<br>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant problems of a structural nature or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)].<br>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5). |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.1.10 Smoke Alarms – Alternative Solutions

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | *Building Regulations 2012*<br>*r.55 Terms used (alternative building solution approval)*<br>*r.61 Local Government approval of battery powered smoke alarms* |
| **Function** | 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].<br>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.1.11 Appointment of Approved Officers and Authorised Officers

| | |
|---|---|
| **Head of power** | Building Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.127(1) & (3) Delegation: special permit authorities and local government |
| **Express power or duty delegated** | *Building Regulations 2012*<br>r.70 Approved officers and authorised officers |
| **Function** | 1. Authority to appoint an approved officer for the purposes of s.6(a) of the *Criminal Procedure Act 2004*, in accordance with Regulation 70(1) & (1A) of the *Building Regulations 2012*.<br>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the *Criminal Procedure Act 2004*, in accordance with Regulation 70(2) of the *Building Regulations 2012*. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.127(6A) Delegation: special permit authorities and local governments (powers of sub- delegation limited to CEO) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.2 Bush Fires Act 1954

An Act to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires, for the repeal of the Bush Fires Act 1937 and for other purposes.

### 2.2.1 Make Request to FES Commissioner – Control of Fire

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.13(4) Duties and powers of bush fire liaison officers |
| **Function** | Authority to request on behalf of the Shire of Waroona that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]. |
| **Delegates** | CEO<br>Shire President |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.2.2 Prohibited Burning Times - Vary

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) & (8))<br>s.48 Delegation by local government |
| **Express power or duty delegated** | s.17(7) Prohibited burning times may be declared by Minister<br><br>*Bush Fire Regulations 1954*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Function** | Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)]. |
| **Delegates** | Shire President<br>Chief Bush Fire Control Officer |
| **Conditions** | Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) & (8). |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.2.3 Prohibited Burning Times – Control Activities

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.17(7) Prohibited burning times may be declared by Minister<br>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land<br><br>*Bush Fire Regulations 1954*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Function** | 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].<br>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].<br>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>6. Authority to recover the cost of measures taken by the Shire of Waroona or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier |



| | |
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| | of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| **Delegates** | CEO |
| **Conditions** | Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) & (8). |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.2.4 Restricted Burning Times – Vary and Control Activities

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.18(5) & (11) Restricted burning times may be declared by FES Commissioner<br>s.22(6) & (7) Burning on exempt land and land adjoining exempt land<br>s.27(2) & (3) Prohibition on use of tractors or engines except under certain conditions<br>s.28(4) & (5) Occupier of land to extinguish bush fire occurring on own land<br><br>*Bush Fire Regulations 1954:*<br>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.<br>r.15C Local Government may prohibit burning on certain days<br>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times<br>r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| **Function** | 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]:<br>(a) Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].<br>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].<br>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].<br>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. |



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| | 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].<br>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br>9. Authority to recover the cost of measures taken by the Shire of Waroona or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.5 Control of Operations Likely to Create Bush Fire Danger

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.27D Requirements for carriage and deposit of incendiary material<br><br>*Bush Fires Regulations 1954:*<br>r.39C Welding and cutting apparatus, use of in open air<br>r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc.<br>r.39D Explosives, use of<br>r.39E Fireworks, use of |
| **Function** | 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:<br>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)];<br>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)];<br>c. a person using explosives [r.39D(2)]; and<br>d. a person using fireworks [r.39E(3)].<br>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D].<br>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |



| Amendments | | |
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| **Date** | **Details of Amendment** | **Reference** |
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### 2.2.6 Burning Garden Refuse / Open Air Fires

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.24F Burning garden refuse during limited burning times<br>s.24G Minister or local government may further restrict burning of garden refuse<br>s.25 No fire to be lit in open air unless certain precautions taken<br>s.25A Power of Minister to exempt from provisions of section 25<br><br>*Bush Fires Regulations 1954:*<br>r.27(3) Permit, issue of |
| **Function** | 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].<br>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]:<br>a. authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]; and<br>b. authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].<br>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:<br>a. camping or cooking [s.25(1)(a)]; and<br>b. conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].<br>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].<br>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open |



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| | air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.7 Firebreaks

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.33 Local government may require occupier of land to plough or clear firebreaks |
| **Function** | 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Waroona:<br>a. clearing of firebreaks as determined necessary and specified in the notice; and<br>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and<br>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].<br>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]:<br>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.38(1), (2A), (2C), (5A), (8), (9), (10) and (13) Local government may require occupier of land to plough or clear firebreaks |
| **Function** | 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the *Bush Fires Act 1954*; and<br>a. of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and<br>b. determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].<br>2. Authority to cause a notice of an appointment made under the provisions of section 38(1) of the Act to be published in accordance with the Act [s.38(2A)].<br>3. To fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush fire Control Officer within one month after the vacancy occurs [s.38(2C)].<br>4. Authority to issue directions to a Bush Fire Control Officer or to an officer of a bush fire brigade registered to the local government, to burn on or at the margins of a road reserve under the care, control and management of the Shire of Waroona [s.38(5A)]<br>5. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]:<br>a. authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].<br>6. Authority to give notice of an appointment made under s.38(8) or s.38(10) to the FES Commissioner and to publish the appointments of fire weather officers made under the *Bush Fires Act 1954* in a newspaper circulating in the district [s.38(13)]. |
| **Delegates** | CEO |



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|---|---|
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.9 Control and Extinguishment of Bush Fires

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|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.46(1A) and (1B) Bush fire control officer or forest officer may postpone lighting fire |
| **Function** | Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].<br>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.2.10 Apply for Declaration as an Approved Area

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.52(1) Approved area may be declared |
| **Function** | Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)]. (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area [s.53]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.11 Recovery of Expenses Incurred through Contraventions of the Act

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.58 General penalty and recovery of expenses incurred |
| **Function** | Authority to recover expenses incurred as a result of an offence against the *Bush Fires Act 1954*, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Waroona or those on behalf on the Shire of Waroona to do so [s.58]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.2.12 Prosecution of Offences

| | |
|---|---|
| **Head of power** | Bush Fires Act 1954 |
| **Delegator** | Council |
| **Express power to delegate** | s.48 Delegation by local government |
| **Express power or duty delegated** | s.59 Prosecution of offences<br>s.59A(2) Alternative procedure - infringement notices |
| **Function** | 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against the *Bush Fires Act 1954* [s.59].<br>2. Authority to serve an infringement notice for an offence against the *Bush Fires Act 1954* [s.59A(2)]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Manager Ranger & Emergency Services<br>Rangers |
| **Conditions** | Prior to the persons appointed as Rangers instigating proceedings in a court of competent jurisdiction, the section Manager is to be consulted. |
| **Express power to subdelegate** | Sub-delegation is prohibited by s.48(3) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.3 Caravan Parks & Camping Grounds Act 1995

An Act to provide for the regulation of caravanning and camping, to control and license caravan parks and camping grounds, to provide for standards in respect of caravans, to amend certain Acts 1 and for related purposes.

### 2.3.1 Appointment of Authorised Persons

| | |
|---|---|
| **Head of power** | Caravan Parks & Camping Grounds Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | *Local Government Act 1995*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.17 Appointment of authorised person |
| **Function** | Authority to appoint such persons to be authorised persons for the purposes of the *Caravan Parks & Camping Grounds Act 1995*, as the chief executive officer of the local government considers necessary [s.9(1)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.4 Cat Act 2011

An Act to provide for the control and management of cats; and promote and encourage the responsible ownership of cats, and for related matters.

### 2.4.1 Cat Registration

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | s.9 Registration<br>s.10 Cancellation of registration<br>s.11 Registration numbers, certificates and tags<br><br>*Cat Regulations 2012*<br>Schedule 3, cl.1(4) Fees Payable |
| **Function** | 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].<br>3. Authority to cancel a cat registration [s.10].<br>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].<br>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Waroona's District [Regs. Sch. 3 cl.1 (4)]. |
| **Delegates** | CEO |
| **Conditions** | Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.2 Cat Control Notices

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | s.26 Cat control notice may be given to cat owner |
| **Function** | Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Waroona's District [s.26]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.3 Approval to Breed Cats

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | s.37 Approval to breed cats<br>s.38 Cancellation of approval to breed cats<br>s.39 Certificate to be given to approved cat breeder |
| **Function** | 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)].<br>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].<br>3. Authority to cancel an approval to breed cats [s.38].<br>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. |
| **Delegates** | CEO |
| **Conditions** | Notices of decision must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.4 Appointment of Authorised Persons

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | s.48 Authorised persons |
| **Function** | Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.5 Recovery of Costs – Destruction of Cats

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | s.49(3) Authorised person may cause cat to be destroyed |
| **Function** | Authority to recover the amount of costs associated with the destruction and the disposal of a cat [s.49(3)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.6 Applications to Keep Additional Cats

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | *Cat (Uniform Local Provisions) Regulations 2013*<br>r.8 Application to keep additional number of cats<br>r.9 Grant of approval to keep additional number of cats |
| **Function** | 1. Authority to require any document or additional information required to determine an application [r.8(3)].<br>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].<br>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9]. |
| **Delegates** | CEO |
| **Conditions** | Notices of decision must include advice as to Review rights in accordance with Regulation 11 of the *Cat (Uniform Local Provisions) Regulations 2013*. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.7 Reduce or Waiver Registration Fees

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | *Cat Regulations 2012*<br>*Sch.3 Fees, cl.1(4)* |
| **Function** | Authority to reduce or waiver a fee payable under Schedule 3, clauses (2) or (3) in respect to any individual cat. |
| **Delegates** | CEO |
| **Conditions** | This Delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.4.8 Infringement Notices – Extensions and Withdrawals

| | |
|---|---|
| **Head of power** | Cat Act 2011 |
| **Delegator** | Council |
| **Express power to delegate** | s.44 Delegation by local government |
| **Express power or duty delegated** | *s.64 Extension of time*<br>*s.65 Withdrawal of notice* |
| **Function** | 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].<br>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.45 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5 Dog Act 1976

An Act to amend and consolidate the law relating to the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto, and for incidental and other purposes.

### 2.5.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.10A Payments to veterinary surgeons towards costs of sterilisation |
| **Function** | 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of $10 [s.10A(1)(a) and (3)].<br>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.5.2 Refuse or Cancel Registration

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.15(2) & (4A) Registration periods and fees<br>s.16(3) Registration procedure<br>s.17A(2) If no application for registration made<br>s.17(4) & (6) Refusal or cancellation of registration |
| **Function** | 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.15(2)].<br>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:<br>(a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the *Cat Act 2011* or the *Animal Welfare Act 2002*; or<br>(b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or<br>(c) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or<br>(d) the dog is required to be microchipped but is not microchipped; or<br>(e) the dog is a dangerous dog [s.16(3) and s.17A(2)].<br>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Waroona's District [s15(4A)].<br>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].<br>5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]. |



| | |
|---|---|
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.5.3 Kennel Establishments

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.27 Licensing of approved kennel establishments |
| **Function** | Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) & (6)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5.4 Appoint Authorised Persons

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.11(1) Staff and services<br>s.29(1) Power to seize dogs (appoint authorised persons for purposes under this Act) |
| **Function** | 1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].<br>2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.5.5 Recovery of Monies Due Under this Act

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.29(5) Power to seize dogs |
| **Function** | Authority to recover monies, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.5.6 Dispose or Sell Dogs Liable to be Destroyed

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.29(11) Power to seize dogs |
| **Function** | Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]. |
| **Delegates** | CEO |
| **Conditions** | 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].<br>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5.7 Declare Dangerous Dog

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.33E(1) Individual dog may be declared to be dangerous dog (declared) |
| **Function** | Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.33F(6) Owners to be notified of making of declaration<br>s.33G(4) Seizure and destruction<br>s.33H(1), (2) & (5) Local government may revoke declaration or proposal to destroy |
| **Function** | 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].<br>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].<br>3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]:<br>(a) Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.33H(5) Local government may revoke declaration or proposal to destroy |
| **Function** | Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:<br>a. A notice declaring a dog to be dangerous; or<br>b. A notice proposing to cause a dog to be destroyed. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.5.10 Determine Recoverable Expenses for Dangerous Dog Declaration

| | |
|---|---|
| **Head of power** | Dog Act 1976 |
| **Delegator** | Council |
| **Express power to delegate** | s.10AA Delegation of local government powers and duties |
| **Express power or duty delegated** | s.33M(1)(a) Local government expenses to be recoverable |
| **Function** | Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the local government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33M(1)(a)]. |
| **Delegates** | CEO |
| **Conditions** | The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| **Express power to subdelegate** | s.10AA(3) Delegation of local government powers and duties (NOTE - sub-delegation only permitted where delegation to the CEO expressly authorised sub-delegation) |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.6 Food Act 2008

An Act providing for the safety and suitability of food for human consumption, and for related purposes.

