



APPENDICES

27 August 2024

ORDINARY COUNCIL MEETING

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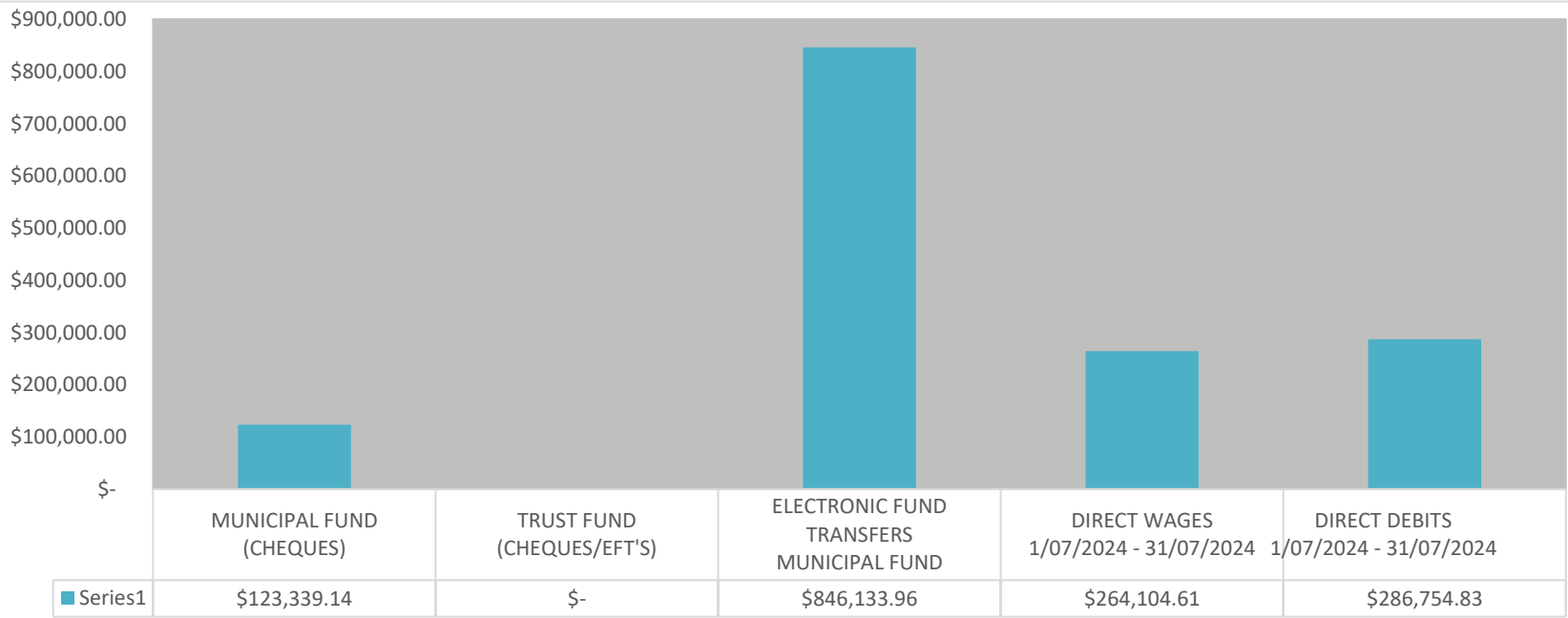
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SUMMARY OF PAYMENTS FOR THE PERIOD
1/07/2024 TO 31/07/2024

ACCOUNT	CHEQUE NO'S	TOTAL
MUNICIPAL FUND (CHEQUES)	10279-10293	\$ 123,339.14
TRUST FUND (CHEQUES/EFT'S)	NIL	\$ -
ELECTRONIC FUND TRANSFERS MUNICIPAL FUND	41102-41282	\$ 846,133.96
DIRECT WAGES 1/07/2024 - 31/07/2024	N/A	\$ 264,104.61
DIRECT DEBITS 1/07/2024 - 31/07/2024	N/A	\$ 286,754.83

GRAND TOTAL: \$ 1,520,332.54



List of Accounts Due & Submitted to Committee August 2024				
Municipal Funds Cheques July 2024				
Chq/EFT	Date	Name		Amount
10279	01/07/2024	WATER CORPORATION		-2200.00
10280	05/07/2024	SYNERGY		-7120.39
10283	15/07/2024	SHIRE OF WAROONA - SUNDRY DEBTORS		-764.00
10284	15/07/2024	WATER CORPORATION		-4534.46
10285	19/07/2024	SYNERGY		-211.69
10286	19/07/2024	SHIRE OF WAROONA		-71539.94
10287	19/07/2024	WATER CORPORATION		-6770.98
10290	26/07/2024	BULK BILLING CLERK DEPARTMENT OF TRANSPORT		-12122.65
10291	26/07/2024	SHIRE OF WAROONA - SUNDRY DEBTORS		-764.00
10292	26/07/2024	SYNERGY		-16763.13
10293	26/07/2024	WATER CORPORATION		-547.90
				-\$ 123,339.14

Trust Fund Cheques/EFTs				
Chq/EFT	Date	Name		Amount
		NIL		
				\$ -

Direct Debit Payments				
Direct Debit	Date	Name		Amount
DD23126.1	01/07/2024	DEPARTMENT OF TRANSPORT		-2264.05
DD23128.1	02/07/2024	GOGO MEDIA		-75.90
DD23130.1	02/07/2024	DEPARTMENT OF TRANSPORT		-44655.80
DD23132.1	03/07/2024	DEPARTMENT OF TRANSPORT		-5207.90
DD23136.1	04/07/2024	DEPARTMENT OF TRANSPORT		-2283.65
DD23141.1	05/07/2024	DEPARTMENT OF TRANSPORT		-6478.95
DD23143.1	05/07/2024	FLEET CARE PTY LTD		-2169.92

DD23147.1	08/07/2024 DEPARTMENT OF TRANSPORT	-3331.95
DD23149.1	09/07/2024 DEPARTMENT OF TRANSPORT	-2819.95
DD23159.1	10/07/2024 DEPARTMENT OF TRANSPORT	-2783.60
DD23168.1	10/07/2024 BEAM SUPERANNUATION FUND	-26670.72
DD23178.1	12/07/2024 DEPARTMENT OF TRANSPORT	-2714.10
DD23185.1	15/07/2024 DEPARTMENT OF TRANSPORT	-2569.50
DD23191.1	29/07/2024 TELAIR PTY LTD	-1131.70
DD23193.1	16/07/2024 DEPARTMENT OF TRANSPORT	-52512.60
DD23197.1	17/07/2024 DEPARTMENT OF TRANSPORT	-1594.30
DD23204.1	18/07/2024 DEPARTMENT OF TRANSPORT	-2753.20
DD23207.1	19/07/2024 DEPARTMENT OF TRANSPORT	-2044.85
DD23216.1	22/07/2024 DEPARTMENT OF TRANSPORT	-4577.80
DD23218.1	23/07/2024 WEX AUSTRALIA PTY LTD (CALTEX STAR CARD)	-5.00
	Waroona West Volunteer Bush Fire Brigade	
	30/06/2024 Fuel - Ref: 7583 - Card Fee	\$ 2.50
	Total	\$ 2.50
	Preston Beach Volunteer Bush Fire Brigade	
	30/06/2024 Fuel - Ref: 75476 - Card Fee	\$ 2.50
	Total	\$ 2.50
DD23220.1	23/07/2024 IINET TECHNOLOGIES	-89.99
DD23222.1	23/07/2024 DEPARTMENT OF TRANSPORT	-8402.40
DD23225.1	25/07/2024 BEAM SUPERANNUATION FUND	-26313.60
DD23242.1	24/07/2024 DEPARTMENT OF TRANSPORT	-6332.25
DD23246.1	25/07/2024 DEPARTMENT OF TRANSPORT	-1893.35
DD23249.1	26/07/2024 DEPARTMENT OF TRANSPORT	-2066.15
DD23255.1	29/07/2024 DEPARTMENT OF TRANSPORT	-1990.20
DD23257.1	30/07/2024 DEPARTMENT OF TRANSPORT	-62599.95
DD23259.1	31/07/2024 DEPARTMENT OF TRANSPORT	-8421.50
		-\$ 286,754.83

Municipal Electronic Funds Transfers				
Chq/EFT	Date	Name		Amount
EFT41102	05/07/2024	BUNNINGS MANDURAH		-251.75
EFT41103	05/07/2024	BM & RV WATERS		-1365.85
EFT41104	05/07/2024	THE WESTERN WILLIE WAGTAILS (Margaret Jordan)		-150.00
EFT41105	05/07/2024	MAIA FINANCIAL		-2750.15
EFT41106	05/07/2024	ESTUARY BOBCATS		-25520.00
EFT41107	05/07/2024	HEATLEYS SAFETY & INDUSTRIAL		-595.09
EFT41108	05/07/2024	B&B STREET SWEEPING PTY LTD		-3146.00
EFT41109	05/07/2024	SEEK		-308.28
EFT41110	05/07/2024	OPTUS BILLING SERVICES		-1763.97
EFT41111	05/07/2024	WAROONA COMMUNITY MENS SHED INC		-2000.00
EFT41112	05/07/2024	GEOGRAPHE CIVIL		-14850.00
EFT41113	05/07/2024	TECHNOLOGY ONE		-10378.08
EFT41114	05/07/2024	SJ TRAFFIC MANAGEMENT		-4756.40
EFT41115	05/07/2024	SCOPE BUSINESS IMAGING		-1551.26
EFT41116	05/07/2024	AMPAC DEBT RECOVERY		-3388.26
EFT41117	05/07/2024	MOZZEE PTY LTD		-528.00
EFT41118	05/07/2024	SAPIO PTY LTD		-19727.13
EFT41119	05/07/2024	CODEC PROJECT MANAGEMENT		-12587.70
EFT41120	05/07/2024	TOTAL GREEN RECYCLING		-767.07
EFT41121	05/07/2024	J&RP ELECTRICAL		-10000.00
EFT41122	05/07/2024	FULLY PROMOTED MANDURAH		-378.84
EFT41123	05/07/2024	THE WHEELER FAMILY TRUST ATF WAROONA ELECTRICAL SERVICES		-209.00
EFT41124	05/07/2024	EMPIRE CONCRETE AUST PTY LTD		-29136.80
EFT41125	05/07/2024	PHILIP SWAIN		-6006.00
EFT41126	05/07/2024	BAKED AN LOADED		-613.20
EFT41127	05/07/2024	HANNAH MUELLER PHOTOGRAPHY		-245.00
EFT41128	05/07/2024	BAGS O' RAGS		-59.40
EFT41129	05/07/2024	WINC AUSTRALIA PTY LIMITED		-371.80