### 2.6.1 Determine Compensation

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | s.56(2) Compensation to be paid in certain circumstances<br>s.70(2) & (3) Compensation |
| **Function** | 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].<br>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Development Officer |
| **Conditions** | 1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.<br>2. Compensation under this delegation may only be determined upon documented losses up to a maximum of $500,000. Compensation requests above this value are to be reported to Council. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.6.2 Prohibition Orders

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | s.65(1) Prohibition orders<br>s.66 Certificate of clearance to be given in certain circumstances<br>s.67(4) Request for re-inspection |
| **Function** | 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].<br>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].<br>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Development Officer |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.6.3 Food Business Registrations

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | s.110(1) & (5) Registration of food business<br>s.112 Variation of conditions or cancellation of registration of food businesses |
| **Function** | 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].<br>2. Authority to vary the conditions or cancel the registration of a food business [s.112]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Development Officer |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA; Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1; WA Priority Classification System; and Verification of Food Safety Program Guideline. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.6.4 Appoint Authorised Officers and Delegated Officers

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | s.122(1) Appointment of authorised officers<br>s.126(6), (7) & (13) Infringement officers |
| **Function** | 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(1)].<br>2. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].<br>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)]. |
| **Delegates** | CEO<br>Director Corporate Services |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: Appointment of Authorised Officers as Meat Inspectors; Appointment of Authorised Officers; Appointment of Authorised Officers – Designated Officers only; and Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.6.5 Debt Recovery and Prosecutions

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | s.54 Cost of destruction or disposal of forfeited item<br>s.125 Institution of proceedings |
| **Function** | 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].<br>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Development Officer |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.6.6 Abattoir Inspections and Fees

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | *Food Regulations 2009*<br>r.43 Local government may require security<br>r.45 Withdrawal of inspection services |
| **Function** | 1. Authority, relevant to the payment of abattoir meat inspection fees under Regulation 41, to: (a) require a person to provide security, (b) determine the form that security is to be provided, and (c) discharge a security held by the Shire of Waroona [r.43].<br>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45]. |
| **Delegates** | CEO<br>Director Corporate Services |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.6.7 Food Business List – Public Access

| | |
|---|---|
| **Head of power** | Food Act 2008 |
| **Delegator** | Council |
| **Express power to delegate** | s.118 (2), (3) & (4) Functions of enforcement agencies and delegation |
| **Express power or duty delegated** | *Food Regulations 2009*<br>*r.51 Enforcement agency may make list of food businesses publicly available* |
| **Function** | Authority to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]. |
| **Delegates** | CEO<br>Director Corporate Services<br>Development Officer |
| **Conditions** | In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| **Express power to subdelegate** | Sub-delegation not provided for in *Food Regulations 2009* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.7 Graffiti Vandalism Act 2016

An Act to consolidate laws dealing with graffiti vandalism and to amend certain Acts as a consequence.

### 2.7.1 Giving Notice Requiring Obliteration of Graffiti

| | |
|---|---|
| **Head of power** | Graffiti Vandalism Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | s.16 Delegation by local government |
| **Express power or duty delegated** | s.18(2) Notice requiring removal of graffiti<br>s.19(3) & (4) Additional powers when notice is given |
| **Function** | 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].<br>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.17 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.7.2 Notices – Deal with Objections and Give Effect to Notices

| | |
|---|---|
| **Head of power** | Graffiti Vandalism Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | s.16 Delegation by local government |
| **Express power or duty delegated** | s.22(3) Objection may be lodged<br>s.24(1)(b) & (3) Suspension of effect of notice |
| **Function** | 1. Authority to deal with an objection to a notice [s.22(3)].<br>2. Authority, where an objection has been lodged, to:<br>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and<br>b. to give notice to the affected person, before taking the necessary actions [s.24(3)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.17 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.7.3 Obliterate Graffiti on Private Property

| | |
|---|---|
| **Head of power** | Graffiti Vandalism Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | s.16 Delegation by local government |
| **Express power or duty delegated** | s.25(1) Local government graffiti powers on land not local government property |
| **Function** | Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)]. |
| **Delegates** | CEO |
| **Conditions** | 1. Subject to exercising Powers of Entry<br>2. This delegation may only be exercised in accordance with policies or strategies formally adopted by Council. |
| **Express power to subdelegate** | s.17 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.7.4 Powers of Entry

| | |
|---|---|
| **Head of power** | Graffiti Vandalism Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | s.16 Delegation by local government |
| **Express power or duty delegated** | s.28 Notice of entry<br>s.29 Entry under warrant |
| **Function** | 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].<br>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]. |
| **Delegates** | CEO |
| **Conditions** | This delegation may only be exercised in accordance with policies or strategies formally adopted by Council. |
| **Express power to subdelegate** | s.17 Delegation by CEO of local government |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.8 Liquor Control Act 1988

An Act to regulate the sale, supply and consumption of liquor, the use of premises on which liquor is sold, and the services and facilities provided in conjunction with or ancillary to the sale of liquor, to minimise harm or ill-health caused to people, or any group of people due to the use of liquor, to provide for orders that may prohibit persons from being employed at, or from entering, licensed premises, to repeal the Liquor Act 1970, and for related matters.

### 2.8.1 Enforcement of Liquor Control Act 1988 and Liquor Licensing Act 1988

| | |
|---|---|
| **Head of power** | Liquor Control Act 1988 |
| **Delegator** | Council |
| **Express power to delegate** | *Local Government Act 1995*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.39 Certificate of local government as to whether premises comply with laws<br>s.40 Certificate of planning authority as to whether use of premises complies with planning laws |
| **Function** | 1. Authority to enforce all local authority responsibilities under the Liquor Control Act 1988 and Liquor Licensing Act 1988.<br>2. To issue certificates of Local Health Authority and Local Planning Authority. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | *Local Government Act 1995*<br>s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9 Local Government Act 1995

An Act to provide for a system of local government in Western Australia, to amend the Local Government Act 1960 and for related purposes.

### 2.9.1 Appoint Authorised Persons

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 - Certain provisions about land]<br>s.9.10 Appointment of authorised persons |
| **Function** | 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions Act 1960 and Local Laws made under the Local Government Act 1995 [s.3.24 and s.9.10].<br>2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.<br>3. Authority to appoint authorised persons for the purposes of section 15 of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power. |
| **Delegates** | CEO |
| **Conditions** | 1. A register of Authorised Persons is to be maintained as a Local Government Record.<br>2. Only persons who are appropriately qualified and trained may be appointed as Authorised Persons. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
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## 2.9.2 Performing Functions Outside the District

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.20(1) Performing functions outside district |
| **Function** | Authority to determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of that function [s.3.20(1)]. |
| **Delegates** | CEO |
| **Conditions** | A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the function does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



### 2.9.3 Compensation for Damage Incurred when Performing Executive Functions

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.22(1) Compensation<br>s.3.23 Arbitration |
| **Function** | 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].<br>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. |
| **Delegates** | CEO |
| **Conditions** | Delegation is limited to settlements which do not exceed a material value of $500,000. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.4 Notice Requiring Certain Things to be done by Owner or Occupier of Land and Additional Powers When Notice is Given

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.25(1) Notices requiring certain things to be done by owner or occupier of land<br>s.3.26(2) & (3) Additional powers when notices given |
| **Function** | 1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that<br>a. is prescribed for in Schedule 3.1, Division 1; or<br>b. is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 [s.3.25(1)].<br>2. If the person who is given the notice fails to comply with it, authority to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice is given [s.3.26(2)].<br>3. Authority to recover the cost of anything that is done under subsection (2) as a debt due from the person who failed to comply with the notice [s.3.26(3). |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.5 Powers of Entry

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.28 When this Subdivision applies<br>s.3.32 Notice of entry<br>s.3.33 Entry under warrant<br>s.3.34 Entry in an emergency<br>s.3.36 Opening fences |
| **Function** | 1. Authority to exercise powers of entry or enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28].<br>2. Authority to give notice of entry [s.3.32].<br>3. Authority to seek and execute an entry under warrant [s.3.33].<br>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].<br>5. Authority to give notice and effect entry by opening a fence [s.3.36]. |
| **Delegates** | CEO |
| **Conditions** | Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.6 Declare Vehicle is Abandoned Vehicle Wreck

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.40A(4) Abandoned vehicle wreck may be taken |
| **Function** | Authority to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. |
| **Delegates** | CEO |
| **Conditions** | Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 2.9.7 Confiscated or Uncollected Goods, or alternatively, referred for Council decision. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.7 Confiscated or Uncollected Goods

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.46 Goods may be withheld until costs paid<br>s.3.47 Confiscated or uncollected goods, disposal of<br>s.3.48 Impounding expenses, recovery of |
| **Function** | 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46].<br>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].<br>3. Authority to recover expenses incurred for removing, impounding and disposing of confiscated or uncollected goods [s.3.48]. |
| **Delegates** | CEO |
| **Conditions** | Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.8 Disposal of Sick or Injured Animals

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.47A Sick or injured animals, disposal of<br>s.3.48 Impounding expenses, recovery of |
| **Function** | 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].<br>2. Authority to recover expenses incurred for removing, impounding, and disposing of sick or injured animals [s.3.48]. |
| **Delegates** | CEO |
| **Conditions** | Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.9 Close Thoroughfares to Vehicles

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|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.50 Closing certain thoroughfares to vehicles<br>s.3.50A Partial closure of thoroughfares for repairs or maintenance<br>s.3.51 Affected owners to be notified of certain proposals<br><br>*Local Government (Functions and General) Regulations 1996*<br>r.6(3) Transitional provisions about road closures |
| **Function** | 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)].<br>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to (a) give public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and (b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].<br>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].<br>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare [s.3.50A].<br>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or training water from a thoroughfare to private land [s.3.51].<br>6. Authority to, by local public notice, order that the closure be revoked or that it be varied in such a way as to be less restrictive [r.6(3)]. |
| **Delegates** | CEO |



| | |
|---|---|
| **Conditions** | 1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].<br>2. Maintain access to adjoining land [s.3.52(3)]. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.10 Control Reserves and Certain Unvested Facilities

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.53(3) Control of certain unvested facilities<br>s.3.54(1) Reserves under control of local government |
| **Function** | 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts [s.3.53(3)].<br>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Waroona that the Shire of Waroona could do under s.5 of the *Parks and Reserves Act 1895* [s.3.54(1)]. |
| **Delegates** | CEO |
| **Conditions** | Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.11 Obstruction of Footpaths and Thoroughfares

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions) Regulations 1996*<br>r.5(2) Interfering with, or taking from, local government land<br>r.6 Obstruction of public thoroughfare by things placed and left - Sch.9.1, cl.3(1)(a)<br>r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1, cl.3(1)(b)<br>r.7 Encroaching on public thoroughfare - Sch.9.1, cl.3(2) |
| **Function** | 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:<br>a. prevent damage to the footpath; or<br>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].<br>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].<br>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].<br>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].<br>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]. |
| **Delegates** | CEO |



| | |
|---|---|
| **Conditions** | 1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>2. Permission may only be granted where, the proponent has:<br>a. where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction;<br>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works;<br>c. provided evidence of sufficient Public Liability Insurance; and<br>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.12 Gates Across Public Thoroughfares

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions) Regulations 1996*<br>r.9 Permission to have gate across public thoroughfare - Sch.9.1, cl.5(1) |
| **Function** | 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].<br>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].<br>3. Authority to impose conditions on granting permission [ULP r.9(4)].<br>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].<br>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)]. |
| **Delegates** | CEO |
| **Conditions** | 1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>2. Each approval provided must be recorded in the Shire of Waroona's statutory Register of Gates in accordance with Regulation 8 of the *Local Government (Uniform Local Provisions) Regulations 1996*. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.13 Public Thoroughfare – Dangerous Excavations

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions_ Regulations 1996* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare - Sch.9.1, cl.6 |
| **Function** | 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].<br>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].<br>3. Authority to impose conditions on granting permission [ULP r.11(6)].<br>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. |
| **Delegates** | CEO |
| **Conditions** | 1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>2. Permission may only be granted where, the proponent has:<br>a. where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works;<br>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works;<br>c. provided evidence of sufficient Public Liability Insurance; and<br>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |



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|---|---|
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.14 Crossing – Construction, Repair and Removal

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions) Regulations 1996*<br>r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1, cl.7.2<br>r.13(1) Requirement to construct or repair crossing - Sch.9.1, cl.7(3) |
| **Function** | 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].<br>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].<br>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].<br>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. |
| **Delegates** | CEO |
| **Conditions** | Actions under this Delegation must comply with procedural requirements details in the *Local Government (Uniform Local Provisions) Regulations 1996*. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.15 Private Works on, over or under Public Places

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions) Regulations 1996*<br>r.17 Private works on, over or under public places - Sch.9.1, cl.8 |
| **Function** | 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].<br>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)]. |
| **Delegates** | CEO |
| **Conditions** | 1. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.<br>2. Permission may only be granted where, the proponent has:<br>a. where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works;<br>b. provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works;<br>c. provided evidence of sufficient Public Liability Insurance; and<br>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.16 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Uniform Local Provisions) Regulations 1996*<br>r.21(1) Wind erosion and sand drifts – Sch.9.1, cl.12 |
| **Function** | Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.17 Expressions of Interest for Goods and Services

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996*<br>r.21 Limiting who can tender, procedure for<br>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| **Function** | 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].<br>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. |
| **Delegates** | CEO |
| **Conditions** | Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.18 Tenders for Goods and Services

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.57 Tenders for providing goods or services<br><br>*Local Government (Functions and General) Regulations 1996*<br>r.11 When tenders have to be publicly invited<br>r.13 Requirements when local government invites tenders though not required to do so<br>r.14 Publicly inviting tenders, requirements for<br>r.18 Rejecting and accepting tenders<br>r.20 Variation of requirements before entry into contract<br>r.21A Varying a contract for the supply of goods or services |
| **Function** | 1. Authority to call tenders [F&G r.11(1)].<br>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].<br>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is $500,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].<br>4. Authority to invite tenders although not required to do so [F&G r.13].<br>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].<br>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].<br>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].<br>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].<br>9. Authority to accept, or reject tenders, only within the $500,000 detailed as a condition on this Delegation and in |