EFT41130	05/07/2024 FITZGERALD STRATEGIES	-5894.40
EFT41131	05/07/2024 HARVEY WATER	-219.19
EFT41132	05/07/2024 LANDGATE	-2850.00
EFT41133	05/07/2024 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	-3385.00
EFT41134	05/07/2024 McLEODS LAWYERS PTY LTD	-6461.40
EFT41135	05/07/2024 MALATESTA GROUP HOLDINGS PTY LTD	-900.00
EFT41136	05/07/2024 PEEL H2O SOLUTIONS	-483.10
EFT41137	05/07/2024 THE WEST AUSTRALIAN (HARVEY REPORTER)	-1841.00
EFT41138	05/07/2024 SHIRE OF WAROONA STAFF LOTTO SYNDICATE	-598.80
EFT41139	05/07/2024 SHIRE OF MURRAY	-5174.40
EFT41140	05/07/2024 SOUTHERN LOCK & SECURITY	-147.00
EFT41141	05/07/2024 UPTON, RG & CO	-456.46
EFT41142	05/07/2024 IAN DIFFEN CITY DISCOUNT TYRES WAROONA (WAROONA TYRE MECHANICAL)	-2092.70
EFT41143	05/07/2024 MITRE 10	-166.80
EFT41147	15/07/2024 DRAKESBROOK DESPATCH	-176.00
EFT41148	15/07/2024 ESTUARY BOBCATS	-2750.00
EFT41149	15/07/2024 DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	-6952.00
EFT41150	15/07/2024 SHIFT ENGINEERING	-880.00
EFT41151	15/07/2024 CITY & REGIONAL FUELS	-8898.97
EFT41152	15/07/2024 MALMAR ENTERPRISES & AMICA TRADING CO	-2930.79
EFT41153	15/07/2024 CLEANAWAY INDUSTRIAL SOLUTIONS PTY LTD	-27621.00
EFT41154	15/07/2024 GET POSH AUSTRALIA	-732.75
EFT41155	15/07/2024 REDINK HOMES PTY LTD	-781.43
EFT41156	15/07/2024 ELEMENT ADVISORY PTD LTD	-6424.00
EFT41157	15/07/2024 HARVEY PLUMBING AND GAS	-317.90
EFT41158	15/07/2024 VESTONE CAPITAL	-31693.83
EFT41159	15/07/2024 SIRSIDYNIX	-3738.92
EFT41160	15/07/2024 MONDAY.COM LTD	-30720.00
EFT41161	15/07/2024 AUSTRALIA POST (NEW)	-189.39
EFT41162	15/07/2024 WAROONA ROADHOUSE	-1748.22

EFT41163	15/07/2024 AUSTRALIAN SERVICES UNION	-130.50
EFT41164	15/07/2024 AUSTRALIA DAY COUNCIL OF WA	-762.00
EFT41165	15/07/2024 CLEANAWAY	-33242.69
EFT41166	15/07/2024 CANNON HYGIENE AUSTRALIA PTY LTD	-11188.87
EFT41167	15/07/2024 DE ROSAS HIGHWAY MOTORS	-170.50
EFT41168	15/07/2024 GOLDEN GLASS	-121.00
EFT41169	15/07/2024 LANDGATE	-335.02
EFT41170	15/07/2024 MANDURAH PEEL REGION CHAMBER OF COMMERCE	-1089.00
EFT41171	15/07/2024 McLEODS LAWYERS PTY LTD	-719.40
EFT41172	15/07/2024 PINJARRA TYREPOWER	-907.50
EFT41173	15/07/2024 PISCONERI FAMILY TRUST	-12651.16
EFT41174	15/07/2024 PEEL-SOUTH WEST COASTAL MANAGEMENT GROUP	-1650.00
EFT41175	15/07/2024 SHIRE OF WAROONA STAFF LOTTO SYNDICATE	-161.20
EFT41176	15/07/2024 SYNERGY - STREETLIGHT ACCOUNT	-8530.08
EFT41177	15/07/2024 SHIRE OF MURRAY	-78729.20
EFT41178	15/07/2024 SOU WESTOS CLEANING SERVICE	-264.00
EFT41179	15/07/2024 WAROONA NEWS	-560.25
EFT41180	15/07/2024 WAROONA RURAL SERVICES	-978.80
EFT41181	15/07/2024 WAROONA IGA	-860.01
EFT41182	15/07/2024 WA RANGERS ASSOCIATION	-150.00
EFT41183	15/07/2024 MITRE 10	-731.55
EFT41184	17/07/2024 NATIONAL AUSTRALIA BANK	-10951.39
Chief Executive Officer		
	29/05/2024 Fairfax Media - Ref: 74564724149	\$ 19.49
	14/06/2024 Officeworks - Ref: 74363964165	\$ 2.09
	28/06/2024 NAB Card Fee - Ref: 74557044180	\$ 9.00
	Total CEO	\$ 30.58
Director Corporate and Community Services		
	29/05/2024 The Good Guys - Ref: 74564454149	\$ 1,083.00
	28/06/2024 NAB Card Fee - Ref: 74557044180	\$ 9.00
	Total MCC	\$ 1,092.00

Manager Corporate Services

03/06/2024 Google Suite - Ref: 74316014154	\$	423.83
18/06/2024 Sold Online - Ref: 74201334169	\$	499.00
19/06/2024 WA News Advertising - Ref: 74564454170	\$	586.40
19/06/2024 Shire Of Waroona - Ref: 01322071318	\$	301.99
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total MCS	\$	1,820.22

Manager Works and Waste Services

29/05/2024 True Track Truck Aligning - Ref: 74940524148	\$	335.00
19/06/2024 DWER - Water - Ref: 74940524169	\$	400.00
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total MWWS	\$	744.00

Manager Community Development

03/06/2024 Vizual Impact Pty Ltd - Ref: 74564724152	\$	1,034.00
14/06/2024 Bead Shack - Ref: 74201334165	\$	49.50
14/06/2024 Feather.com.au - Ref: 74201334165	\$	50.90
17/06/2024 Waroona Laundromat - Ref: 74155894165	\$	16.00
17/06/2024 Waroona Laundromat - Ref: 74155894165	\$	12.00
20/06/2024 KMART - Ref: 74363964171	\$	7.75
20/06/2024 KMART - Ref: 74363964171	\$	71.25
21/06/2024 Vend LTD POS - Ref: 24324404172	\$	1,908.00
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total MCD	\$	3,158.40

Visitor Centre Manager

30/05/2024 Malmar Enterprises - Ref: 00850078388	\$	314.95
04/06/2024 Coles - Ref: 74363964155	\$	100.00
04/06/2024 Target - Ref: 74363964155	\$	50.00
06/06/2024 Red Dot Stores - Ref: 74940524156	\$	20.00
06/06/2024 Red Dot Stores - Ref: 74940524156	\$	146.93
10/06/2024 Officeworks - Ref: 74363964161	\$	129.80
12/06/2024 Red Dot Stores - Ref: 74940524162	\$	150.45
13/06/2024 The Sebel Mandurah - Ref: 74619704164	\$	15.00
18/06/2024 Malmar Enterprises - Ref: 01027046653	-\$	138.50
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total VCM	\$	797.63

Director Infrastructure & Development Services		
30/05/2024 Tickets Peel Sustainability Conference - Ref: 74611554149	\$	100.27
19/06/2024 JB Hi-Fi - Ref: 74201334170	\$	1,868.89
28/06/2024 Workwearhub - Ref: 74201334179	\$	179.95
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total DIDS	\$	2,158.11
Building Maintenance Coordinator		
25/06/2024 Mountain Movers - Ref: 01134127730	\$	396.00
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total BMC	\$	405.00
Executive Assistant		
10/06/2024 Coles - Ref: 74363964161	\$	38.45
12/06/2024 Waroona Hotel - Ref: 74249234163	\$	350.00
26/06/2024 Pinjarra Bakery - Ref: 74201334177	\$	93.00
26/06/2024 WA News - Ref: 74564454177	\$	84.00
26/06/2024 Pinjarra Bakery - Ref: 74773884177	\$	171.00
28/06/2024 NAB Card Fee - Ref: 74557044180	\$	9.00
Total EA	\$	745.45
EFT41185	19/07/2024 WAROONA WEST VOLUNTEER BUSH FIRE BRIGADE	-1879.66
EFT41186	19/07/2024 RENIER & CHRISTINE THEELEN	-112.50
EFT41187	19/07/2024 ESTUARY BOBCATS	-4389.00
EFT41188	19/07/2024 CARMEN TYRER	-510.75
EFT41189	19/07/2024 KATHLEEN NORMA KRAUTH	-9.00
EFT41190	19/07/2024 GRIFFIN VALUATION ADVISORY	-1540.00
EFT41191	19/07/2024 WOODLANDS DISTRIBUTORS & AGENCIES PTY LTD	-772.64
EFT41192	19/07/2024 TRICIA MICHELLE DALLING	-58.50
EFT41193	19/07/2024 PETER FOEKEN	-30.75
EFT41194	19/07/2024 MARKET CREATIONS	-932.00
EFT41195	19/07/2024 DAVREY GROWERS	-202.12
EFT41196	19/07/2024 KATHLEEN ELIZABETH COLE	-27.85
EFT41197	19/07/2024 ALANA RAINER	-141.30

EFT41198	19/07/2024 TEAM GLOBAL EXPRESS PTY LTD	-1287.13
EFT41199	19/07/2024 LITTLE FARM HONEY - MAREE ELLIS	-307.50
EFT41200	19/07/2024 HARVEY PLUMBING AND GAS	-363.36
EFT41201	19/07/2024 BARBARA MILLAR	-30.00
EFT41202	19/07/2024 TINA MAREE CURULLI	-67.50
EFT41203	19/07/2024 MOZZEE PTY LTD	-110.00
EFT41204	19/07/2024 HELEN THERESE HENDERSON	-45.00
EFT41205	19/07/2024 FLICK ANTICIMEX PTY LTD T/A ADVANCED PEST CONTROL	-684.33
EFT41206	19/07/2024 SAMSON BROOK SOUTH (FAIRY WREN) (PETA HOGARTH)	-10.50
EFT41207	19/07/2024 LYNETTE ANNE CLARK	-54.00
EFT41208	19/07/2024 MARCIA EWING	-252.85
EFT41209	19/07/2024 PAMELA MARJELLA WATTS	-15.00
EFT41210	19/07/2024 TESS PURCELL	-3.75
EFT41211	19/07/2024 HELEN GRACE PRATT	-41.40
EFT41212	19/07/2024 GREG LUCAS	-90.00
EFT41213	19/07/2024 MAIOLO CONSTRUCTIONS PTY LTD	-1600.01
EFT41214	19/07/2024 TRACEY GOLDHAWK T/AS HEART & SOUL CREATIVE	-69.75
EFT41215	19/07/2024 EARTHLY RAINBOW CREATIONS	-112.50
EFT41216	19/07/2024 THE WHEELER FAMILY TRUST ATF WAROONA ELECTRICAL SERVICES	-171.26
EFT41217	19/07/2024 BUNBURY CARPENTRY & MAINTENANCE	-7744.00
EFT41218	19/07/2024 INK STRATEGY PTY LTD	-12155.00
EFT41219	19/07/2024 ROBERT BOWLES	-22.00
EFT41220	19/07/2024 BOC GASES	-1826.22
EFT41221	19/07/2024 CURTIS ELECTRICAL CONTRACTING PTY LTD	-3890.73
EFT41222	19/07/2024 DORMAKABA AUSTRALIA PTY LTD	-484.00
EFT41223	19/07/2024 IT VISION SOFTWARE PTY LTD T/A READYTECH	-80602.64
EFT41224	19/07/2024 ST JOHN AMBULANCE WAROONA	-90.00
EFT41225	19/07/2024 SOU WESTOS CLEANING SERVICE	-330.00
EFT41226	19/07/2024 WAROONA DISTRICT HIGH SCHOOL	-200.00
EFT41227	19/07/2024 WAROONA NEWS	-2.50

EFT41228	19/07/2024 AUDREY ISOBEL SMITH	-13.50
EFT41229	19/07/2024 PAULINE BONNER	-58.50
EFT41230	19/07/2024 JEANETTE AUDINO (Beadsparklez)	-237.91
EFT41231	19/07/2024 GAIL DIANNE CURTIS	-93.34
EFT41232	19/07/2024 CHRISTINE HYDE	-1058.40
EFT41233	19/07/2024 SANDRA HEPTON	-90.90
EFT41234	19/07/2024 VICKI MARIE LORRAWAY	-18.75
EFT41235	19/07/2024 JENNIFER IRENE STOKES	-65.62
EFT41236	19/07/2024 DEBBIE ARMSTRONG	-12.00
EFT41237	22/07/2024 AUSTRALIAN TAXATION OFFICE	-5588.00
EFT41245	26/07/2024 JACKSON MCDONALD LAWYERS	-3653.02
EFT41246	26/07/2024 AUSTRALASIAN PERFORMING RIGHT ASSOCIATION LTD T/AS ONE MUSIC	-802.51
EFT41247	26/07/2024 BUNNINGS MANDURAH	-39.80
EFT41248	26/07/2024 SNAP PRINTING MANDURAH	-1628.57
EFT41249	26/07/2024 ESTUARY BOBCATS	-10274.00
EFT41250	26/07/2024 T-QUIP	-289.12
EFT41251	26/07/2024 HARCOURTS MANDURAH	-2819.00
EFT41252	26/07/2024 THINKPROJECT AUSTRALIA PTY LTD	-9037.49
EFT41253	26/07/2024 WHITCROFT IT	-1415.50
EFT41254	26/07/2024 SJ TRAFFIC MANAGEMENT	-4798.48
EFT41255	26/07/2024 LOCKDOWN SECURITY	-1570.00
EFT41256	26/07/2024 THE DISTRIBUTORS PERTH	-1828.85
EFT41257	26/07/2024 TEAM GLOBAL EXPRESS PTY LTD	-39.86
EFT41258	26/07/2024 NATALIE WOODS	-277.50
EFT41259	26/07/2024 LPD GROUP PTY LTD	-115.50
EFT41260	26/07/2024 FLICK ANTICIMEX PTY LTD T/A ADVANCED PEST CONTROL	-198.00
EFT41261	26/07/2024 CIVIL CONTRACTORS FEDERATION SOUTH AUSTRALIA LTD	-208.38
EFT41262	26/07/2024 AMAZON WEB SERVICES AUSTRALIA PTY LTD	-381.05
EFT41263	26/07/2024 SUCCESSFUL PROJECTS	-2933.93
EFT41264	26/07/2024 W.L PRANGNELL	-2130.43
EFT41265	26/07/2024 BUNBURY CARPENTRY & MAINTENANCE	-3685.00

EFT41266	26/07/2024 FOCUS NETWORKS	-8959.50
EFT41267	26/07/2024 AUSTRALIAN SERVICES UNION	-130.50
EFT41268	26/07/2024 DANIELLE MARGARET WILSON	-30.00
EFT41269	26/07/2024 GYMCARE	-37.00
EFT41270	26/07/2024 JASON SIGNMAKERS	-1344.12
EFT41271	26/07/2024 KENNARDS HIRE	-128.00
EFT41272	26/07/2024 LGIS INSURANCE BROKING (JLT)	-11415.41
EFT41273	26/07/2024 LIONS CLUB OF WAROONA	-200.00
EFT41274	26/07/2024 LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	-190.00
EFT41275	26/07/2024 LGIS LIABILITY	-163230.59
EFT41276	26/07/2024 PRESTIGE PRODUCTS	-959.55
EFT41277	26/07/2024 PINJARRA TYREPOWER	-825.00
EFT41278	26/07/2024 DEPARTMENT OF PREMIER & CABINET - SLP/GAZETTE	-95.94
EFT41279	26/07/2024 SHIRE OF WAROONA STAFF LOTTO SYNDICATE	-164.00
EFT41280	26/07/2024 TELSTRA LIMITED	-412.76
EFT41281	26/07/2024 WA LOCAL GOVERNMENT ASSOCIATION (WALGA)	-3603.60
EFT41282	26/07/2024 MITRE 10	-261.48
		-\$ 846,133.96

Electronic Fund Transfer - Direct Salaries & Wages		
Date	Name	Amount
09/07/2024	NATIONAL AUSTRALIA BANK	- 136,573.40
23/07/2024	NATIONAL AUSTRALIA BANK	- 127,531.21
		-\$ 264,104.61

Total Municipal Fund Cheques	-	123,339.14
Total Trust Fund Cheques	-	-
Total Direct Debit	-	286,754.83
Total Electronic Funds	-	846,133.96
Total Direct Wages	-	264,104.61
		-\$ 1,520,332.54



MONTHLY FINANCIAL REPORT

FOR THE PERIOD ENDED 31 JULY 2024

SHIRE OF WAROONA

MONTHLY FINANCIAL REPORT



SHIRE OF WAROONA MONTHLY FINANCIAL REPORT TABLE OF CONTENTS

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

SHIRE OF WAROONA
STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE



FOR THE PERIOD ENDED 31 JULY 2024

Details	Note	Original Budget	YTD Budget	YTD Actual	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)	Var.
		\$	\$	\$			
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	8	6,313,648	0	0	0		
Grants, Subsidies and Contributions	8	695,796	91,778	114,174	22,396	20%	▲
Fees and Charges		1,943,680	64,507	65,237	730	1%	
Interest Earnings		220,720	18,393	3,669	(14,724)	(401%)	▼
Other Revenue		327,000	9,942	7,554	(2,388)	(32%)	▼
Profit on Asset Disposal	10	39,208	0	0	0		
Fair value adjustments to financial assets at fair value		0	0	0	0		
		9,540,052	184,620	190,634			
Expenditure from operating activities							
Employee Costs		(5,090,680)	(428,970)	(367,404)	(61,566)	(17%)	▼
Materials and Contracts		(3,916,155)	(461,707)	(367,033)	(94,674)	(26%)	▼
Utilities Charges		(408,427)	(45,984)	(24,831)	(21,153)	(85%)	▼
Depreciation (Non-Current Assets)		(2,699,258)	(215,752)	0	(215,752)	(100%)	▼
Finance Costs		(55,202)	0	1,936	(1,936)	100%	
Insurance Expenses		(307,158)	(153,582)	(139,413)	(14,169)	(10%)	▼
Other Expenditure		(234,679)	(8,281)	(9,837)	1,556	16%	▲
Loss on Asset Disposal	10	(2,797)	0	0	0		
		(12,714,356)	(1,314,276)	(906,581)	407,695		
Non-cash amounts excluded from operating activities		2,662,847	0	0	0		
Amount attributable to operating activities		(511,457)	(1,129,656)	(715,948)	413,708		
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions		3,522,033	172,351	182,348	9,997	5%	
Proceeds from disposal of assets	10	141,000	0	0	0		
		3,663,033	172,351	182,348	(9,997)		
Outflows from investing activities							
Payments for property, plant and equipment		(1,125,642)	(26,249)	(15,070)	(11,179)	(74%)	▼
Payments for construction of infrastructure		(4,466,738)	(260,487)	(20,523)	(239,964)	(1169%)	▼
		(5,592,380)	(286,736)	(35,592)	251,144		
Non-cash amounts excluded from investing activities		0					
Amount attributable to investing activities		(1,929,347)	(114,385)	146,756	261,141		
FINANCING ACTIVITIES							
Inflows from financing activities							
Proceeds from new debentures		0	0	0	0		
Lease liabilities recognised		214,515	0	0	0		
Transfer from reserve		270,040	0	0	0		
		484,555	0	0	0		
Outflows from financing activities							
Repayment of borrowings		(94,441)	0	0	0		
Payments for principal portion of lease liabilities		(121,217)	0	0	0		
Transfer to reserves		(508,931)	0	0	0		
		(724,589)	0	0	0		
Non-cash amounts excluded from financing activities		(214,515)					
Amount attributable to financial activities		(454,549)	0	0	0		
MOVEMENT IN SURPLUS DEFICIT							
Surplus or deficit at the start of the financial year		2,895,353	0	2,874,680	2,874,680		
Amount attributable to operating activities		(511,457)	(1,129,656)	(715,948)	413,708		
Amount attributable to investing activities	0	(1,929,347)	(114,385)	146,756	261,141		
Amount attributable to financing activities		(454,549)	0	0	0		
Surplus or deficit after imposition of general rates		0	(1,244,041)	2,305,487	3,549,528		