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| | accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].<br>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the $500,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].<br>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].<br>12. Authority to decline any tender [F&G r.18(5)].<br>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]<br>14. Authority to:<br>e. vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%.<br>f. exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].<br>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)]. |
| **Delegates** | CEO |
| **Conditions** | 1. Sole supplier arrangements may only be approved where a record is retained that evidences:<br>a. a detailed specification;<br>b. the outcomes of market testing of the specification;<br>c. the reasons why market testing has not met the requirements of the specification' and<br>d. rationale for why the supply is unique and cannot be sourced through other suppliers.<br>2. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: |



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| | • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government;<br>• current supply contract expiry is imminent;<br>• value of the proposed new contract has been included in the draft Annual Budget proposed for adoption.<br>3. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is $500,000 or less and the expense is included in the adopted Annual Budget.<br>4. Authority to enter into a variation [F&G r.20(1) and r.20(2)] subject to:<br>• that the variation is minor having regard to the total goods or services that tenderers were invited to supply and shall be consistent with the intended purpose of the contract.<br>5. Compliance with Council Policy FIN009 Purchasing and Procurement Policy and FIN010 Regional Price Preference Policy. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.19 Application of Regional Price Preference Policy

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|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Functions and General) Regulations 1996*<br>r.24G Adopted regional price preference policy, effect of |
| **Function** | Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.20 Disposing of Property

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.3.58(2) & (3) Disposing of Property |
| **Function** | 1. Authority to dispose of property to:<br>a. the highest bidder at public auction [s.3.58(2)(a)];<br>b. to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)].<br>2. Authority to dispose of property by private treaty only in accordance with section 3.58 (3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].<br>3. Authority to dispose of property under Regulation 30(3)(a) of the *Local Government (Functions and General) Regulations 1996*. |
| **Delegates** | CEO |
| **Conditions** | 1. Value of property that may be disposed under this Delegation shall not exceed $500,000 including plant and assets with a depreciated value not exceeding $500,000, in accordance with the provisions of section 5.43(d) of the *Local Government Act 1995*.<br>2. Section 3.58(4) - where the market value of the lease is less than $15,000 per annum. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
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## 2.9.21 Payments from the Municipal or Trust Funds

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | *Local Government (Financial Management) Regulations 1996*<br>r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| **Function** | Authority to make payments from the municipal or trust funds [r.12(1)(a)]. |
| **Delegates** | CEO<br>Shire President |
| **Conditions** | Make payments for procurement provided for in Budgets approved by Council, or otherwise approved by Council resolution, and undertaken in accordance with Council Policy FIN009 Purchasing and Procurement. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the *Local Government Act 1995*. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.22 Defer, Grant Discounts, Waive or Write Off Debts

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.12 Power to defer, grant discounts, waive or write off debts |
| **Function** | 1. Waive a debt which is owed to the Shire of Waroona [s.6.12(1)(b)].<br>2. Waive or grant concessions in relation to any amount of money [s.6.12(1)(b)].<br>3. Write off any amount of money which is owed to the Shire of Waroona [s.6.12(1)(c)]. |
| **Delegates** | CEO |
| **Conditions** | Write-off a rates or service charge debt up to $1,000 in accordance with the Write-off Minor Debt Policy [s.6.12(1)(c) & (2)]. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.23 Power to Invest and Manage Investments

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.14 Power to invest<br><br>*Local Government (Financial Management) Regulations 1996*<br>r.19 Investments, control procedures for |
| **Function** | 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].<br>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]. |
| **Delegates** | CEO |
| **Conditions** | 1. All investment activity must comply with Regulation 19C of the *Local Government (Financial Management) Regulations 1996* and Council Policy FIN019 - Investment of Surplus Funds.<br>2. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.<br>3. Procedures are to be documented.<br>4. Procedures are to be administratively reviewed as per Regulation 17 of the *Local Government (Audit) Regulations 1996*. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.24 Rate Record Amendment

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.39(2)(b) Rate records |
| **Function** | Authority to determine any requirement to amend the rate record for the 5 years preceding the current financial year [s.6.39(2)(b)]. |
| **Delegates** | CEO |
| **Conditions** | Delegates must comply with the requirements of s.6.40 of the Act. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.25 Agreement as to Payment of Rates and Service Charges

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.49 Agreement as to payment of rates and service charges |
| **Function** | Authority to make an agreement with a person for the payment of rates or service charges [6.49]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.26 Determine Due Date for Rates or Service Charges

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.50 Rates or service charges due and payable |
| **Function** | Authority to determine the date on which rates or service charges become due and payable to the Shire of Waroona [s.6.50]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.27 Recovery of Rates or Service Charges

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.56 Rates or service charges recoverable in court<br>s.6.64(3) Actions to be taken |
| **Function** | 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].<br>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.9.28 Recovery of Rates Debt – Require Lessee to Pay Rent

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.60 Local government may require lessee to pay rent |
| **Function** | 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Waroona [s.6.60(2)].<br>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.9.29 Recovery of Rates Debt – Actions to Take Possession of the Land

| | |
|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.64(1) & (3) Actions to be taken<br>s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings<br>s.6.71 Power to transfer land to Crown or local government<br>s.6.74 Power to have land revested in Crown if rates in arrears 3 years |
| **Function** | 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:<br>a. lease the land, or<br>b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:<br>i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or<br>ii. cause the land to be transferred to the Shire of Waroona [s.6.71].<br>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].<br>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)]. |
| **Delegates** | CEO |
| **Conditions** | In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. |



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| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.9.30 Rate Record - Objections

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|---|---|
| **Head of power** | Local Government Act 1995 |
| **Delegator** | Council |
| **Express power to delegate** | s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.6.76 Grounds of objection |
| **Function** | 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)].<br>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)]. |
| **Delegates** | CEO |
| **Conditions** | A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.10 Local Government (Miscellaneous Provisions) Act 1960

An Act to deal with certain matters concerning local government.

### 2.10.1 Appointment of Rangers, Poundkeepers and the Establishment of Public Pounds

| | |
|---|---|
| **Head of power** | Local Government (Miscellaneous Provisions) Act 1960 |
| **Delegator** | Council |
| **Express power to delegate** | *Local Government Act 1995*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.449 Pounds, establishing: poundkeepers and rangers, appointing |
| **Function** | Authority to establish and maintain one or more public pounds, and appoint fit and proper persons to be keepers of those pounds and appoint a ranger or rangers. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.11 Planning & Development Act 2005

An Act to provide for a system of land use planning and development in the State and for related purposes.

### 2.11.1 Illegal Development

| | |
|---|---|
| **Head of power** | Planning & Development Act 2005 |
| **Delegator** | Council |
| **Express power to delegate** | *Local Government Act 1995*<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |
| **Express power or duty delegated** | s.214(2), (3) & (5) Illegal development, responsible authority's powers as to<br>s.215 Illegal development, responsible authority's powers to remove etc. |
| **Function** | 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;<br>2. Give a written direction to the owner or any other person who undertook an unauthorised development:<br>a. to remove, pull down, take up, or alter the development; and<br>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority;<br>3. Give a written direction to the person whose duty it is to executive work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.<br>4. If —<br>a. a notice is served on a person under section 214(2), (3) or (5) and that person fails to —<br>i. carry out the directions within the time specified in the notice; or |



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| | ii. apply under section 255 for a review of any direction contained in the notice; or<br>b. on an application by that person for a review of any direction contained in the notice, the direction is confirmed or varied and the owner fails to carry out the direction as confirmed or varied within the time specified by the State Administrative Tribunal in the notice given under section 255(2), the responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.<br>5. Any expenses incurred by a responsible authority under section 215(1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction. |
| **Delegates** | CEO |
| **Conditions** | Nil. |
| **Express power to subdelegate** | *Local Government Act 1995*<br>s.5.44 CEO may delegate some powers and duties to other employees |

| **Amendments** | | |
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| **Date** | **Details of Amendment** | **Reference** |
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## 2.12 Planning & Development (Local Planning Schemes) Regulations 2015

### 2.12.1 Planning Approvals and Associated Decisions

| | |
|---|---|
| **Head of power** | **Planning & Development (Local Planning Schemes) Regulations 2015** |
| **Delegator** | Council |
| **Express power to delegate** | *Planning & Development (Local Planning Schemes) Regulations 2015* Sch.2 cl.82 Delegations by local government |
| **Express power or duty delegated** | Exercise of all of the local government's powers and discharge of all of the local government's duties under the Scheme other than the power of delegation |
| **Function** | Powers and duties under the Shire of Waroona Local Planning Scheme No. 7 and Regulations, including authority to determine applications for development approval, including applications for land use, home occupations, building envelope variations, the exercise of discretion under the Scheme and the Residential Design Codes, authority to amend or cancel development approval, authority to determine the period in any 12 month period which temporary uses and development do not require development approval, all decisions arising from the imposition of conditions and in relation to Local Planning Policies, Structure Plans, Activity Centre Plans; Local Development Plans and authority to enter and inspect buildings or land. |
| **Delegates** | CEO |
| **Conditions** | 1. Decisions relating to Local Planning Policies, Structure Plans, Activity Centre Plans and Local Area Plans may only be determined by the Chief Executive Officer.<br>2. Decisions to proceed with a Local Planning Policy are to be made by the Council.<br>3. Where a public objection has been received after the application has been advertised for comment the application may only be determined by the Chief Executive Officer.<br>4. Where a Councillor has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council. |
| **Express power to subdelegate** | *Planning & Development (Local Planning Schemes) Regulations 2015* cl.83 Local government CEO may delegate powers |



| Amendments | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.13 Public Health Act 2016

An Act to protect, promote and improve the health and wellbeing of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.

### 2.13.1 Functions of an Enforcement Agency

| | |
|---|---|
| **Head of power** | Public Health Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | s.21 Enforcement agency may delegate |
| **Express power or duty delegated** | s.22 Reports by and about enforcement agencies<br>s.24(1) & (3) Designation of authorised officers<br>s.264 Compensation<br>s.280 Commencing proceedings |
| **Function** | Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the Public Health Act 2016. |
| **Delegates** | CEO<br>Authorised Officers |
| **Conditions** | Nil. |
| **Express power to subdelegate** | Nil - unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)]. |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



## 2.13.2 Appoint Authorised Officer or Approved Officer

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|---|---|
| **Head of power** | Public Health Act 2016 |
| **Delegator** | Council |
| **Express power to delegate** | *Health (Asbestos) Regulations 1992*<br>r.15D(5) Appointment of authorised officers<br>r.15D(7) Infringement notices |
| **Express power or duty delegated** | r.15D(5) Infringement notices |
| **Function** | Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of Part 2 of the Criminal Procedure Act 2004 [r.15D(5)]. |
| **Delegates** | CEO |
| **Conditions** | Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D (6)]. |
| **Express power to subdelegate** | Sub-delegation is not provided for in the *Health (Asbestos) Regulations 1992* |

| **Amendments** | | |
|---|---|---|
| **Date** | **Details of Amendment** | **Reference** |
| | | |



# 3. History Summary

| Date / Reference | Amendments |
|---|---|
| 24 November 2020 | Major review – all previous delegations revoked and new delegations created |





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APPENDIX 11.3.7A




# LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2020

## Shire of Waroona Submission

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# Local Government (Model Code of Conduct) Regulations 2020

## Shire of Waroona Submission

The Local Government (Model Code of Conduct) Regulations 2020 will bring into effect sections 48 to 51 of the *Local Government Legislation Amendment Act 2019*.

In particular, the following sections will take effect: 5.102A, 5.103, 5.104 and 5.105.

This submission outlines the level of support for each amendment by the Shire of Waroona.