SHIRE OF WAROONA
STATEMENT OF FINANCIAL POSITION



FOR THE PERIOD ENDED 31 JULY 2024

	Note	30-Jun-24	31-Jul-24
Current Assets			
Cash and cash equivalents	2	6,780,019	5,720,373
Trade and other receivables		333,530	768,232
Inventories		22,947	0
Other assets		258,923	251,125
Total Current Assets		7,395,419	6,739,731
Non-Current Assets			
Trade and other receivables		10,734	18,925
Other financial assets		62,378	62,378
Property, plant and equipment		48,234,024	48,249,094
Infrastructure		109,104,289	109,124,812
Right of use assets		214,515	215,676
Total non-current assets		157,625,940	157,670,885
TOTAL ASSETS		165,021,359	164,410,616
Current Liabilities			
Trade and other payables		1,471,077	1,164,819
Other liabilities		692,344	932,779
Lease liabilities		90,805	90,805
Borrowings	12	133,705	133,705
Employee related provisions		834,330	834,331
Total Current Liabilities		3,222,261	3,156,438
Non-current Liabilities			
Lease liabilities		124,870	124,870
Borrowings	12	1,394,423	1,394,423
Employee related provisions		162,749	162,749
Total non-current Liabilities		1,682,042	1,682,042
TOTAL LIABILITIES		4,904,303	4,838,480
NET ASSETS		160,117,056	159,572,135
Equity			
Retained surplus		19,685,516	19,131,244
Reserve accounts		2,355,569	2,355,570
Revaluation surplus		138,085,320	138,085,320
Total Equity		160,126,404	159,572,135

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 1 - Basis of preparation and significant accounting policies

Basis of preparation

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995*, read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretation of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is to be considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire of Waroona to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which has been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has 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.

The Local Government Reporting Entity

All funds through which the Shire of Waroona controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the trust fund are excluded from the financial statements.

Judgements and 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 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 those estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICIES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 annual budget. Please refer to the adopted budget document for details of these policies.

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 2: Statement of Financial Activity Information

2a. Net current assets used in the Statement of Financial Activity	Last Year Closing 30 June 2024	31/07/2024
Current assets		
Cash and cash equivalents	6,780,019	5,720,374
Trade and other receivables	333,530	573,084
Inventories	22,947	0
Contract assets	239,518	251,124
Other assets	19,405	0
Total current assets	7,395,419	6,544,582
Current liabilities		
Trade and other payables	(1,471,077)	(950,746)
Contract liabilities	(713,016)	(932,779)
Total current liabilities	(2,184,093)	(1,883,525)
Net current assets	5,211,326	4,661,057
Less: Total adjustments to net current assets	(2,336,645)	(2,355,570)
Net current assets used in the Statement of Financial Activity	2,874,681	2,305,487

2b. Current assets and liabilities excluded from budgeted deficiency

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

Adjustments to net current assets

Less: Cash - reserve accounts	(2,355,570)	(2,355,570)
Add: Deferred pensioners	18,925	0
less: Total adjustments to net current assets	(2,336,645)	(2,355,570)

EXPLANATION OF DIFFERENCE IN NET CURRENT ASSETS AND SURPLUS/(DEFICIT)

Items excluded from calculation of budgeted deficiency

When calculating the budget deficiency for the purpose of Section 6.2 (2)(c) of the *Local Government Act 1995* the following amounts have been excluded as provided by the *Local Government (Financial Management) Regulation 32*.

2c. Non-cash amounts excluded from operating activitiesYTD
Budget (a)YTD
Actual (b)

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

Adjustments to operating activities

Less: Profit on asset disposals	(39,208)	0
Less: Fair value adjustment to financial assets	0	0
Add: Loss on asset disposals	2,797	0
Add: Depreciation	2,699,258	0
Add: Movement in employee provisions	0	0
Total current assets	2,662,847	0

2d. Non-cash amounts excluded from investing activitiesYTD
Budget (a)YTD
Actual (b)

The following non-cash revenue or expenditure has been excluded from amounts attributable to investing activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Adjustments to investing activities

Right of use assets recognised	214,515	0
Total current assets	214,515	0

2e. Non-cash amounts excluded from financing activitiesYTD
Budget (a)YTD
Actual (b)

The following non-cash revenue or expenditure has been excluded from amounts attributable to financing activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Adjustments to financing activities

Less: Lease liability recognised	(214,515)	0
Total current assets	(214,515)	0

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

Adjustments to net current assets

Less: Reserve accounts	(2,355,570)	(2,355,570)
Total adjustments to net current assets	(2,355,570)	(2,355,570)

CURRENT AND NON-CURRENT CLASSIFICATION

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

FOR THE PERIOD ENDED 31 JULY 2024

NOTE 3: Explanation of Material 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 \$30,000.

3.1 Revenue from operating activities**The following activities were identified as having a material variance in accordance with Council Policy:**

Income is higher than budgeted due to budget profile settings

Grants, subsidies and contributions

Income is higher than budgeted due to budget profile settings

Interest Revenue

Interest is lower than anticipated due budget profile settings

Other Revenue

Income is lower than budgeted due to budget profile settings and budget adoption

3.2 Expenditure from operating activities**The following activities were identified as having a material variance in accordance with Council Policy:****Employee costs**

Employee costs are lower than budgeted due to budget profile settings

Materials and contracts

Expenses are lower due to budget profile settings and budget adoption

Utility charges

Utility charges are lower due to budget profile settings.

Depreciation

Depreciation costs are lower due to July end of month depreciation not yet calculated

Insurance

Insurance costs are lower due to budget profile settings

Other expenditure

Other expenditure funds are higher due to budget profile settings

3.3 Inflows from investing activities**The following activities were identified as having a material variance in accordance with Council Policy:**

Nil

3.4 Outflows from investing activities**The following activities were identified as having a material variance in accordance with Council Policy:****Payments for property, plant and equipment**

Expenditure is lower than budgeted due to budget profile settings and budget adoption

Payments for construction of infrastructure

Expenditure is lower than budgeted due to budget profile settings

3.5 Inflows from financing activities**The following activities were identified as having a material variance in accordance with Council Policy:**

Nil

3.6 Outflows from financing activities**The following activities were identified as having a material variance in accordance with Council Policy:**

Nil

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

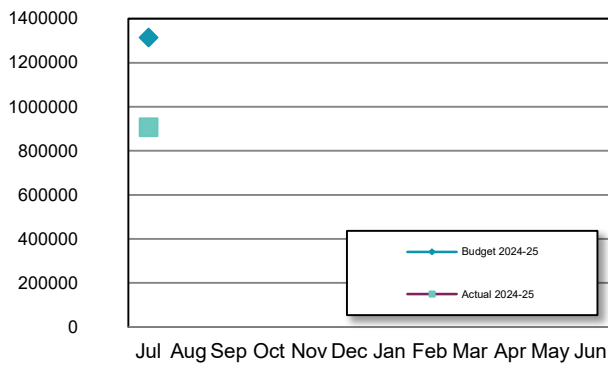


FOR THE PERIOD ENDED 31 JULY 2024

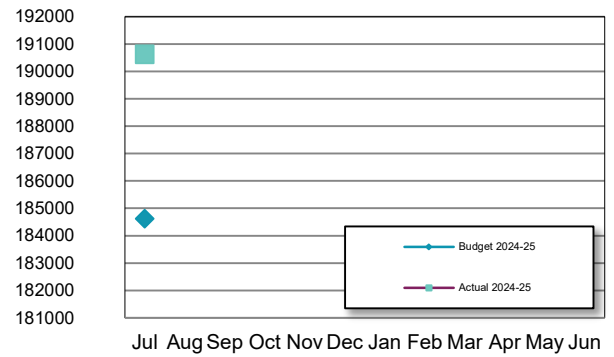
NOTE 4 - Graphical Representation - Source Statement of Financial Activity

OPERATING EXPENSES & REVENUE - GRAPHICAL REPRESENTATION

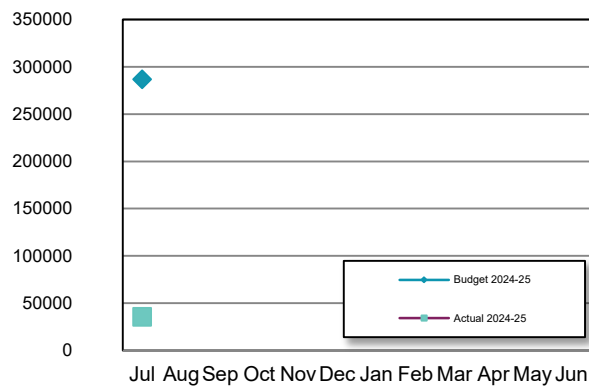
BUDGET OPERATING EXPENSES -v- YTD ACTUAL



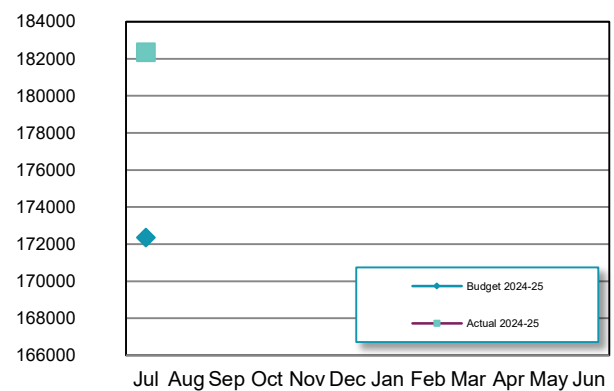
BUDGET OPERATING REVENUES -v- YTD ACTUAL



BUDGET CAPITAL EXPENSES -v- YTD ACTUAL



BUDGET CAPITAL REVENUES -v- YTD ACTUAL



NET CURRENT FUNDING POSITION (Note 2a)



SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 5: Cash and Financial Assets

Details	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Bank	Maturity Date
(a) Cash Deposits								
Municipal Account	N/A	3,407,311	0	0	0	3,407,311	NAB	N/A
Cash on Hand	N/A	1,750	0	0	0	1,750	NAB	N/A
Trust Account	N/A	0	0	2,353,367	0	2,353,367	NAB	N/A
(b) Term Deposits (Reserves)								
Sporting Reserve	5.20%	0	78,787	0	0	78,787	NAB	20/12/2024
Building Asset Maintenance Reserve	5.20%	0	149,579	0	0	149,579	NAB	20/12/2024
Recreation Centre Building Maintenance Reserve	5.20%	0	76,729	0	0	76,729	NAB	20/12/2024
Preston Beach Volunteer Rangers Reserve	5.20%	0	86,342	0	0	86,342	NAB	20/12/2024
Emergency Assistance Reserve	5.20%	0	116,194	0	0	116,194	NAB	20/12/2024
Works Depot Redevelopment	5.20%	0	88,017	0	0	88,017	NAB	20/12/2024
Council Building Construction Reserve	5.20%	0	159,132	0	0	159,132	NAB	20/12/2024
Information Technology Reserve	5.20%	0	106,201	0	0	106,201	NAB	20/12/2024
Footpath Construction Reserve	5.20%	0	34,936	0	0	34,936	NAB	20/12/2024
Plant Reserve	5.20%	0	251,242	0	0	251,242	NAB	20/12/2024
Staff Leave Reserve	5.20%	0	24,160	0	0	24,160	NAB	20/12/2024
Strategic Planning Reserve	5.20%	0	21,889	0	0	21,889	NAB	20/12/2024
Waste Management Reserve	5.20%	0	1,095,531	0	0	1,095,531	NAB	20/12/2024
History Book Reprint Reserve	5.20%	0	11,869	0	0	11,869	NAB	20/12/2024
Risk & Insurance Reserve	5.20%	0	10,106	0	0	10,106	NAB	20/12/2024
Drakesbrook Cemetery Reserve	5.20%	0	44,856	0	0	44,856	NAB	20/12/2024
(c) Investments								
Trust Term Deposit 1	5.17%			1,000,000		1,000,000	Bendigo	3/02/2025
Trust Term Deposit 2	5.10%			800,000		800,000	Bendigo	1/04/2025
Muni Term Deposit 1	4.25%				500,000	500,000	Bendigo	2/09/2024
Muni Term Deposit 2	4.40%				500,000	500,000	Bendigo	1/10/2024
Muni Term Deposit 3	4.90%				800,000	800,000	Bendigo	1/11/2024
Muni Term Deposit 4	5.00%				500,000	500,000	Bendigo	2/12/2024
TOTAL		3,409,061	2,355,570	4,153,367	2,300,000	12,217,998		

KEY INFORMATION

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

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

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

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 6: Cash Backed Reserve

Reserve Name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance
	\$	\$	\$		
Sporting	78,787	0	0	0	78,787
Council Building Maintenance	149,579	0	50,000	0	199,579
Rec Centre Building Maintenance	76,729	0	25,000	0	101,729
Preston Beach Volunteer Rangers	86,342	0	13,345	(44,100)	55,587
Emergency Assistance	116,194	0	0	0	116,194
Works Depot Redevelopment	88,017	0	0	0	88,017
Council Building Construction	159,132	0	0	(92,940)	66,192
Information Technology	106,201	0	20,000	0	126,201
Footpath Construction	34,936	0	0	0	34,936
Plant Replacement	251,242	0	269,000	(113,000)	407,242
Staff Leave	24,160	0	5,000	0	29,160
Strategic Planning	21,889	0	0	(20,000)	1,889
Waste Management	1,095,531	0	126,136	0	1,221,667
History Book Reprint	11,869	0	450	0	12,319
Risk & Insurance	10,106	0	0	0	10,106
Drakesbrook Cemetery	44,856	0	0	0	44,856
Total	2,355,570	0	508,931	(270,040)	2,594,461

Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
\$	\$	\$	\$	\$
78,787	0	0	0	78,787
149,579	0	0	0	149,579
76,729	0	0	0	76,729
86,342	0	0	0	86,342
116,194	0	0	0	116,194
88,017	0	0	0	88,017
159,132	0	0	0	159,132
106,201	0	0	0	106,201
34,936	0	0	0	34,936
251,242	0	0	0	251,242
24,160	0	0	0	24,160
21,889	0	0	0	21,889
1,095,531	0	0	0	1,095,531
11,869	0	0	0	11,869
10,106	0	0	0	10,106
44,856	0	0	0	44,856
2,355,570	0	0	0	2,355,570

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 7: Capital Disposals and Acquisitions

Profit(Loss) of Asset Disposal				Disposals		Current Budget		
Account	WDV	Proceeds	(Loss)			Budget	Actual	Variance
	\$	\$	\$	Prog		\$	\$	\$
3534	0	0	0	Trans	Officer vehicle	55,000	0	(55,000) ▼
3554	0	0	0	Trans	Tandem tip truck	265,000	0	(265,000) ▼
3554	0	0	0	Trans	Ford ranger single cab (WR106)	45,000	0	(45,000) ▼
0924	0	0	0	L,O & PS	Volunteer ranger vehicle	40,000	0	(40,000) ▼
0924	0	0	0	L,O & PS	ATV - Volunteer rangers	24,200	0	(24,200) ▼
	0	0	0		TOTALS	429,200	0	(429,200)

Contributions Information				Summary Acquisitions		Current Budget		
Grants	Reserve	Borrow	Total			Budget	Actual	Variance
\$	\$	\$	\$			\$	\$	\$
				Property, Plant & Equipment				
227,025	92,940	0	319,965	Land and Buildings		640,177	15,070	(625,108) ▼
0	157,100	0	157,100	Plant & Equipment		429,200	0	(429,200) ▼
0	0	0	0	Furniture & Equipment		44,040	0	(44,040) ▼
				Infrastructure				
1,096,807	0	0	1,096,807	Roadworks		1,536,352	0	(1,536,352) ▼
2,012,964	0	450,000	2,462,964	Other Infrastructure		2,968,449	20,523	(2,947,926) ▼
3,336,796	250,040	450,000	4,036,836	Totals		5,618,218	35,592	(5,582,625)

Contributions				Land & Buildings		Current Budget		
Grants/Cont	Reserve	Borrow	Total			This Year		
\$	\$	\$	\$	Prog	Description	Budget	Actual	Variance
						\$	\$	\$
87,679	92,940	0	180,619	Gov	Administration Office - disability access	187,831	15,070	(172,762) ▼
0	0	0	0	Health	Community Resource Centre - Internal repairs	12,000	0	(12,000) ▼
0	0	0	0	E & W	Playgroup Roof Repairs	39,000	0	(39,000) ▼
139,346	0	0	139,346	Comm	Environmental Centre Building Improvements	314,346	0	(314,346) ▼
0	0	0	0	R & C	Football Club, PB Golf Club Repairs	6,500	0	(6,500) ▼
0	0	0	0	R & C	Centennial Park - Public convenience repairs	4,000	0	(4,000) ▼
0	0	0	0	R & C	Memorial Hall - Public convenience repairs	7,000	0	(7,000) ▼
0	0	0	0	R & C	WRAC - Install patio, repair leaks, painting etc	61,500	0	(61,500) ▼
0	0	0	0	Trans	Depot Admin Office - Repair & paint walls	8,000	0	(8,000) ▼
227,025	92,940	0	319,965	Totals		640,177	15,070	(625,108)

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 7: Capital Disposals and Acquisitions

Contributions				Plant & Equipment		Current Budget		
Grants	Reserve	Borrow	Total			This Year		
						Budget	Actual	Variance (Under)Over
\$	\$	\$	\$	Prog	Description	\$	\$	\$
0	0	0	0	Trans	Replace DIDS Vehicle	55,000	0	(55,000) ▼
0	113,000	0	113,000	Trans	Tandem Tip Truck	265,000	0	(265,000) ▼
0	0	0	0	Trans	Replace utility (WR106)	45,000	0	(45,000) ▼
0	32,000	0	32,000	L,O & PS	Replace volunteer ranger vehicle	40,000	0	(40,000) ▼
0	12,100	0	12,100	L,O & PS	Replace volunteer ranger ATV	24,200	0	(24,200) ▼
0	157,100	0	157,100		Totals	429,200	0	(429,200)

Contributions				Furniture & Equipment		Current Budget		
						This Year		
Grants	Reserves	Borrow	Total			Budget	Actual	Variance (Under)Over
\$	\$	\$	\$	Prog	Description	\$	\$	\$
0	0	0	0	L,O & PS	Cricket Club - Install CCTV	14,375	0	(14,375) ▼
0	0	0	0	R & C	WRAC - Replace various equipment	12,100	0	(12,100) ▼
0	0	0	0	Econ	Visitor Centre-Install internal video surveillance	3,190	0	(3,190) ▼
0	0	0	0	L,O & PS	Drakesbrook Weir CCTV	14,375	0	(14,375) ▼
0	0	0	0		Totals	44,040	0	(44,040)

Contributions				Infrastructure - Roads		Current Budget		
						This Year		
Grants	Reserves	Borrow	Total			Budget	Actual	Variance (Under)Over
\$	\$	\$	\$			\$	\$	\$
397,537	0	0	397,537	Trans	Roads to Recovery	412,843	0	412,843 ▼
699,270	0	0	699,270	Trans	Roads Works Total Construction	1,123,509	0	1,123,509 ▼
1,096,807	0	0	1,096,807	Totals		1,536,352	0	1,536,352

Contributions				Other Infrastructure		Current Budget		
						This Year		
Grants	Reserve	Borrow	Total			Budget	Actual	Variance (Under)Over
\$	\$	\$	\$			\$	\$	\$
40,000	0	0	40,000	L,O & PS	Evacuation Centre Upgrade (grant dependent)	80,000	0	(80,000) ▼
0	0	0	0	CA	Buller Rd - Transfer Station construction	80,000	0	(80,000) ▼
0	0	0	0	CA	Townsite drainage works	85,000	0	(85,000) ▼
0	0	0	0	R & C	Parks - Capital upgrades	23,484	0	(23,484) ▼
0	0	0	0	R & C	Ovals - New pump & extend reticulation	20,000	0	(20,000) ▼
166,456	0	0	166,456	R & C	Drakesbrook Weir Upgrades / PB Carpark	169,956	223	(169,733) ▼
0	0	0	0	Trans	Footpath construction & upgrades	196,000	0	(196,000) ▼
577,557	0	450,000	1,027,557	Econ	Railside Park - Phase 2	1,027,557	16,660	(1,010,897) ▼
1,228,951	0	0	1,228,951	Econ	Peel Regional Trails development	1,286,452	3,640	(1,282,812) ▼
2,012,964	0	450,000	2,462,964	Totals		2,968,449	20,523	(2,947,926)

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 8: Grants, subsidies and contributions (Contract Liabilities & Contract Assets)