## Part 2 – Model code of conduct

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 3 - Model code of conduct | These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1. | The current Code of Conduct applies to council members, committee members and employees but not election candidates. | Supported. |

## Part 3 – Repeal and consequential amendments

### Division 1 – Repeal

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 4 – *Local Government (Rules of Conduct) Regulations 2007* repealed | The new Local Government (Model Code of Conduct) Regulations repeal the Rules of Conduct regulations as the rules now form part of the Model Code. | Not applicable. | Supported. |

## Division 2 – Other regulations amended

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 5 – *Local Government (Administration) Regulations 1996* amended | This clause amends Administration Regulation 29 (Information to be available for public inspection) to delete the requirement to keep a register maintained under regulation 12(5) of the Rules of Conduct. This regulation was deleted when the new gifts framework was introduced in 2019.<br><br>This clause also inserts new Part 9A – Minor breaches by council members. It replaces regulation 4 of the existing Rules of Conduct Regulations (Contravention of certain local laws) and inserts it into the Administration Regulations.<br><br>It provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code. | Not applicable. | Supported. |
| 6 – *Local Government (Audit) Regulations 1996* amended | This clause amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code under section 5.104 and deletes the reference to the Rules of Conduct Regulations. | Not applicable. | Supported. |
| 7 – *Local Government (Constitution) Regulations 1998* amended | This clause amends Schedule 1 Form 7 (Declaration by elected member of council) of the Constitution Regulations, to reference the code of conduct adopted by the relevant local government, rather than Rules of Conduct Regulations. | Not applicable. | Supported. |

## Schedule 1 – Model code of conduct

### Division 1 – Preliminary provisions

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 1 – Citation | New section 5.104 of the Local Government Act 1995 will require local governments to adopt the model code of conduct within three months of these Regulations coming into operation.<br><br>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.<br><br>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.<br><br>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website. | Not applicable. | Supported. |
| 2 – Terms used | This clause defines Act, candidate and publish. All other terms used that are also in the Act have the same meaning, unless the contrary intention appears. | Not applicable. | Supported. |

## Division 2 – General principles

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 3 – Overview of Division | As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.<br><br>Throughout the Model Code, where appropriate, the principles, behaviours and rules of conduct are separated into three categories; personal integrity, relationships with others and accountability. | Current Code of Conduct provides for personal integrity, relationships with others and accountability under section 4 – Conduct of Members and Staff. | Supported. |
| 4 – Personal integrity | This clause outlines specific personal integrity principles, including the need to:<br>• act with reasonable care, diligence, honesty and integrity<br>• act lawfully<br>• avoid damage to the reputation of the local government<br>• act in accordance with the trust placed in council members and committee members, and<br>participate in decision-making in an honest, fair, impartial and timely manner. | Current Code of Conduct provides for personal integrity, relationships with others and accountability under section 4 – Conduct of Members and Staff. | Supported. |
| 5 – Relationships with others | This clause outlines principles for relationships with others, including the need to treat others with respect and maintain and contribute to a harmonious, safe and productive work environment. | Current Code of Conduct provides for personal integrity, relationships with others and accountability under section 4 – Conduct of Members and Staff. | Supported. |
| 6 – Accountability | This clause outlines principles for accountability, including the need for decisions to be based on relevant and factually correct information, and to make decisions on merit. | Current Code of Conduct provides for personal integrity, relationships with others and accountability under section 4 – Conduct of Members and Staff. | Supported. |

## Division 3 – Behaviour

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 7 – Overview of Division | As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.<br><br>This division sets the standards of behaviour which enable and empower council members to meeting the principles outlined in Division 2. Division 3 behaviour breaches are managed by local governments, and so the division also includes provisions about how to manage complaints. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment. | Not applicable. | Supported. |
| 8 – Personal integrity | This clause provides behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.<br><br>It includes a behaviour that the use of social media and other forms of communication complies with the code. | Current Code of Conduct provides for personal integrity, relationships with others and accountability under section 4 – Conduct of Members and Staff, and section 6 - Social Media. | Broadly supported. Further supports existing *Shire of Waroona Meeting Procedures Local Law 2020*.<br><br>Query Clause 8(2) - "must not be impaired by alcohol or drugs in the performance of their official duties". Should this be rephrased "illegal drugs"? |
| 9 – Relationships with others | This clause provides for behaviours related to relationships with others, including the requirement to: | Current Code of Conduct provides for personal integrity, | Broadly supported. Further supports |

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| | • deal with the media in a positive, informative and appropriate manner<br>• not disparage the character of another council member, committee member, candidate or local government employee<br>• not impute dishonest or unethical motives to another council member, committee member, candidate of local government employee<br>not make a statement that the member of candidate knows, or could reasonably be expected to know, is false or misleading. | relationships with others and accountability under section 4 – Conduct of Members and Staff. | existing *Shire of Waroona Meeting Procedures Local Law 2020*. |
| 10 – Complaints about alleged breach | This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.<br><br>The local government is to authorise at least one person to accept the complaints. | Current Code of Conduct provides for reporting breaches of the Code under section 7 – Reporting Breaches of the Code. | Broadly supported. The CEO and a suitable delegate should be the persons to receive complaints. |
| 11 – Local government to deal with complaints | The process for consideration of a complaint is at the discretion of the local government, however, the Code requires that after considering the complaint, the local government must make a finding as to whether the breach occurred.<br><br>A local government is also required to dismiss a complaint if it is satisfied that the complaint relates to behaviour which occurred at a council or committee meeting that has already been dealt with or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.<br><br>It is a requirement, in accordance with 11(3), that before making a finding, the person to whom the complaint relates, is given a reasonable opportunity to be heard. | Current Code of Conduct briefly provides for complaint management under section 7 – Reporting Breaches of the Code. | Broadly supported. However, it should be made clearer on who is to deal with a complaint relating to allegations of a breach of the code outside of a council or committee meeting, and not rely on clause 12. |

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| | A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.<br><br>After a finding has been made, written notice of the outcome should be given to the complaint and the person to whom the complaint relates.<br><br>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This could include training, mediation, counselling or any other action considered appropriate. | | |
| 12 – Other provisions about complaints | Clause 12 provides that the procedure for dealing with complaints is a matter for the local government (to the extent it is not inconsistent with clause 11).<br><br>If a complaint is made about a candidate, the alleged breach cannot be dealt with unless the candidate is elected as a council member. | Not applicable. | Broadly supported. |

## Division 4 – Rules of conduct

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| 13 – Overview of Division | As per section 5.103(2)(c), the Code contains specific rules of conduct. The rules of conduct are specific rules, for which alleged breaches are referred to the Standards Panel.<br><br>A reference to a council member in this division includes a council member acting as a committee member. | Not applicable. | Supported. |
| 14 – Misuse of local government resources | This is based on current regulation 8 of the *Local Government (Rules of Conduct) Regulations 2007,* Misuse of local government resources. | Current Code of Conduct provides for misuse of local government resources under section 5 – Dealing with Council Property. | Supported. |
| 15 – Securing personal advantage or disadvantaging others | This is based on current regulation 7 of the *Local Government (Rules of Conduct) Regulations 2007,* Securing personal advantage or disadvantaging others. | Current Code of Conduct provides for personal advantage or disadvantaging others under section 3 – Personal Benefit. | Supported. |
| 16 – Prohibition against involvement in administration | This is based on current regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007,* Prohibition against involvement in administration. | Current Code of Conduct provides for administrative involvement under section 4 – Conduct of Members and Staff. | Supported. |
| 17 – Relations with local government employees | This is based on current regulation 10 of the *Local Government (Rules of Conduct) Regulations 2007,* Relations with local government employees.<br><br>This regulation also applies to candidates. | Current Code of Conduct provides for relations with local government employees under section 1 – Roles and Responsibilities, and section 4 – Conduct of Members and Staff. | Supported. |
| 18 – Disclosure of information | This is based on current regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007,* Use of information. | Current Code of Conduct provides for use of information | Supported. |

| Proposed Regulation | Explanation | Existing Shire of Waroona Code of Conduct | Shire of Waroona Position |
|---|---|---|---|
| | | under section 5 – Dealing with Council Property. | |
| 19 – Disclosure of interest | This is based on current regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007,* Disclosure of interest. | Current Code of Conduct provides for disclosures of interest under section 2 – Conflict and Disclosure of Interest. | Supported. |

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SHIRE OF
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SEA TO SCARP

Western Australia

# Local Government (Model Code of Conduct) Regulations 2020

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Consultation Draft

Local Government Act 1995

# Local Government (Model Code of Conduct) Regulations 2020

Made by the Governor in Executive Council.

## Part 1 — Preliminary

### 1. Citation

These regulations are the *Local Government (Model Code of Conduct) Regulations 2020*.

### 2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

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# Part 2 — Model code of conduct

## 3. Model code of conduct (Act s. 5.103(1))

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

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# Part 3 — Repeal and consequential amendments

## Division 1 — Repeal

**4. *Local Government (Rules of Conduct) Regulations 2007* repealed**

The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

## Division 2 — Other regulations amended

**5. *Local Government (Administration) Regulations 1996* amended**

(1) This regulation amends the *Local Government (Administration) Regulations 1996*.

(2) Delete regulation 29(1)(baa).

(3) After regulation 34C insert:

# Part 9A — Minor breaches by council members

**34D. Contravention of local law as to conduct (Act s. 5.105(1)(b))**

(1) In this regulation —

***local law as to conduct*** means a local law relating to the conduct of people at council or committee meetings.

(2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

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### 6. *Local Government (Audit) Regulations 1996* amended

(1) This regulation amends the *Local Government (Audit) Regulations 1996*.

(2) In regulation 13 in the Table:

(a) under the heading "***Local Government Act 1995***" delete "s. 5.103" and insert:

s. 5.104

(b) delete:

| ***Local Government (Rules of Conduct) Regulations 2007*** | | |
|---|---|---|
| r. 11 | | |

### 7. *Local Government (Constitution) Regulations 1998* amended

(1) This regulation amends the *Local Government (Constitution) Regulations 1998*.

(2) In Schedule 1 Form 7 delete "*Local Government (Rules of Conduct) Regulations 2007*." and insert:

code of conduct adopted by the [3] ..... under section 5.104 of the *Local Government Act 1995*.

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# Schedule 1 — Model code of conduct

[r. 3]

## Division 1 — Preliminary provisions

### 1. Citation

This is the *[insert name of local government] Code of Conduct for Council Members, Committee Members and Candidates*.

### 2. Terms used

(1) In this code —

***Act*** means the *Local Government Act 1995*;

***candidate*** means a candidate for election as a council member;

***publish*** includes to publish on a social media platform.

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

## Division 2 — General principles

### 3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

### 4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest, including by the refusal of gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour; and

(e) avoid damage to the reputation of the local government.

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(2) A council member or committee member should —

(a) act in accordance with the trust placed in council members and committee members; and

(b) participate in decision-making in an honest, fair, impartial and timely manner; and

(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and

(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

**5. Relationships with others**

(1) A council member, committee member or candidate should —

(a) treat others with respect, courtesy and fairness; and

(b) respect and value diversity in the community.

(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

**6. Accountability**

A council member or committee member should —

(a) base decisions on relevant and factually correct information; and

(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and

(c) read all agenda papers given to them in relation to council or committee meetings; and

(d) be open and accountable to the public and represent all constituents.

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## Division 3 — Behaviour

### 7. Overview of Division

This Division sets out —

(a) requirements relating to the behaviour of council members, committee members and candidates; and

(b) the mechanism for dealing with alleged breaches of those requirements.

### 8. Personal integrity

(1) A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

(b) must only publish material that is factually correct.

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

(b) must comply with all policies, procedures and resolutions of the local government.

### 9. Relationships with others

A council member, committee member or candidate —

(a) must not bully or harass another person in any way; and

(b) must deal with the media in a positive, informative and appropriate manner and in accordance with any relevant policy of the local government; and

(c) must not use offensive or derogatory language when referring to another person; and

(d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

(e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local

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government employee in connection with the performance of their official duties; and

(f) when attending a council or committee meeting —

(i) must not act in an abusive or threatening manner towards another person; and

(ii) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and

(iii) must not repeatedly disrupt the meeting; and

(iv) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and

(v) must comply with any direction given by the person presiding at the meeting; and

(vi) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting;

and

(g) must direct to the CEO any request for a query or complaint to be dealt with, or other work or action to be undertaken, by a local government employee.

**10. Complaints about alleged breach**

(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.

(2) A complaint must be made —

(a) in writing in the form approved by the local government; and

(b) to a person authorised under subclause (3); and

(c) within 1 month after the occurrence of the alleged breach.

(3) The local government must, in writing, authorise 1 or more persons to receive complaints made under subclause (1).

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**11. Local government to deal with complaints**

(1) After considering a complaint, the local government must, unless it dismisses the complaint under subclause (2), make a finding as to whether the alleged breach the subject of the complaint has occurred.

(2) The local government must dismiss the complaint if it is satisfied that —

(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

(b) either —

(i) the behaviour was dealt with by the person presiding at the meeting; or

(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

(3) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.

(4) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.

(5) If the local government makes a finding that the alleged breach has occurred, the local government may —

(a) decide to take no further action; or

(b) in consultation with the person to whom the complaint relates, develop and implement a plan to address the person's behaviour.

(6) A plan under subclause (5)(b) may include requirements for the person to participate in training, mediation or counselling or to take any other action the local government considers appropriate.

(7) The local government must give written notice to the complainant and to the person to whom the complaint relates of —

(a) its finding in relation to the complaint under subclause (1) or its decision to dismiss the complaint under subclause (2); and

(b) its reasons for the finding or decision.

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**12. Other provisions about complaints**

(1) A complaint made under clause 10(1) about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

(2) The procedure for dealing with complaints made under clause 10(1) may be determined by the local government to the extent that it is not provided for in clause 11.

## Division 4 — Rules of conduct

**13. Overview of Division**

(1) This Division sets out rules of conduct for council members and candidates.

(2) A reference in this Division to a council member includes a council member when acting as a committee member.

**14. Misuse of local government resources**

(1) In this clause —

***electoral purpose*** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

***resources of a local government*** includes —

(a) local government property; and

(b) services provided, or paid for, by a local government.

(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**15. Securing personal advantage or disadvantaging others**

(1) A council member must not make improper use of their office —

(a) to gain, directly or indirectly, an advantage for the council member or any other person; or

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(b) to cause detriment to the local government or any other person.

(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

**16. Prohibition against involvement in administration**

(1) A council member must not undertake a task that contributes to the administration of the local government.

(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**17. Relations with local government employees**

(1) In this clause —

***local government employee*** means a person —

(a) employed by a local government under section 5.36(1) of the Act; or

(b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

(a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or

(b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or

(c) act in an abusive or threatening manner towards a local government employee.

(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event at which members of the public are present, the council member or candidate must not orally, in writing or by any other means —

Consultation Draft

(a) make a statement that a local government employee is incompetent or dishonest; or

(b) use an offensive or objectionable expression when referring to a local government employee.

(5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**18. Disclosure of information**

(1) In this clause —

***closed meeting*** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

***confidential document*** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

***document*** includes a part of a document;

***non-confidential document*** means a document that is not a confidential document.

(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

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**19. Disclosure of interests**

(1) In this clause —

***interest*** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

(a) in a written notice given to the CEO before the meeting; or

(b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subclause (7) applies in relation to an interest if —

(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.