NOTE 8a: Operating grants subsidies and contributions

Name of Grant	Provider	Liability at 1 July 2024	Increase in liability	Spent Funds	Current Contract Asset/Liability	Annual Budget	Budget variations	YTD Revenue Actual	Remaining expected funds
		\$	\$	\$	\$	\$	\$	\$	\$
E-Waste Infrastructure	Dept Water & Environ	870	0	0	870	870	0	0	0
Waroona Connect 2023	Alcoa of Australia	4,871	0	0	4,871	4,871	0	0	0
Waroona Local Drug Action Team grant	Alcohol & Drug Foundation	5,691	0	0	5,691	5,691	0	0	0
Mitigation Activity Grant Funding	DFES	0	10,355	0	10,355	20,711	0	10,355	10,356
Streets Alive - Safer Crossings	Town Team Movement	0	5,000	0	5,000	5,000	0	5,000	0
Urban Greening Program	WALGA	(4,845)	0	(11,606)	(16,452)	26,600	0	0	26,600
Seniors Week	COTA WA	246	0	0	246	246	0	0	0
Ebb & Flow	Ebb & Flo	2,750	0	0	2,750	2,750	0	0	0
Total		9,583	15,355	(11,606)	13,332	66,739	0	15,355	36,956

NOTE 8b: Capital grants subsidies and contributions

Name of Grant	Provider	Liability at 1 July 2024	Increase in liability	Spent Funds	Current Contract Asset/Liability	Adopted budget revenue	Budget variations	YTD Revenue Actual	Remaining expected funds
		\$	\$	\$	\$	\$	\$	\$	\$
Peel Regional Trails Grant	Peel Development Comm	112,228	0	(3,640)	108,588	1,228,952	0	0	1,116,724
LRCI Phase 4	Dept Infrastructure	87,679	0	(15,070)	72,610	87,679	0	0	0
LRCI Phase 3	Dept Infrastructure	(144,673)	0	0	(144,673)	144,673	0	0	144,673
Preston Beach Boardwalk	Dept Primary Ind	16,110	0	0	16,110	16,110	0	0	0
Drakesbrook Weir revelopment	Dept Primary Ind	171,019	0	(223)	170,796	171,019	0	0	0
Pinjarra Community Grant - BF Brigades	Bendigo Bank	1,867	0	0	1,867	1,867	0	0	0
Roads to Recovery	Main Roads WA	0	0	0	0	0	0	0	0
Regional Road Group	Main Roads WA	0	240,000	0	240,000	552,514	0	240,000	312,514
Waroona Community Precinct	AWSF	(90,000)	0	0	(90,000)	90,000	0	0	90,000
Waroona Community Precinct	WA State Govt	309,686	0	(16,660)	293,026	309,686	0	0	0
Total		463,915	240,000	(35,592)	668,322	2,602,500	0	240,000	1,663,911
Total contract asset					(251,125)				
Total contract liability					932,779				

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

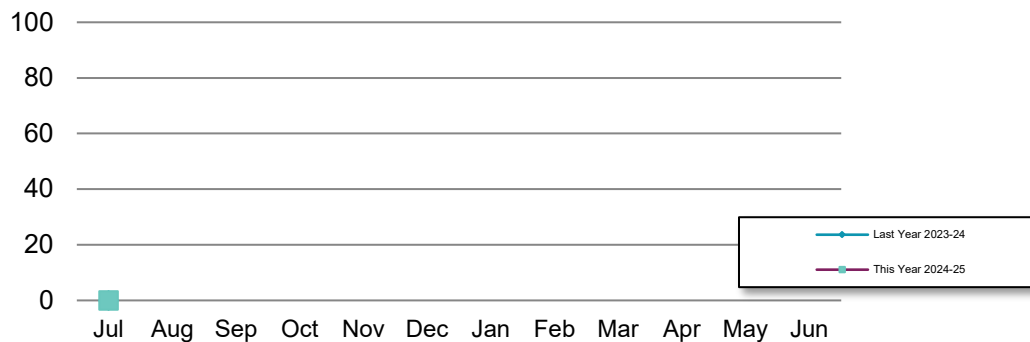


FOR THE PERIOD ENDED 31 JULY 2024

NOTE 9: Receivables

Receivables - Rates & Rubbish	Current 2024-25	Previous 2023-24
	\$	\$
Opening Arrears Previous Years	0	144,129
Rates, Service Charges & Waste Levy this year	0	6,847,217
Less Collections to date	0	(6,695,891)
Equals Current Outstanding	0	151,325
Net Rates Collectable	0	151,325
% Collected	0.00%	95.77%

Note 9 - Rates % Collected



Comments/Notes - Receivables Rates and Rubbish

Receivables - General	Current	30 Days	60 Days	90 Days	90+ Days
	\$	\$	\$	\$	\$
Aged Trial Balance	424,258	1,633	870	6,859	-
Total Outstanding	433,619				

Amounts show above include GST (where applicable).

Note 7 - Outstanding Debtors



SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

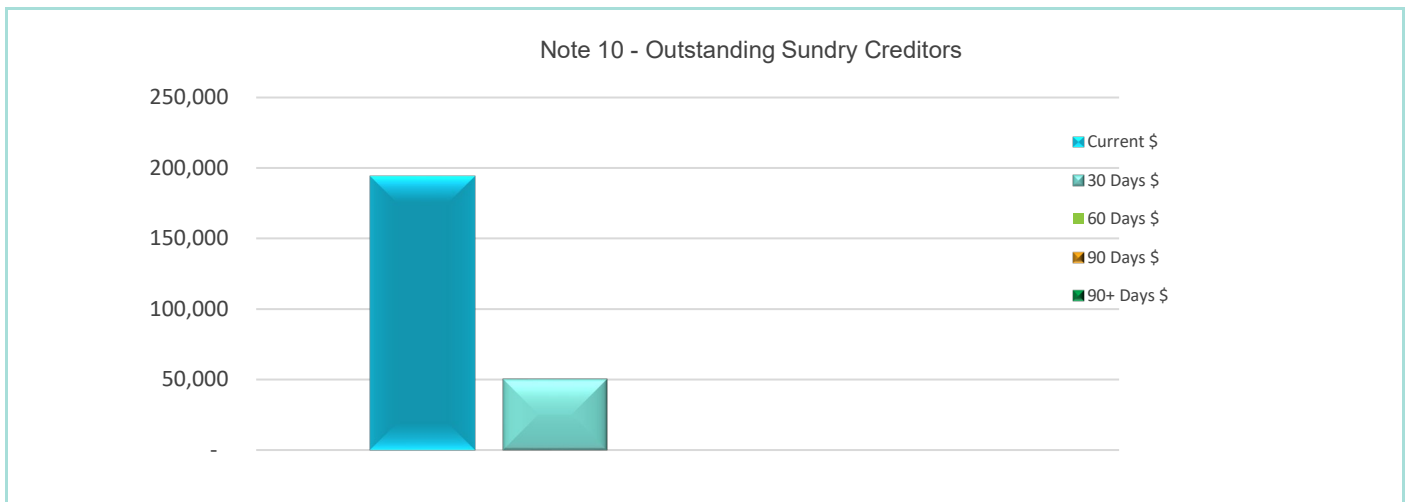


FOR THE PERIOD ENDED 31 JULY 2024

NOTE 10: Payables

Sundry Creditors	Current	30 Days	60 Days	90 Days	90+ Days
	\$	\$	\$	\$	\$
Aged Trial Balance	193,800	50,491	-	-	-
Total Outstanding	244,291				

Amounts show above include GST (where applicable).



SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 11: Rating Information

Rate Type	Basis of valuation	Rate in	Number of Properties	2024/25 Actual Rateable Value	2024/25 Actual Rate Revenue	2024/25 Actual Interim Rates	2024/25 Actual Total Revenue	2024/25 Budget Rate Revenue	2024/25 Budget Interim Rate	2024/25 Budget Total Revenue	2023/24 Actual Total Revenue
		\$	\$	\$	\$	\$	\$	\$		\$	\$
General rates											
Gross rental valuation	Gross rental value	0.10917	1,539	27,386,827	2,989,820	\$0	2,989,820	2,989,820	225,000	3,214,820	2,752,331
Unimproved valuation	General farming	0.00641	511	284,425,000	1,823,164	\$0	1,823,164	1,823,164	0	1,823,164	1,738,807
Unimproved valuation	Industry and mining	0.01282	4	23,062,000	295,540	\$0	295,540	295,540	0	295,540	352,057
Unimproved valuation	Intensive agriculture	0.00962	4	4,442,000	42,710	\$0	42,710	42,710	0	42,710	39,757
Total general rates			2,058	339,315,827	5,151,234	\$0	5,151,234	5,151,234	225,000	5,376,234	4,882,952
Minimum payment											
			Minimum								
Gross rental valuation	Gross rental value	1,343	607	4,553,896	815,201	\$0	815,201	815,201	0	815,201	766,720
Unimproved valuation	Unimproved value	1,343	91	10,515,050	122,213	\$0	122,213	122,213	0	122,213	151,040
Total general rates			698	15,068,946	937,414	\$0	937,414	937,414	0	937,414	917,760
Total rates			2,756	354,384,773	6,088,648	\$0	6,088,648	6,088,648	225,000	6,313,648	5,800,712

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

Note 12: Information on Borrowings

(a) Debenture Repayments

Loan Details	Loan No.	Principal 1-Jul-24	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$	\$	\$
Memorial Hall Upgrade	121	31,159	0	0	0	(31,159)	31,159	0	0	(696)
Town Centre Park Land Purchase	122	559,115	0	0	0	(29,871)	559,115	529,244	0	(8,809)
Waroona Community Precinct Development	123	422,034	0	0	0	(15,035)	422,034	406,999	0	(20,564)
Town Centre Land Purchase 26 & 28 Fouracre Street	124	515,820	0	0	0	(18,376)	515,820	497,444	0	(25,134)
TOTAL		1,528,128	0	0	0	(94,441)	1,528,128	1,433,687	0	(55,203)

All debenture repayments were financed by general purpose revenue.

(b) Unspent borrowings

Particulars	Date Borrowed	Unspent Balance 30 June 2023	Borrowed During the Year	Expended During the Year	Unspent Balance 30 June 2024
Loan 123 - Waroona Community Precinct		450,000	0	0	450,000
TOTAL		450,000	0	0	450,000

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred.