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(7) The nature of the interest must be recorded in the minutes of the meeting.

Clerk of the Executive Council

Consultation Draft

**SHIRE OF WAROONA**
**FORM HR-P10**

# CODE OF CONDUCT

## for Employees, Elected Members and Committee Members

Updated October 2018

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# INTRODUCTION

This Code of Conduct provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses in a concise manner the broader issue of ethical responsibility and encourages greater transparency and accountability in individual Local Governments.

The Code is complementary to the principles adopted in the Local Government Act and regulations which incorporates four fundamental aims to result in:-

a. Better decision-making by the Shire of Waroona;

b. Greater community participation in the decisions and affairs of local governments;

c. Greater accountability of local governments to their communities; and

d. More efficient and effective local government.

The Code provides a guide and a bases of expectations for elected members and staff. It encourages a commitment to ethical and professional behaviour and outlines principles in which individual and collective Local Government responsibilities may be based.

# STATUTORY FRAMEWORK

This Code of Conduct observes statutory requirements of the *Local Government Act 1995* (s5.103-Codes of Conduct) and the *Local Government (Administration) Regulations 1996* (Reg's 34B-34G).

Councillors acknowledge that their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed Rules of Conduct as described in the *Local Government Act 1995* and *Local Government (Rules of Conduct) Regulations 2007*.

Officers acknowledge that they are subject to the provisions of the Code upon their acceptance of employment and whilst they remain employed by the Shire.

Volunteers acknowledge that they are subject to the provisions of the Code upon registering as a volunteer and whilst they remain a registered volunteer for the Shire.

# ROLES AND RESPONSIBILITES

## 1.1 Role of Council

The Council is the governing body of the Shire of Waroona and consists of elected Councillors. The offices of Council are the President, Deputy President and Councillors.

The role of Council is set out in s.2.7 of the *Local Government Act 1995* as follows:

*"(1) The Council*
- *a. Directs and controls the local government's affairs; and*
- *b. Is responsible for the performance of the local government's functions.*

*(2) Without limiting subsection (1), the council is to –*
- *c. oversee the allocation of the local government's finances and resources; and*
- *d. determine the local government's policies."*

## 1.2 Role of the President

In addition to the role of a Councillor the role of the President is set out in s.2.8(1) of the *Local Government Act 1995* as follows:

*"(1) The mayor or president –*
- *e. Presides at meetings in accordance with this Act; and*
- *f. Provides leadership and guidance to the community in the district; and*
- *g. Carries out civic and ceremonial duties on behalf of the local government; and*
- *h. Speaks on behalf of the local government; and*
- *i. Performs such other functions as are given to the mayor or president by this Act or any other written law; and*
- *j. Liaises with the CEO on the local government's affairs and the performance of its functions."*

The Deputy President assumes the above role in absences of the President where the Deputy President would ordinarily act as the President.

# ROLES AND RESPONSIBILITES *(cont.)*

## 1.3 Role of the Councillors (Elected Members)

The role of a Councillor as is set out in s.2.10 of the *Local Government Act 1995* is as follows:

*"A Councillor-*

*(a) Represents the interests of all electors, ratepayers and residents of the district;*

*(b) Provide leadership and guidance to the community in the district;*

*(c) Facilitate communication between the community and the Council;*

*(d) Participate in the Local Government's decision making processes at Council and Committee Meetings; and*

*(e) Perform such other functions as are given to a Councillor by the Local Government Act 1995 or any other written law.*

Councillors are the decision makers responsible for:

a. The development of Council Policy.
b. The direction and control of the Shire.
c. Making decisions on project priorities and the plans to achieve them.
d. The periodical review of Council's programs and performance.

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Local Government's finances;
- Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- Working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- Having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

# ROLES AND RESPONSIBILITES *(cont.)*

## 1.4 Role of the Committee

From time to time, Council will establish committees to assist in its decision making.

Committees can comprise of:

a. Councillors only.
b. Councillors and staff.
c. Councillors, staff and other persons.
d. Councillors and other persons.
e. Staff and other persons.
f. Other persons only.

The role of Committees is generally to deliberate upon matters within their authority as determined by Council, and to give advice and/or make recommendations to Council. With very few exceptions, committees of Council do not have decision making powers. However, Council can, and does occasionally, delegate such powers as and when necessary.

## 1.5 Role of the CEO and Staff

The CEO is appointed by Council and is the communication link between Councillors and staff. All other Council staff are responsible to the CEO.

The CEO is responsible to the Council for the implementation of Council policies, decisions and budgeted works, the provision of accurate and timely advice to Council and the efficient administration of the Council.

The role of staff is determined by the functions of the CEO which are set out in s.5.41 of the *Local Government Act 1995* as follows:

# ROLES AND RESPONSIBILITES *(cont.)*

*"The CEO's functions are to –*

*a. Advise the council in relation to the functions of a local government under this Act and other written laws;*

*b. Ensure that advice and information is available to the council so that informed decisions can be made;*

*c. Cause council decisions to be implemented;*

*d. Manage the day to day operations of the local government.*

*e. Liaise with the mayor or president of the local government's affairs and the performance of the local government's functions;*

*f. Speak on behalf of the local government if the mayor or president agrees;*

*g. Be responsible for the employment, management supervision, direction and dismissal of other employees (subject to S 5.37(2) in relation to senior employees);*

*h. Ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*

*i. Perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

## 1.6 Relationships between Councillors and Staff

An effective Councillor will work as part of the Council team with the CEO and other members of staff. That teamwork will only occur if Councillors and staff have a mutual respect and co-operate with each other to achieve Council's corporate goals and implement Council strategies. To achieve that position, Councillors need to observe their statutory obligations, which include, but are not limited to, the following:

a. Accept that their role is a leadership role, not a management or administrative one (Rule of Conduct – Reg 9 refers).

b. Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions (Rule of Conduct – Reg 10 refers).

c. Refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility (Rule of Conduct – Reg 10 refers).

# ROLES AND RESPONSIBILITES *(cont.)*

## 1.7 Team Effort

For the Shire of Waroona to perform to its maximum capability and potential, it is very important that a team effort prevail between Councillors, CEO, staff, volunteers and other persons appointed to Council committees.

There is an inherent inter-relational dependency between all involved and it essential that Councillors, CEO, staff, volunteers and other persons appointed to committees not only understand and respect each other's roles, but commit themselves to working together as a team.

This Code is designed to encourage that team spirit and encourage productive working relationships for the good of the Waroona community.

# CONFLICT AND DISCLOSURE OF INTEREST

## 2.1 Conflict of Interest

a. Members and staff will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.

b. Staff will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

c. Members and Staff will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the municipality or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).

d. Members and Staff who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

e. Staff will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

f. Council members have a duty to act at all times in the interests of the community they have been elected to serve and to ensure that council decisions are taken in the public interest.

g. A conflict of interest arises when members, in doing their jobs, are influenced or seen to be influenced by personal interests rather than public duty.

An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

## 2.2 Types of Interests

Members and staff will adopt the principles of disclosure of financial and non-financial (impartiality) interests as contained within the Local Government Act 1995 and associated Regulations.

# CONFLICT AND DISCLOSURE OF INTEREST *(cont.)*

## 2.3 Disclosure of Interest

a. A council member, committee member or employee attending or providing reports or advice to a meeting, must disclose their interest in any matter to be considered by that council or a committee meeting. The term "relevant person" is used to describe a person who is liable to disclose a financial interest at a meeting or when exercising delegated powers.

b. A disclosure of an interest is to be made at the meeting immediately before the matter is discussed and is to be recorded in the minutes of the relevant meeting.

c. Generally a disclosing member is not to participate in the discussion and is required to leave the meeting. However, there are provisions where a member may participate in the meeting after disclosing an interest.

d. The Act also provides that a primary and an annual return detailing the members, CEO's and designated employees financial interests are to be made in accordance with the regulations.

## 2.4 Impartiality Interest

Councillors, committee members and employees will adopt the principles of disclosure of an interest that may affect impartiality as contained within the *Local Government (Administration) Regulations 1996.* In this regard Councillors, committee members and employees are to disclose any interest that they have in any matter to be discussed at a Council or Committee meeting;

a. That they will be attending;

b. They they have given or will give advice; and

c. Immediately before the matter is discussed or at the time advice is given and be recorded in the Minutes of the meeting.

and this disclosure is to be recorded in the minutes of that meeting.

# PERSONAL BENEFIT

## 3.1 Use of Confidential Information

Members and staff will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways in which are inconsistent with their obligation to act impartially, or to improperly cause harm to detriment to any person or organisation.

## 3.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

## 3.3 Improper or Undue Influence

Members and staff will not take advantage of their position to improperly influence other members or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

## 3.4 Gifts or Bribery

### 3.4.1 General Provisions

In general, Elected Members, Committee Members and employees must not seek or accept (either directly or indirectly) any immediate or future gift (including financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire of Waroona. In particular, employees, other than the CEO or Directors, must not accept any act of hospitality without prior approval of the CEO or director, as appropriate.

Despite the general presumption against seeking or accepting gifts or acts of hospitality, Elected Members, Committee Members and employees may accept some types of gifts which are excluded from the Code's coverage.

For the purpose of this code, a ***gift*** has the extended meaning set out in section 5.82(4) of the *Local Government Act 1995* and includes:

# PERSONAL BENEFIT *(cont.)*

*"any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel."*

However, a **gift** does not include:

a. A gift from a relative as defined in section 5.74 (1) of the *Local Government Act 1995.*

b. A gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997;* or

c. A gift from a statutory authority, government instrumentality or non-profit association for professional training.

Section 5.74 (1) of the *Local Government Act 1995* states the following;

***Relative**, in relation to a relevant person, means any of the following:*

(a) A parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;

(b) The relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

Whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by written law.

Examples of gifts are:

- a tangible item, such as a bottle of wine or a book;
- a contribution towards the provision of accommodation.
- an act of hospitality, such as payment for a meal or an invitation or tickets to a function or event; or
- discounts on a provider's products.

# PERSONAL BENEFIT *(cont.)*

Nothing in this code prevents a gift from being received:

a. on behalf of the Shire of Waroona, where it is retained by the Shire; or

b. by an Elected Member, Committee Member or employee under and in accordance with the terms of a sponsorship or other commercial arrangement with the Shire of Waroona.

For example, a ticket to attend an event that is given to an Elected Member or employee will not be a 'gift' (and therefore, will not be subject to the gift provisions of this code) if it is given because of a contractual obligation to give it under a sponsorship agreement with the Shire of Waroona. However, a ticket that is given voluntarily, over and above any contractual obligation will be a gift (if it otherwise satisfies the definition of 'gift' referred to earlier) and, if so, will be subject to the gift provisions of this Code.

3.4.2 Prohibited Gifts

A committee member or employee must not accept a prohibited gift from a person who:

a. is undertaking or seeking to undertake an activity involving a local government discretion; or

b. it is reasonable to believe is intending to undertake an activity involving a local government discretion.

For these purposes:

a. a ***prohibited gift*** means;

   i. gift worth $300.00 or more; or

   ii. a gift that is one of two or more gifts given to the member or employee by the same person within a period of six months that are in total worth $300.00 or more.

b. ***activity involving a local government discretion*** is an activity:

   i. that cannot be undertaken without an authorisation from the Shire of Waroona; or

   ii. by way of a commercial dealing with the Shire of Waroona.

Any gift valued at $300.00 or more should be declined politely. If it is considered inappropriate to reject a gift worth $300.00 or more (such as in the case of a gift from a foreign dignatory), the gift should be received on behalf of the Shire of Waroona and provided to the CEO at the first possible opportunity. At the CEO's discretion, these gifts will be placed in an appropriate position within the Shire and/or registered in the Shire's memorabilia collection.

# PERSONAL BENEFIT *(cont.)*

The value of a gift can be estimated if the Elected Member, Committee Member or employee believes its value is low. However, if it is believed its value approaches $300.00, the precise value of the gift should be ascertained before accepting to ensure compliance with this code.

It is also important to ensure that the full value of the gift is taken into account including all hidden costs in association with acts of hospitality. (For example, if invited to a box at a sporting event, the cost is not just the cost of an entry ticket but a proportion of the cost of the box and the hospitality provided). It would also include the cost of the attendance of a partner at an event, should the partner be invited to accompany the Shire's representative.

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* prohibits an Elected Member from accepting a prohibited gift.

3.4.3 Notifiable Gifts

An elected member, committee member or employee may accept a 'notifiable gift.' However, if he or she accepts a notifiable gift from a person who:

a. is undertaking or seeking to undertake an activity involving a local government discretion; or
b. it is reasonable to believe is intended to undertake an activity involving a local government discretion.

He or she must notify the CEO within 10 days of accepting the gift.

For these purposes;

a. a ***notifiable gift*** means;
    i. a gift worth between $50.00 and $300.00; or
    ii. a gift that is one of two or more gifts given to an Elected Member, Committee Member or employee by the same person within a period of six months that are in total worth between $50.00 and $300.00
b. activity involving a local government discretion is an activity;
    i. that cannot be undertaken without an authorisation from the Shire; or
    ii. by way of a commercial dealing with the Shire.