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

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 13: Budget Amendments

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

GL Account Code	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$
	Difference between Budget Surplus and Actual Surplus			2,895,353	(20,672)	2,874,680
3623	Increase in grant income for Drakesbrook Weir Project	Proposed	Capital Revenue	20,672		20,672
3634 (PK07)	Increase in grant expenditure for Drakesbrook Weir Project	Proposed	Capital Expenses		(20,672)	0

SHIRE OF WAROONA
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY



FOR THE PERIOD ENDED 31 JULY 2024

NOTE 14: 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	Amount	Amount	Closing Balance
	1-Jul-24	Received	Paid	31-Jul-24
ALCOA WAROONA SUSTAINABILITY	2,182,700	1,973	0	2,184,673
PUBLIC OPEN SPACE	135,852	123	0	135,975
EXTRACTIVE INDUSTRIES	18,816	17	0	18,833
COMMERCIAL BOND	14,874	13	0	14,887
TOTAL	2,352,242	2,126	0	2,354,368

From: [Michelle Butcher](#)
To: [Shire of Waroona](#)
Subject: I22388 - A2621 - Proposed Rate Increase for Lot 4 Sheridan Place
Date: Thursday, 11 July 2024 5:22:38 PM
Attachments: [202407081332.pdf](#)

Thank you for your correspondence dated 27 June 2024 titled Change of Rating Method Endorsement (Reference A262:RV.4:RC:kjf) .The letter encompassed a number of sites including my residence Lot 4 Sheridan Place, Waroona. The site is approximately 2.67 hectares. For the purposes of town planning the block is zoned Irrigated Agriculture and, although rubbish collection services are provided the block is not supplied with reticulated scheme water or sewerage.

Your correspondence (copy attached) Refers to section 6.28 of the Local Government Act 1995 (referred to in this correspondence as The Act). The Act and associated regulations, including the Valuation of Land Act 1978 do not appear to provide a definition of “rural purposes” for defining the basis for the application of UV or GVR to the land listed in your correspondence. It is also noted that the land should be used predominantly for “rural purposes” for UV valuation or used predominantly for “non-rural purposes” for GRV valuation. The lack of exclusivity in the land usage statements, I assume, is to provide for land to be used for other purposes such as a residential dwelling and associated gardens and infrastructure.

The City of Rockingham Land Use Declaration Form defines ‘rural purpose’ as a purpose pertaining to agriculture and agriculture is defined to mean the use or cultivation of land for any purpose or husbandry or horticulture, including the raising of livestock and the growing of crops. The declaration extends the usage of the land to apiculture (bee keeping), poultry production, grazing and agistment of horses.

I, along with my wife, have owned the block of land since the initial subdivision approximately 20 years ago. During that time the block has been used for livestock agistment, hay production and a myriad of other “rural purposes”. Currently the land is used for poultry production, aviculture, stock and horse agistment and hay production.

The business is registered (ABN 11 731 526 961) and has expanded incrementally over the last several years with poultry sales extending from Dongara in the north to Hopetoun on the south coast. The business has invested in incubators and bespoke grow out pods to increase production of hatchlings. Annually the business supplies information to the Australian Taxation Office for taxation purposes.

Other than the area of land associated with the residential dwelling the remaining portion of the land is currently being utilised exclusively for “rural purposes”.

In lieu of this information the Shire of Waroona’ attempts to change the basis for rating the land may be flawed.

As such I request formal review of the process.

Kind regards,
 Russell Butcher

From: [Paul Anzellino](#)
To: [Shire of Waroona](#)
Subject: I22706 - A2623 - Change of Rating Method /20 Sheridan Place
Date: Monday, 29 July 2024 1:11:05 PM

Good Afternoon,

Paul and I don't agree with the new changes that are going to be at Sheridan Place Estate.

We live on a 5 Acre Lot, we have sheep, chickens and we also store our Coaster Buses and that's why we have purchased and lived out on this property for many years.

We have Harvey Water Irrigation that we use for all our fruit trees and vegetables that we grow and also are large green grassed areas with our large flower beds.

The letter doesn't explain to us what we are going to benefit out of the new changes. We would like to be explained to us of the new changes and why its going to be better for us as a Rate Payer.

We are strongly against the change,

Regards

Paul and Lena Anzellino

20 Sheridan Place

0419177347

From: [Maggie Paltridge](#)
To: [Shire of Waroona](#)
Subject: I22712 - A2624 - Change of Rating Method - 18 Sheridan Place
Date: Monday, 29 July 2024 10:53:53 AM

Hi

I do not agreed with you changing the way you are charging the rates.

Our property of 6.5 acres is predominantly used for rural purposes - running sheep and chickens. About half an acre is where the house and shed are situated. How do you consider that it is predominantly not rural. We have also installed irrigation for the purpose of planting more fruit trees.

If you are going to change the rating method, what do we get in return? Are you going to provide mains sewerage, street lights, verge mowing and maintenance. What about being able to subdivide the property? Your letter doe not include any benefit for us the rate payers by changing the rating method.

Thanks

Maggie Paltridge & Russell Sinclair
18 Sheridan Place
0414 231 595

Sent from [Outlook](#)



FP004 – Corporate Purchasing and Credit Cards

1. Intention

The intention of this policy is to:

- Provide guidance in the issue and use of corporate purchasing and credit cards in order to ensure good governance and compliance with Council's purchasing policies.
- Reduce the risk of fraud and misuse of corporate purchasing and credit cards and minimise the Shire's financial and reputational risk.
- Fulfil all statutory requirements of the *Local Government Act 1995* with respect to the use of corporate purchasing and credit cards.
- Adopt best practice in developing a clear and comprehensive policy on the use of corporate purchasing and credit cards.

2. Scope

This policy applied to all Shire employees that are issued with and/or use a corporate purchasing and/or credit card.

3. Statement

The Shire of Waroona is committed to delivering best practice in the approval, issuing and use of corporate purchasing and credit cards with the principles of transparency, probity, and good governance in compliance with the *Local Government Act 1995* and the *Local Government Financial Management Regulations 1996*.

It is expected that the following principles, standards and behaviours must be observed by cardholders:

- Full accountability by the cardholder for all purchasing decisions and the efficient, effective and proper expenditure of funds based on achieving value for money.
- All purchasing practices shall be transparent, free from bias, fully documented and in compliance with relevant legislation, regulations, and requirements consistent with the Shire of Waroona's purchasing policies and code of conduct.
- All purchases using Shire of Waroona corporate purchasing and credit cards should be for Shire business activities only.

Approval for the issue of corporate purchasing and credit cards will be determined by Council as part of this policy.

Council approves the issue of a Business Credit Card facility to the value of \$57,000 per month for ease of on-line purchases and other incidental purchases where other payment methods are not practicable. Individual cards holders are as follows;

- Chief Executive Officer with a limit of \$15,000.
- Director Corporate and Community Services with a limit of \$10,000.
- Director Infrastructure and Development Services with a limit of \$10,000.
- Manager Corporate Services with a limit of \$5,000.
- Manager Works & Waste Services with a limit of \$5,000.
- Manager Community Development with a limit of \$5,000.
- Building Maintenance Officer with a limit of \$5,000.
- Visitor Centre Manager with a limit of \$1,000.
- Executive Assistant with a limit of \$1,000.

FP004 – Corporate Purchasing and Credit Cards



Council approves the issue of Purchasing Cards (Fuel Cards) for the purchase of fuel for Volunteer Bushfire Emergency Vehicles and equipment for bushfire activities only. Fuel cards will be issued to a custodian who will be responsible for the cards use.

The Chief Executive Officer shall determine and implement systems and procedures adequate to ensure:

- That there is adequate controls in place surrounding the issuing and use of corporate purchasing and credit cards.
- There are effective acquittal practices in place surrounding the use of corporate purchasing and credit cards including a clear separation of duties between the cardholder purchasing goods and services and the officer approving acquittals of the expenditure.
- Purchases made on corporate purchasing and credit cards adhere to procurement policies.
- Purchases made on corporate purchasing and credit cards are as transparent as those passed through accounts payable.
- Cardholders understand the obligations of being a cardholder.
- There are strict controls to limit the use of corporate purchasing and credit cards.
- There are strict internal controls to review, monitor and report on the use of corporate purchasing and credit cards.

Operational guidance is provided through the implementation of Management Practice 'FMP006 Corporate Purchasing & Credit Cards'.

4. Legislative and Strategic Context

The *Local Government Act 1995* and the associated subsidiary legalisation provide the broad framework within which this policy operates.

5. Review

This policy is to be reviewed triennially.

6. Associated Documents

Nil.

Division		Finance			
Policy Number		FP004			
Contact Officer		Director Corporate & Community Services			
Related Legislation		Local Government Act 1995 Local Government (Financial Management) Regulations 1996			
Related Shire Documents		Nil			
Risk Rating	Medium	Review Frequency	Triennially	Next Review	June 2027
Date Adopted		22/06/2004		OCM04/083	

Amendments		
Date	Details of Amendment	Reference
27/03/2007	Amended to reflect current employees.	OCM07/049
25/09/2007	Amended to reflect current employees.	OCM07/160
28/10/2014	Amended to reflect current employees.	OCM14/10/127

FP004 – Corporate Purchasing and Credit Cards



25/10/2016	Amended to reflect current employees.	OCM16/10/115
18/12/2018	Updated as part of major review.	OCM18/12/126
17/12/2019	Updated as part of major review.	OCM19/12/163
25/02/2020	Amended to reflect current employees.	OCM20/02/019
23/06/2020	Amended to reflect current employees.	OCM20/06/106
27/04/2021	Amended to reflect current employees.	OCM21/04/053
22/06/2021	Amended to reflect current employees and reformatted.	OCM21/06/071
14/12/2021	Amended to reflect current employees.	OCM21/12/203
22/02/2022	Amended to reflect current employees.	OCM22/02/011
27/09/2022	Amended to include issue of credit card for administration purposes to the Manager Works and Waste Services. Updated title changes.	OCM22/09/124
23/07/2024	Reviewed with significant amendments and addition of up-to-date content	OCM24/07/108
27/04/2024	Amended to add equipment to the approved uses of a volunteer bush fire brigade fuel card.	<resolution>
Previous Policies		
FIN028 – Corporate Credit Card		
3.15 – Corporate Credit Card		

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Register of Delegations
Council to Committees and Chief Executive
Officer

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 delegations made by Council and the Chief Executive Officer under the authority of the *Local Government Act 1995* and other legislative instruments as specified.

This document is available in alternative formats such as large print, electronic, audio or Braille, on request.