# PERSONAL BENEFIT *(cont.)*

The notification to the CEO of the acceptance of a notifiable gift must be writing and must include:

a. the name of the person who gave the gift;

b. the date on which the gift was accepted;

c. a description, and the estimated value, of the gift;

d. the nature of the relationship between the person who is a member or employee and the person who gave the gift;

e. if the gift is notifiable under (ii) of the definition of a notifiable gift (whether or not it is also a notifiable gift under (i) of that definition);

   i. a description;

   ii. the estimated value;

   iii. the date of acceptance,

   of each other gift accepted within the six month period.

Regulation 12 of the *Local Government (Rules of Conduct) Regulations 2007* contains similar requirements relating to the acceptance and notification of a "notifiable gift" by an Elected Member.

The CEO must maintain a register of notifiable gifts and record any details of notifications given to comply with the requirement of the Code.

3.4.4 Disclosure of gifts in annual returns

Elected members and 'designated employees', as defined in section 5.74 of the *Local Government Act 1995,* should also remember to disclose gifts, in an annual return, received and valued at over $200.00, that are not covered by the *Local Government (Rules of Conduct) Regulations 2007* (for Elected Members) or this Code (for employees).

3.4.5 Disclosure of election campaign contributions

All electoral candidates must comply with the *Local Government Act 1995* and the *Local Government (Elections) Regulations 1997* in disclosing electoral donations or 'gifts'. A candidate must disclose to the CEO information about any electoral or related gift with a value of $200.00 or more that is promised or received within six months before the relevant election day.

Requirements relating to the disclosure of electoral gifts are set out in the *Local Government (Elections) Regulations 1997,* particularly Part 5A.

# CONDUCT OF MEMBERS & STAFF

## 4.1 Personal Behaviour

a. Members and staff will:

   i. Act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;

   ii. Perform their duties impartially and in the best interests of the Local Government uninfluenced by fear or favour;

   iii. Act in good faith (ie, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Local Government and the community.

   iv. Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and

   v. Always act in accordance with their obligation of fidelity to the Local Government.

b. Members will represent and promote the interests of the Local Government, while recognising their special duty to their own constituents.

## 4.2 Honesty and Integrity

a. Members and staff will:

   i. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards.

   ii. Bring to the notice of the Mayor/President any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.

   iii. Be frank and honest in their official dealing with each other.

   iv. Council members are, in effect the trustees of local government funds and property.

   If there is a misapplication of funds or property by a council member or employee through a wilful act or culpable negligence then the member or employee may be personally liable for the amount misapplied.

# CONDUCT OF MEMBERS & STAFF *(cont.)*

## 4.3 Defamation

a. Defamation is the aspect of the law which protects people's reputations. It may be divided into libel, which relates to written or pictorial material, and slander, which relates to verbal comments. Defamation can be defined as anything which tends to damage a person's reputation in the estimation of members of society.

b. A council member can only rely on the defence of qualified privilege whilst properly discharging his or her duties, and doing so in the public interest.

c. In order to maintain the qualified privilege, a council member should ensure that any comments made are pertinent to the business of local government and they are not made maliciously or without due regard to whether they represent the truth.

d. Section 9.56 of the *Local Government Act 1995* provides that an action in tort does not lie against a "protected person", which includes an elected member and an employee, for anything that the person has, in good faith, done or not done in the performance of purported performance of a function under the Act or under any other written law.

e. As a result, the *Local Government Act* protects an elected member or employee against civil action where he or she performs a local government function in good faith. While the 'good faith' protection applies to elected members and employees, it does not protect the local government itself which could be sued over council decisions which are negligent or otherwise subject to a claim in tort.

   The protection given by section 9.56 recognises the protection otherwise available to a person discharging a public duty under common law, often referred to as qualified privilege, against a claim of defamation.

f. A defamatory representation is one which tends to lower a person in the estimation of society in general. The defamatory representation may be spoken or written. It includes radio broadcasts, television, a newspaper cartoon or a film. The defamation may be patently obvious, or it may arise by innuendo.

   The privilege is not, however, an absolute one. To claim the protection of privilege, the statement must have been "fairly warranted" and "honestly made". A Councillor cannot claim the benefit of privilege if, at the time of making his or her defamatory statement, he or she knows it to be untrue. The law extends further, as privilege does not protect a Councillor who makes a defamatory statement recklessly, not caring whether it is true or false.

# CONDUCT OF MEMBERS & STAFF *(cont.)*

## 4.4 Performance of Duties

a. While on duty, staff will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.

b. Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about functions of the Council, and treat all members of the community honestly and fairly.

c. A person who has been elected as a council member must take an oath or affirmation of allegiance to the office before acting in the office. There are prescribed forms for the oath, affirmation and declaration which are required to be completed.

## 4.5 Compliance with Lawful Orders

a. Members and staff will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the priority of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.

b. Members and staff will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

## 4.6 Administrative and Management Principals

a. Members and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

b. Public officials, including local government elected members and employees, are subject to a special duty which, if it is breached, can give rise to an action known as 'misfeasance in public office'.

The tort of misfeasance in a public office is established where an act of a public officer -

# CONDUCT OF MEMBERS & STAFF *(cont.)*

i. is beyond power;

ii. is either known by the officer to be beyond power or the officer recklessly disregards the means of ascertaining the extent of his or her power;

iii. involves a foreseeable risk of harm or damage;

iv. is done maliciously - that is, with the intention of causing harm - or with reckless indifference to the harm that is likely to ensue; and

v. results in harm or damage.

## 4.7 Corporate Obligations

a. Standard of Dress

Staff are expected to comply with neat and responsible dress standards at all times. Management reserves the right to raise the issue of dress with individual staff.

b. Communication and Public Relations

i. All aspects of communication by staff (including verbal, written or personal), involving Local Government's activities should reflect the status and objectives of that Local Government. Communications should be accurate, polite and professional.

ii. As a representative of the community Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which are based on a decision of the majority of the Council;
- information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately.

# CONDUCT OF MEMBERS & STAFF *(cont.)*

## 4.8 Relationships between Members and Staff

An effective Councillor will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and staff have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- accept that their role is a leadership, not a management or administrative one;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility.
- whenever possible, elected members should avoid making attacks on local government employees in open council. Many attacks which are made are subsequently proved to based upon a misunderstanding of the facts, but the defamatory statement is likely to travel widely, while the employee's reply (too often made in his or her office and not in open council) is likely to receive far less publicity. This is damaging both the employee concerned and to the local government administration as a whole.

## 4.9 Personal Conflicts

a. Personality conflicts usually provide the underlining reason why some local governments fail to be effective. Conflicts occur between council members themselves and between council members and staff. These conflicts, often aired in public, can create ineffective and inefficient local governments and usually result in undermining the confidence the public has in local government.

b. Whilst you should acknowledge the possibility of such conflicts, it is the way in which each individual handles the situation which will bring credit or disdain to the individuals and the local government concerned. Personality conflicts can result in local governments making inappropriate decisions which are not in the best interest of the community. These conflicts can cloud the consideration of an issue on its merit. Personal animosity can lead to defamatory statements.

c. The Act has identified the roles and responsibilities of council members and the Chief Executive Officer and it is important that all parties are familiar with their role. This will diminish the chance of conflicts arising as a result of perceived responsibilities. It is important that council members and staff put aside any personal conflicts which may impair their decision making responsibility in providing good government to the community.

# CONDUCT OF MEMBERS & STAFF *(cont.)*

d. To avoid conflicts between Councillors and staff, the officers need to ensure that they show no bias or favouritism to individual Councillors or groups of Councillors. Conversely, Councillors should not seek special favours or expect different treatment which creates a conflict of duty for the council staff involved.

# DEALING WITH COUNCIL PROPERTY

## 5.1 Use of Local Government Resources

Members and staff will:

a. be scrupulously honest in their use of the Local Government's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

b. use the Local Government resources entrusted to them effectively and economically in the course of their duties; and

c. not use the Local Government's resources (including the service of Council staff) for private purposes (other than when supplied as part of a contract or employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

## 5.2 Travelling and Sustenance Expenses

Members and staff will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Local Government in accordance with Local Government policy and the provision of the Local Government Act.

## 5.3 Access to Information

a. Staff will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.

b. Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

# SOCIAL MEDIA

Shire of Waroona Councillors, CEO and employees should refer to Council's Social Media Policy in regards the use of social media to undertake official Shire of Waroona communications within the community. Key points in relation to the policy are detailed below:

## 6.1 Authorised users of Social Media on the Shire's behalf

The Chief Executive Officer will give written delegation to those employee's authorised to use Social Media as a form of communication within the community. Employees will be expected to communicate in a proper manner and adhere to this Code and Social Media Policy and Procedure at all times.

## 6.2 Personal communications and statements

Personal communications and statements made privately in conversation, written, recorded email or posted in personal social media have the potential to be made public, whether it was intended to be made public or not. Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Elected Members and employees must ensure that their personal or private communications do not breach the requirements of this policy, this Code and the *Local Government (Rules of Conduct) Regulations 2007*.

# REPORTING BREACHES OF THE CODE

## 7.1 Breaches of the Code by employees

Any person who has reason to believe that the personal behaviour of an employee breaches the standards of conduct set out in the Code, may refer the matter to the CEO, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the Shire and any applicable law concerning employees.

Any person who has reason to believe that the personal behaviour of the CEO breaches the standards of conduct set out in the Code, may refer the matter to the Deputy Chief Executive Officer/Director Corporate Services, who will consider the matter and deal with it in accordance with the management protocols, procedures or practices of the Shire and any applicable law.

Each report of a breach is to be dealt with quickly and fairly in accordance with the principles or procedural fairness.

## 7.2 Breaches of the Code by Elected Members

A breach by an Elected Member of the *Local Government (Rules of Conduct) Regulations 2007* may be reported to the CEO. Such complaints will be dealt with under Division 9 of Part 5 of the *Local Government Act 1995.*

Any person who has reason to believe that the personal behaviour of an Elected Member breaches the standards of conduct set out in the Code, other than those matters set out in the *Local Government (Rules of Conduct) Regulations 2007*, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

Any person who has reason to believe that the personal behaviour of a Committee Member breaches the standards of conduct set out in the Code, may refer the matter to the CEO, who will consider the matter and deal with it as he or she sees fit.

The CEO may decide to refer the issue to the Local Government Standards Panel for assistance in resolving breaches of the code by elected members.

# REPORTING BREACHES OF THE CODE *(cont.)*

## 7.3 Reporting misconduct to the Corruption & Crime Commission

The CEO, being a 'principal officer of a notifying authority' (for the purposes of the *Corruption and Crime Commission Act 2003)* has a statutory obligation to report to the Corruption and Crime Commission:

a. any allegation of misconduct; or

b. any situation that otherwise comes to his or her attention involving misconduct,

where the CEO suspects on reasonable grounds concerns or may concern misconduct and is of relevance or concern to the CEO in his or her official capacity.

Notwithstanding, any Elected Member, Committee Member, employee or any other person may report directly to the Corruption and Crime Commission any matter which that person suspects on reasonable grounds concerns or may concern misconduct that:

a. has or may have occurred;

b. is or may be occurring;

c. is or may be about to occur; or

d. is likely to occur.




Current Logo



Tourism WA Brand
Sun and Ocean



Kangaroo Paw
Wildflowers / Flora

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SHIRE OF

WAROONA

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# Concept 1

SHIRE OF

# WAROONA

SEA TO SCARP



Sea Scarp Viticulture / Horticulture Lifestyle / Troutfest

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Concept 1a



Shire of
# Waroona
Sea to Scarp



Sea | Scarp | Agriculture / Farming | Lifestyle / Troutfest

Shire of Waroona Sea to Scarp

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Concept 1b

# Concept 2



SHIRE OF

# WAROONA

SEA TO SCARP



Sea



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Viticulture /
Horticulture



Lifestyle /
Troutfest

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SEA TO SCARP

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Concept 2a

Shire of
# Waroona
Sea to Scarp



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Agriculture / Farming



Lifestyle / Troutfest

Shire of
Waroona
Sea to Scarp

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Concept 2b

# Concept 3



Shire of
# Waroona
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Waroona
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Concept 4a



SHIRE OF
# WAROONA
SEA TO SCARP

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Agriculture / Farming

Lifestyle / Troutfest

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# POLICY COM003 – AUSTRALIA DAY AWARDS

**Related Management Practice**
Australia Day Awards Procedure

**Relevant Delegation**
No

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**POLICY INTENTION:**

To provide for the recognition of individuals and organisations who have made significant contributions to the Shire of Waroona community, through annual awards presented on Australia Day.

**POLICY:**

1. The Shire of Waroona will invite nominations for the Awards through the local media and from local community organisations and clubs in September, with the closing date aligning with the date provided by Australia Day Council of Western Australia.

2. Individuals and organisations may submit nominations using the relevant nomination form for the Shire of Waroona Meritorious Community Service Awards and/or Australia Day Council of Western Australia Citizen of the Year Awards.

3. Only individuals and organisations working in a voluntary capacity are eligible for nomination.

4. The Awards will be conducted on a Shire basis, and not an individual town/locality basis.

5. Nominations will be considered by the Australia Day Awards Committee for recommendation to Council.

6. The number of Shire of Waroona Meritorious Community Service Awards for both categories to be presented each year will be determined by Council on a case by case basis.

7. Persons who have already received a Premier's Australia Day Award or Citizen of the Year Award from the Shire of Waroona will be ineligible to receive a Shire of Waroona Meritorious Community Service Award.

8. The Awards will be presented during the Shire of Waroona Australia Day Celebrations on an annual basis.

| **Policy Administration** | | |
|---|---|---|
| Division: | Community | |
| Contact Officer Position: | Community Development Officer | |
| Parent Legislation: | Internal | |
| Other Relevant Documents: | Awards Guidelines; Award Nomination Form | |
| Date Adopted: | 18 December 2018 | OCM18/12/126 |
| Reviews/Amendments: | Nil | |

## *LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (No.2)* 2020 – EXPLANATORY NOTES

These regulations will bring into effect **section 22** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.39A, 5.39B & 5.39C.

| **Section in Amendment Act** | **Section in LG Act** | **Topic** | **Officer Comment** |
|---|---|---|---|
| **Section 22** | **5.39A**<br>**5.39B**<br>**5.39C** | Model standards for CEO recruitment, performance and termination.<br>Adoption of Model Standards<br>Policy for temporary employment or appointment of CEO. | |
| **Regulation** | **Amends** | **Explanation** | |
| Regulation 18A – Vacancy in position of CEO or senior employee to be advertised (Act s.5.36(4) and 5.37(3)) | 18A *Local Government (Administration) Regulations 1996* | Regulation 18A(1) is being amended to align with the new State-wide public notice provisions. If the position of CEO, or of a senior employee, becomes vacant the local government must give State-wide public notice of the position in accordance with the requirements of the Local Government Act (sections 5.36(4) and 5.37(3)).<br><br>Regulation18A(2)(da) provides that the State-wide public notice must include a website address where the job description form (JDF) for the position can be accessed. | Supported. |
| Regulation 18C – Selection and appointment process for CEOs. | 18C *Local Government (Administration) Regulations 1996* – Repealed | Regulation 18C is being repealed. The prescribed model standards for CEO recruitment and appointment outlined at Division 2 (Clauses 3-14) of the *Local Government (Administration) Amendment Regulations 2020* replace 18C.<br><br>Local governments are required to determine the selection criteria for the position of CEO prior to a recruitment process being undertaken. The local government must | Supported.<br><br>Supported. |

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| | | approve by a resolution of an absolute majority of council, a job description form which sets out the duties and responsibilities of the position (5(2)(a)) and details the selection criteria (5(2)(b). | |
| | | A position vacancy must be advertised in accordance with 5.36(4) of the *Local Government Act* and 18A of the *Local Government (Administration) Regulations 1996.* A JDF form must also be made available on the local government's official website. | Supported. |
| | | As part of the process of selection, a panel must be established to conduct the recruitment and selection process. The selection panel must be made up of council members and at least one independent person who is not a current councillor or employee of the local government. The independent person should have experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF. | Not Supported.<br>The requirement to include an independent member on a selection panel is not supported as it limits Council autonomy and there is a lack of clarity around actual operation. Instead, it is proposed that the Regulation be broadened to require Councils to receive independent human resource advice when selecting a CEO. This would then allow Council to choose whether to include an independent person on the selection panel, whether the panel receives advice from an independent human resources consultant, or another option which introduces independence into the process. |
| | | A final decision to make an offer of appointment to the position of CEO must be made by an absolute majority of council. The resolution must also approve the proposed terms of the contract. | Supported. |
| | | Appointment of the successful applicant to CEO must also | Supported. |

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| | | be made by an absolute majority decision of council after negotiation of the final contract terms between the successful applicant and the local government and following the applicant's acceptance of the offer. | |
| Regulation 18D – Performance review of CEO, local government's duties as to | *Local Government (Administration) Regulations 1996* - 18D Repealed | Regulation 18D is being repealed. The prescribed model standards for performance review outlined at Division 3 of the of the *Local Government (Administration) Amendment Regulations 2020* (clauses 15-19) replace 18D.<br>Local governments are required to review the performance of a CEO annually in accordance with section 5.38 of the Act. Division 3 sets out the process for performance review, including establishing the performance criteria upon which to base the review and the requirement to endorse the performance review by absolute majority on its completion.<br><br>The CEO must be notified of the results of the performance review, including any issues identified in relation to the performance of the CEO, and how the local government proposes to address and manage those issues. | Supported.<br><br>Supported. |
| Regulation FA – Prescribed model standards for CEO recruitment, performance and termination (Act s.5.39A(1)). | *Local Government (Administration) Regulations 1996* – 18FA is a new clause. | Regulation 18FA sets out the model standards for local governments in relation to the recruitment, performance review and termination of employment of a local government CEO. | Purely administrative. |
| Regulation 18FB – Certification of compliance with adopted standards for CEO recruitment (Act s.5.39B(7)) | *Local Government (Administration) Regulations 1996* – 18FB is a new clause. | Regulation 18FB requires local governments to certify that they have adopted the standards under section 5.39B of the Act. 18FB applies in relation to the recruitment and appointment of a local government CEO.<br><br>A copy of the resolution to appoint the CEO in accordance with the adopted standards must be provided to the | Supported. |

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| | | Department of Local Government, Sport and Cultural Industries within 14 days of the decision to appoint. | |
| Regulation 18FC – Certification of compliance with adopted standards for CEO termination (Act s.5.39B(7)). | *Local Government (Administration) Regulations 1996* – 18FC is a new clause | Regulation FC requires a local government to certify that they have adopted the standards under section 5.39B of the Act. 18FC applies in relation to the termination of a CEO's employment contract.<br><br>If a local government makes the decision to terminate the employment of the CEO, it must certify that the CEO's employment contract was terminated in accordance with the adopted standards for termination as outlined in regulations. | Supported. |
| **Division 2 – Standards for recruitment of CEOs**<br><br>Regulation 4 – Application of Division | *Local Government (Administration) Regulations 1996* – Reg 4 replaces 18C. | Regulation 18C of the *Local Government (Administration) Regulations 1996* is repealed. Instead, Regulation 4 applies in relation to Division 2 - the recruitment and selection process of a local government CEO.<br><br>Division 2 does not apply in the event that the position of CEO is to be filled by a person in a prescribed class or in relation to the renewal of the CEO's contract, unless the CEO has been employed for a period of 10 or more consecutive years and a period of 10 or more years has elapsed since a selection and recruitment process was carried out.<br><br>For the purposes of 5.36(5)(a), a person in a prescribed class includes a person who is and will continue to be employed by another local government and is contracted for a period of less than five years, or the person will be acting in the position of CEO for a period of less than one year. | Supported.<br><br>Supported. |
| Regulation 5 – Determination of selection criteria and approval of job description form. | *Local Government (Administration) Regulations 1996* – Reg 5 is a new clause. | Regulation 5 deals with determining the selection criteria for the position of CEO. It is a requirement that the local government base the selection criteria on the necessary skills, knowledge, experience and qualifications | Supported. |

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| | | necessary to effectively perform the role and responsibilities associated with the position.<br><br>The local government must approve (by absolute majority) a job description form (JDF) that sets out the duties and responsibilities of the position and the selection criteria. | |
| Regulation 6 – Advertising Requirements | *Local Government (Administration) Regulations 1996* – Reg 6 is a new clause | Regulation 6 deals with advertising the position of CEO where the position becomes vacant or the incumbent has held the position for 10 or more consecutive years. It is a requirement of the Local Government Act (s 5.36(4)) that upon the position of CEO becoming vacant, it must be advertised in a manner prescribed. Regulation 18A of the *Local Government (Administration) Regulations 1996* sets out the requirements for State-wide advertising. | |
| Regulation 7 – Job description form to be made available by local government. | *Local Government (Administration) Regulations 1996* – Reg 7 is a new clause. | Regulation 7 requires a local government to provide a copy of the JDF to a person upon request. The local government must either provide the web address where the JDF can be downloaded or alternatively if the person is unable to access the website, email a copy, or send a hard copy in the post. | Supported. |
| Regulation 8 – Establishment of selection panel for appointment of CEO. | *Local Government (Administration) Regulations 1996* – Reg 8 is a new clause. | Regulation 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 CEO.<br>The selection panel must comprise of council members and at least one independent person who is not a councillor nor an employee of the local government.<br><br>It is recommended that the independent person or persons have relevant experience in the recruitment and selection of CEO's and / or senior executives. It is the role of the selection panel to recommend one or more suitable applicants to the position of CEO based on the selection criteria outlined in the JDF. | Not supported. An independent person, whether it be a Human Resources consultant or member of the public should not have the power to decide with a vote on a selection panel. |

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| | | It is at the discretion of the local government to determine the number of people on the selection panel. | |
| Regulation 9 – Recommendation by selection panel. | *Local Government (Administration) Regulations 1996* – Reg 9 is a new clause. | It is the role of the selection panel to recommend a preferred applicant or applicants for appointment to the position of CEO. Regulation 9 requires the selection panel to make an assessment of each applicant's ability to perform the role of CEO based on their knowledge, experience, qualifications and skills as measured against the selection criteria outlined in the JDF.<br>If the selection panel considers none of the applicants suitable for appointment to the position, they must advise the local government of that fact.<br><br>If the selection panel considers none of the applicants suitable for appointment to the position of CEO, they may recommend changes be made to the duties and responsibilities of the position or the selection criteria.<br><br>The selection panel must act in an impartial and transparent manner and in accordance with the principles set out in section 5.40 of the Act.<br><br>The selection panel is responsible for ensuring that any applicant or applicants they recommend for appointment have demonstrated they meet the selection criteria and have had their qualifications verified. The selection panel must exercise due diligence in verifying referees, work history, skills and any other claims made by the applicant. | Supported. |
| Regulation 10 – New process to be commenced if no suitable applicants. | *Local Government (Administration) Regulations 1996* – Reg 10 is a new clause. | If the selection panel finds that none of the applicants are suitable to be appointed to the position of CEO, they must advise the local government in accordance with 9(2)(b). | Supported. |

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| | | Regulation 10 requires the recruitment and selection process to be undertaken again if the selection panel advises the local government it considers none of the applicants to be suitable for appointment to the position of CEO.<br><br>Unless the selection panel recommends changes be made to the duties and responsibilities of the position or the selection criteria, clause 5 does not apply. In this instance, the original JDF previously approved by the local government (under clause 5) is the JDF form for the purposes of the new recruitment and selection process. | |
| Regulation 11 – Offer of appointment to position of CEO. | *Local Government (Administration) Regulations 1996* – Reg 11 is a new clause. | Regulation 11 requires the decision to make an offer of employment to an applicant to the position of CEO to be made by an absolute majority of council.<br><br>The council must approve making the offer of employment to the preferred applicant and the proposed terms of the contract to be entered into. | Supported. |
| Regulation 12 – Appointment to position of CEO | *Local Government (Administration) Regulations 1996* – Reg 12 is a new clause. | Regulation 12 deals with the appointment of the successful applicant to the position of CEO subsequent to the offer of appointment having been made, the final terms of the contract agreed to and the applicant accepting the offer of employment.<br><br>The appointment of the successful applicant to the position of CEO by the local government must be made by an absolute majority of council. Council must endorse the appointment and approve the terms of the negotiated contract. | Not supported.<br>The two stage Council approval process (to firstly offer a position and then to endorse the appointment) is not supported as it is bureaucratic and inefficient. Instead, it is suggested that the Council be able to resolve to appoint the preferred candidate in accordance with an offer which may, or may not, have some endorsed flexibility for negotiation. |
| Regulation 13 – Recruitment to be undertaken on | *Local Government (Administration) Regulations 1996* – Reg 13 is a new clause. | Regulation 13 applies if a local government CEO has held the position for a period of 10 or more consecutive years upon expiry of the CEO's contract. Regulation 13 also applies if a period of 10 or more consecutive years | Not supported. This should be at the discretion of the Council.<br>**Reasons** |

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| expiry of certain CEO contracts. | | has elapsed since a recruitment and selection process for the position has occurred and the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.<br><br>Subclause 13(2)(a)(ii) is drafted to allow for the possibility that a CEO who has, for example, held office for 10 years and has their contract renewed for another 5-year term following the recruitment and selection process. In that case, clause 13(2)(a)(ii) will operate to ensure that another 10 years can pass before another recruitment process is required. In the absence of clause 13(2)(a)(ii), when the renewed term came to an end, the CEO would have held the position for 15 consecutive years and clause 13(2)(a)(i) would operate to require a process to be undertaken.<br><br>The local government must carry out the recruitment and selection process before expiry of the incumbent CEO's contract.<br><br>The incumbent CEO may have their contract of employment renewed upon expiry if they are selected in accordance with the recruitment and selection process at subclause (3). | **1. It diminishes Council's general competence powers**<br><br>The proposal significantly diminishes the general competence powers of Councils in relation to critical decisions around ongoing relationships with an existing CEO.<br><br>**2. No logical rationale presented for the change**<br><br>A letter from the Department states that the recommendation is "intended to ensure local governments are testing the market". This makes no sense as a Council has the power to 'test the market' whenever a contract ends.<br>More tellingly, the letter also notes "it could also facilitate a mechanism for Councils not to renew contracts and … avoid them having to make hard decisions. This won't necessarily apply in all circumstances; however, it could assist some Councils".<br>This appears to be the underlying rationale for the legislative proposal and it is a completely inappropriate response to an issue. If Councils are unwilling to fulfil their roles and make hard decisions, they should be given training and assisted to build capacity in decision making; not have the hard decision removed. |

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| | | | It should also be noted that quite a number of Councils have been willing to make hard decisions in relation to the continuing employment of CEOs over recent years. The proposed legislation also highlights the problem of a 'one size fits all' approach, with all local governments affected significantly by provisions which "could assist some Councils".<br><br>**3. It will significantly increase employments costs**<br><br>The cost of an Executive search program could easily exceed $30,000. This cost will be placed on local governments whose Councils are completely satisfied with their CEO's performance and want the person to continue.<br><br>**4. It is discriminatory against local government**<br><br>If requiring CEOs to reapply for their jobs after 10 years is considered appropriate, why does this policy not apply to all leaders in the State Government?<br><br>**5. It will generate cynicism, allegations of patronage and potentially provide false optimism to non-incumbent candidates** |

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| | | | There will be situations where a Council has a very good working relationship with the CEO, the CEO has been performing well and Council wants to offer the CEO a third term. In such situations, if the current CEO is offered a third term following advertising, unsuccessful applicants are likely to be cynical about the process and it could generate claims of patronage, particularly if unsuccessful applicants are more qualified and credentialed (although they would have less directly relevant experience).<br><br>Further, the most frequently asked questions by people considering applying for a position are - is someone currently acting in the position? And - how long have they been acting? Both of these questions demonstrate potential applicant concerns about 'wasting their time' in applying.<br>If a Council is completely satisfied with the performance of a current CEO and would like to reappoint the person, other applicants are likely to feel that their time has been wasted and that the legislative requirement has provided false optimism. Under these circumstances, Councils will risk allegations of non-compliance with Section 5.40 of the Act which requires appointments to be based on merit and equity and which makes nepotism or patronage illegal. |

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| | | | **6. It unnecessarily distracts local governments from their core function**<br><br>The recruitment process not only involves dollar costs but a significant time commitment.<br>Where a Council is completely satisfied with the performance of the CEO, the time commitment to undertake an 'unnecessary' selection process will distract a local government from its core function of serving the community.<br><br>**7. It will impact negatively on Councils with a good relationship with their CEO**<br><br>A rational or cautious CEO, coming towards the end of 10 years of service with a local government, would seek alternative employment rather than run the gauntlet of a recruitment process with their current Council which may, or may not, lead to continuing employment. If the CEO is unsuccessful in the selection process with their current Council, the CEO would become unemployed which, for most rational and cautious people, is not a desirable outcome.<br>This would have a disproportionate impact on regional local governments when a Council loses a CEO that they are completely satisfied with and subsequently |

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| | | | finds it difficult to attract and retain a replacement. |
| Regulation 14 – Confidentiality of information | *Local Government (Administration) Regulations 1996* – Reg 14 is a new clause. | Regulation 14 requires confidentiality to be observed by the local government as part of the process of recruitment and selection. Information obtained as part of this process must only be used for, or in connection with, recruitment and selection. | Supported. |
| **Division 3 – Standards for review of performance of CEOs**<br><br>Regulation 15 sets out the standards to be observed by the local government in relation to the review of the performance of CEOs. | *Local Government (Administration) Regulations 1996* – Reg 15 replaces regulation 18D which is repealed. | Regulation 18D is repealed. Division 3 effectively deals with the requirement to consider the performance review of the CEO in accordance with section 5.38 of the Act. | Purely administrative. |
| Regulation 16 – Performance review process to be agreed between local government and CEO. | *Local Government (Administration) Regulations 1996* – Reg 16 is a new clause. | Regulation 16 requires the local government and the CEO to agree on the process for performance review and any performance criteria that are additional to those specified in the contract. For example, the local government and the CEO may wish to include additional performance criteria after 1 or 2 years into a contract term as circumstances and priorities change.<br><br>The process for performance review must be consistent with clauses 17 (Carrying out a performance review), 18 (Endorsement of the performance review) and 19 (CEO to be notified of the results of the performance review). | Supported. |

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| | | The process for performance review and the selection criteria upon which the review will be based must be set out in a written document. | |
| Regulation 17 – Carrying out a performance review | *Local Government (Administration) Regulations 1996* – Reg 17 is a new clause | Regulation 17 deals with how a review of a CEO's performance must be carried out. A performance review must be carried out in an impartial and transparent manner. It must also be comprehensive, and evidence based. The CEO's performance must be measured against the performance criteria as specified in the CEO's contract and any other performance criteria as agreed and set out in the documented performance review process. | Supported. |
| Regulation 18 – Endorsement of performance review by local government | *Local Government (Administration) Regulations 1996* – Reg 18 is a new clause | Regulation 18 requires that a performance review is endorsed by an absolute majority of council upon completion. | Supported. However, a guide of what would happen if that review was not endorsed by absolute majority should be provided. |
| Regulation 19 – CEO to be notified of results of performance review | *Local Government (Administration) Regulations 1996* – Reg 19 is a new clause | Regulation 19(a) requires a local government to notify the CEO of the results of the performance review in writing. If the review identifies any performance issues, the local government must outline how it proposes to address and manage those issues.<br><br>The local government must notify the CEO of the results of the performance review after it has been endorsed by an absolute majority of council. | Supported. |
| **Division 4 – Standards for termination of employment of CEOs.**<br><br>Regulation 20 – sets out the standards to be observed by the | *Local Government (Administration) Regulations 1996* – Reg 20 is a new clause | Regulation 20 provides an overview of Division 4 – Standards for termination of employment of CEOs. | Supported. |

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| local government in relation to the termination of the employment of CEOs. | | | |
| Regulation 21 – General principles applying to any termination. | *Local Government (Administration) Regulations 1996* – Reg 21 is a new clause | Regulation 21 outlines the general principles that must apply to any termination of a CEO's employment contract. Decisions relating to termination of employment must be made in an impartial and transparent manner.<br><br>A CEO must be afforded procedural fairness in relation to the process for termination of employment. This includes:<br>a) being informed of their rights, entitlements and responsibilities;<br>b) notification of any allegations against the CEO;<br>c) being given a reasonable opportunity to respond to the allegations;<br>d) and genuinely considering any response provided by the CEO to the allegations. | Supported. |
| Regulation 22 – Additional principles applying to termination for performance related reasons. | *Local Government (Administration) Regulations 1996* – Reg 22 is a new clause | Regulation 22(1) applies if the local government proposes to terminate the employment of a CEO based on the CEO's work-related performance.<br><br>Subclauses 22(2)(a)-(d) and 22(3) require that a CEO's employment must not be terminated unless the local government has:<br>• previously identified any issues with the CEO's performance as part of the performance review process;<br>• informed the CEO of the performance issues;<br>• given the CEO reasonable opportunity to address and implement a plan to remedy the performance issues; | Supported. |

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| | | • determined that the CEO has not remedied the performance issues to the satisfaction of the local government; and<br>• 22(3) reviewed the performance of the CEO within the preceding 12 months in accordance with 5.38(1) of the Local Government Act. | |
| Regulation 23 – Decision to terminate. | *Local Government (Administration) Regulations 1996* – Reg 23 is a new clause | Regulation 23 requires that a decision to terminate the employment of a CEO must be made by an absolute majority of council. | Supported. |
| Regulation 24 – Notice of termination of employment. | *Local Government (Administration) Regulations 1996* – Reg 24 is a new clause | Regulation 24 requires that a local government must provide notice in writing of the decision to terminate the employment of a CEO. Written notice must include the local government's reasons for termination. | Supported. |

# INFOPAGE

**To: All Local Governments**

**From: Tony Brown**
**Executive Manager Governance & Organisational Services**

**Date: 2 November 2020**

**Priority: High**

**Subject: UPDATE: Draft *Local Government (Administration) Amendment Regulations (No.2) 2020* – Model standards for CEO recruitment, performance and termination**

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| Operational Area: | **Governance** |
| Key Issues: | • Amendments to the *Local Government Act 1995* to provide for mandatory model standards for CEO recruitment, performance and termination were passed in 2019 but are yet to come into effect.<br>• Consultation on draft *Local Government (Administration) Amendment Regulations (No.2) 2020* prescribing the proposed model standards is open until Friday 13 November.<br>• Local Governments are requested to provide a response to WALGA by 13 November. |
| Action: | **Council Consideration Required: Feedback Requested – 13 November 2020** |

## Background

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995,* including the yet to commence insertion of new sections introducing mandatory Model Standards for CEO recruitment, performance and termination.

In March 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation Paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation, and identified several concerns with the proposals in the Consultation Paper. Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020* (Draft Regulations), to prescribe the Model Standards, together with Explanatory Notes. Both documents are available via the Department's website. A short consultation period will close on Sunday 6 December 2020, following WALGA's advocacy for further time to enable Councils to consider this matter.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector. Due to the short time frame WALGA provides the following information as our initial concerns;

1. Requirement to re-advertise CEO positions after 10 years of continuous service
   Section 5.39(2)(b) of the Local Government Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 years is likely to prove unworkable or counterproductive in any case as:

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- Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act *'Principles affecting Local Government employees'* due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- May result in CEOs actively seeking alternative employment as the 10 year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

2. Independent panel member

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

3. Transparency and procedural fairness – Schedule 2

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. Similar commentary featured in the *Report of the Inquiry into the City of Perth*, however the Draft Regulations fail to address these issues.

The selection panel is 'established' under cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a committee of Council under Sec. 5.8 of the Act. Cl. 9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of s.5.40 of the Act. Similarly, cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual panel members.

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If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply.

The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

4. Council decision making authority
   Schedule 2, Cl. 9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl. 9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl. 10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec. 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.

WALGA is seeking to coordinate a sector response and seeks feedback from Member Local Governments on the Draft Regulation. Please provide any comments by **4pm Friday 13th November 2020** to governance@walga.asn.au.

**For further information please contact:**
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# Reasons for Opposing CEO Standards about Contract Readvertising

1. **It diminishes Council's general competence powers**

   The proposal significantly diminishes the general competence powers of Councils in relation to critical decisions around ongoing relationships with an existing CEO.

2. **No logical rationale presented for the change**

   A letter from the Department states that the recommendation is "intended to ensure local governments are testing the market". This makes no sense as a Council has the power to 'test the market' whenever a contract ends.

   More tellingly, the letter also notes "it could also facilitate a mechanism for Councils not to renew contracts and … avoid them having to make hard decisions. This won't necessarily apply in all circumstances; however, it could assist some Councils".

   This appears to be the underlying rationale for the legislative proposal and it is a completely inappropriate response to an issue. If Councils are unwilling to fulfil their roles and make hard decisions, they should be given training and assisted to build capacity in decision making; not have the hard decision removed.

   It should also be noted that quite a number of Councils have been willing to make hard decisions in relation to the continuing employment of CEOs over recent years.

   The proposed legislation also highlights the problem of a 'one size fits all' approach, with all local governments affected significantly by provisions which "could assist some Councils".

3. **It will significantly increase employments costs**

   The cost of an Executive search program could easily exceed $30,000. This cost will be placed on local governments whose Councils are completely satisfied with their CEO's performance and want the person to continue.

4. **It is discriminatory against local government**

   If requiring CEOs to reapply for their jobs after 10 years is considered appropriate, why does this policy not apply to all leaders in the State Government?

5. **It will generate cynicism, allegations of patronage and potentially provide false optimism to non-incumbent candidates**

   There will be situations where a Council has a very good working relationship with the CEO, the CEO has been performing well and Council wants to offer the CEO a third term. In such situations, if the current CEO is offered a third term following advertising, unsuccessful applicants are likely to be cynical about the process and it could generate claims of patronage, particularly if unsuccessful applicants are more qualified and credentialed (although they would have less directly relevant experience).

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Further, the most frequently asked questions by people considering applying for a position are - is someone currently acting in the position? And - how long have they been acting? Both of these questions demonstrate potential applicant concerns about 'wasting their time' in applying.

If a Council is completely satisfied with the performance of a current CEO and would like to reappoint the person, other applicants are likely to feel that their time has been wasted and that the legislative requirement has provided false optimism.

Under these circumstances, Councils will risk allegations of non-compliance with Section 5.40 of the Act which requires appointments to be based on merit and equity and which makes nepotism or patronage illegal.

**6. It unnecessarily distracts local governments from their core function**

The recruitment process not only involves dollar costs but a significant time commitment.

Where a Council is completely satisfied with the performance of the CEO, the time commitment to undertake an 'unnecessary' selection process will distract a local government from its core function of serving the community.

**7. It will have a disproportionately negative effect on regional local governments**

CEOs working in regional local governments will generally move in from outside of the district with their families. These families integrate into the community. Reapplying for a job under such circumstances will not only create stress for the CEO but also for families and, in turn, the broader community into which they family is integrated.

**8. It will impact negatively on Councils with a good relationship with their CEO**

A rational or cautious CEO, coming towards the end of 10 years of service with a local government, would seek alternative employment rather than run the gauntlet of a recruitment process with their current Council which may, or may not, lead to continuing employment. If the CEO is unsuccessful in the selection process with their current Council, the CEO would become unemployed which, for most rational and cautious people, is not a desirable outcome.

This would have a disproportionate impact on regional local governments when a Council loses a CEO that they are completely satisfied with and subsequently finds it difficult to attract and retain a replacement.

**9. It will cause unnecessary unrest for local government staff**

CEOs set organisational culture and values. Uncertainty about who will be the future CEO as a CEO approaches 10 years with a local government will, inevitably, cause unrest and unease amongst the staff and distract from high quality work performance.

**10. Local governments are unlikely to operate at maximum capacity as CEOs approach 10 years**

CEOs will, almost certainly, become risk averse as they approach 10 years with a local government and know they have to contend with a full public selection process. This risk averse approach is broadly acknowledged as providing the best opportunity to become the successful candidate. However, the implications are that the whole local government will become more risk averse and less able to provide good governance to the people of the district.