Document Control		
Date Reviewed	Details	Author
27/11/18	Adopted by Council	Ian Curley
17/12/19	Reviewed by Council	Brad Vitale
24/11/20	Reviewed by Council	Brad Vitale
25/05/21	Amended by Council	Brad Vitale
22/06/21	Amended by Council	Brad Vitale
27/07/21	Amended by Council	Brad Vitale
24/08/21	Amended by Council	Brad Vitale
23/11/21	Reviewed by Council	Brad Vitale
22/02/22	Amended by Council	Brad Vitale
27/09/22	Amended by Council	Kate Pisconeri
20/12/22	Amended by Council	Kate Pisconeri
27/06/23	Amended by Council	Kate Pisconeri
19/12/23	Amended by Council	Kate Pisconeri
<insert date>	Amended by Council	Kate Pisconeri

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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 (CEO) 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 Framework

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

** Absolute majority required.*

- (2) 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.*

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

- (4) 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.

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

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).

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.

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.

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.

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.

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.

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

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.

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 Thoroughfares and Public Places Local Law 2001](#)
- [Shire of Waroona Bush Fire Brigades Local Law 2024](#)
- [Shire of Waroona Cat Local Law 2023](#)
- [Shire of Waroona Dog Local Law 2023](#)
- [Shire of Waroona Drakesbrook Cemetery Local Law 2021](#)
- [Shire of Waroona Extractive Industries Local Law 2021](#)
- [Shire of Waroona Fencing Local Law 2014](#)
- [Shire of Waroona Health Local Law 2021](#)
- [Shire of Waroona Local Government Property Local Law 2014](#)
- [Shire of Waroona Pest Plant Local Law 2024](#)
- [Strata Titles Act 1985](#)
- [Strata Titles General Regulations 1996](#)

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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

Delegations to a Temporarily Employed or Appointed Chief Executive Officer

In accordance with Shire of Waroona policy CGP018 – Temporary Employment or Appointment of a Chief Executive Officer, an Acting CEO shall exercise the powers, including delegations, and discharge the duties of the CEO for those periods when the CEO is:

- a. on planned or unplanned leave for a period exceeding 48 hours;
- b. not within the State of Western Australia for a period of more than one week;
- c. during other absences, as determined necessary by the Chief Executive Officer;

but in any case, not for a period exceeding 6 weeks in any one occasion.

1. Delegations from Council to Committees

Nil.

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	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

2.1.2 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	<p>s.18 Further information</p> <p>s.20 Grant of building permit</p> <p>s.22 Further grounds for not granting an application</p> <p>s.23 Time for deciding an application for building or demolition permit</p> <p>s.24 Notice of decision not to grant building or demolition permit</p> <p>s.27(1) & (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i></p> <p>r.23 Application to extend time during which permit has effect [s.32]</p> <p>r.24 Extension of time during which permit has effect [s.32(3)]</p> <p>r.26 Approval of new responsible persons [s.35(c)]</p>
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to refuse to consider an application [s.18(2)]. 3. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 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)]. 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]. 6. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 7. Authority to determine an application to extend time during which a building permit has effect [r.23 and r.24]. 8. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO

Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Regulation 5 of the <i>Building Regulations 2012</i> .
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	<p>s.18 Further information</p> <p>s.21 Grant of demolition permit</p> <p>s.22 Further grounds for not granting an application</p> <p>s.23 Time for deciding an application for building or demolition permit</p> <p>s.24 Notice of decision not to grant building or demolition permit</p> <p>s.27(1) & (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i></p> <p>r.23 Application to extend time during which permit has effect [s.32]</p> <p>r.24 Extension of time during which permit has effect [s.32(3)]</p> <p>r.26 Approval of new responsible persons [s.35(c)]</p>
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to refuse to consider an application [s.18(2)]. 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]. 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)]. 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]. 6. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 7. Authority to determine an application to extend time during which a demolition permit has effect [r.23 and r.24]. 8. Authority to approve, or refuse to approve, an application for a new responsible person for a responsible permit [r.26].
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

2.1.4 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	<p>s.55 Further information</p> <p>s.58 Grant of occupancy permit, building approval certificate</p> <p>s.59 Time for granting occupancy permit or building approval certificate</p> <p>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</p> <p>s.62(1) and (3) Conditions imposed by permit authority</p> <p>s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i></p> <p>r.40 Extension of period of duration of time limited occupancy permit or building approval certificate [s.65]</p>
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to refuse to consider an application [s.55(2)]. 3. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 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]. 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)]. 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)]. 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].

Delegates	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)].
Conditions	CEO
Express power to subdelegate	Nil.
	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 s.99(3) Limitation on powers of authorised person
Function	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 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	<p>s.88 Finishes of walls close to boundaries</p> <p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1) & (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2) & (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
Function	<ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> building work; demolition work; and an existing building or incidental structure [s.110(1)]. Authority to specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)]. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. Authority to revoke a building order [s.117]. Authority to decide on whether the building order has been fully complied with and either revoke the building order or inform each 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)]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or 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)]. 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)].

Delegates	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 <i>Building Act 2011</i> .
Conditions	CEO
Express power to subdelegate	Nil.
	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	<ol style="list-style-type: none"> 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)]. 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

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	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
Function	<ol style="list-style-type: none"> 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)]. 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)]. 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	<i>Building Regulations 2012</i> r.55 Terms used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	<ol style="list-style-type: none"> 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]. 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	<i>Building Regulations 2012</i> r.70 Approved officers and authorised officers
Function	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(1) & (1A) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
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
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
27/09/22	Removed Shire President from list of Delegates.	27/09/127

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))
Express power or duty delegated	s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times 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 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
27/09/2022	Removed s.48 Delegation by Local Government from Express Power to Delegate.	OCM22/09/127

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	<p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 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]. 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)]. 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)]. 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)]. 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 of the land has failed to comply with requirements under s.28(1) to take all possible measures

Delegates	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)].
Conditions	
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
	Removed s.17(7) from Express Power or Duty Delegated list.	
27/09/2022	Removed reference to Decisions made under s.17(7), from Conditions.	OCM22/09/127

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	<p>s.18(5) & (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) & (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) & (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) & (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 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)]: <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 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)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 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)].

	<ol style="list-style-type: none"> 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]. 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]. 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)]. 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)]. 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		
Date	Details of Amendment	Reference

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 <i>Bush Fires Regulations 1954</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> b. a person operating a bee smoker device during a prescribed period [r.39CA(5)]; c. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]; d. a person using explosives [r.39D(2)]; and e. a person using fireworks [r.39E(3)]. 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]. 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		
Date	Details of Amendment	Reference

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	<p>s.24F Burning garden refuse during limited burning times</p> <p>s.24G Minister or local government may further restrict burning of garden refuse</p> <p>s.25 No fire to be lit in open air unless certain precautions taken</p> <p>s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954</i></p> <p>r.27(3) Permit, issue of</p>
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: <ol style="list-style-type: none"> 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 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]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]; and b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 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)]. 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 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		
Date	Details of Amendment	Reference

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	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> clearing of firebreaks as determined necessary and specified in the notice; and 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 as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 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)]: <ol style="list-style-type: none"> 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		
Date	Details of Amendment	Reference

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	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> a. of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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)]. 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)]. 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)]. 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)]: <ol style="list-style-type: none"> 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)]. 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 <i>Bush Fires Act 1954</i> in a newspaper circulating in the district [s.38(13)].

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

Amendments		
Date	Details of Amendment	Reference

2.2.9 Control and Extinguishment of Bush 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.46(1A) and (1B) Bush fire control officer or forest officer may postpone lighting fire
Function	<p>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)].</p> <p>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)].</p>
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
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		
Date	Details of Amendment	Reference

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 <i>Bush Fires Act 1954</i> , 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		
Date	Details of Amendment	Reference

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 s.59(3) Delegation of prosecution of offences
Express power or duty delegated	s.59 Prosecution of offences s.59A(2) Alternative procedure - infringement notices
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against the <i>Bush Fires Act 1954</i> [s.59]. 2. Authority to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i> [s.59A(2)].
Delegates	CEO Director Infrastructure & Development Services Director Corporate & Community Services Coordinator Manager Rangers & Community Safety Emergency Services Manager Governance 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
	Added s.59(3) Delegation of prosecution of offences under Express power to delegate.	
	Changed Director Corporate Services to Director Corporate & Community Services.	
27/09/2022	Added Director Infrastructure & Development Services under Delegates.	OCM22/09/127
20/12/22	Added Manager Governance under Delegates	OCM22/12/191

2.3 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.

2.3.1 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 s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 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)]. 3. Authority to cancel a cat registration [s.10]. 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)]. 5. Authority to record in the register the information prescribed in respect of each cat registered by the local government [s.12(3)]. 6. Authority to cause any error in, or omission from, the register to be corrected [s.12(4)]. 7. 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 <i>Cat Act 2011</i> .

Express power to subdelegate	s.45 Delegation by CEO of local government
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.1 to 2.3.1.	OCM21/05/059

2.3.2 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
25/05/21	Renumbered from 2.4.2 to 2.3.2.	OCM21/05/059

2.3.3 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 s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 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)]. 3. Authority to cancel an approval to breed cats [s.38]. 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 <i>Cat Act 2011</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.3 to 2.3.3.	OCM21/05/059

2.3.4 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
25/05/21	Renumbered from 2.4.4 to 2.3.4.	OCM21/05/059

2.3.5 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	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 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)]. 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 <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.5 to 2.3.5.	OCM21/05/059

2.3.6 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	<i>Cat Regulations 2012</i> 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 <i>Local Government Act 1995</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.6 to 2.3.6.	OCM21/05/059

2.4 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.

2.4.1 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	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.5.1 to 2.4.1.	OCM21/05/059

2.4.2—Registration of Dogs

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.14(1), (3) & (4) Register of dogs s.16(1) (2), (3A), (3C) & (6) Registration Procedure s.45(2) Evidentiary provisions
Function	<ol style="list-style-type: none"> 1. Authority to keep an accurate and up-to-date register of dogs registered by the local government [s.14(1)]. 2. Authority to record in the register the information prescribed in respect of each dog registered by the local government [s.14(3)]. 3. Authority to cause any error in, or omission from, the register to be corrected [s.14(4)]. 4. Authority to register a dog in the district in which <ol style="list-style-type: none"> (a) the dog is ordinarily kept; or (b) the dog is deemed to be ordinarily kept pursuant to section 9 or section 10(2); 4. if the owner of the dog or some person on his behalf delivers an application in the prescribed form, signed by or on behalf of the owner and accompanied by the prescribed fee, if any, to the office of the local government or some other place within the district appointed by the local government for the purpose [s.16(1)]. 5. Authority to, on receipt of an application duly made under subsection (1) shall— <ol style="list-style-type: none"> (a) effect the registration in accordance with this Act; or (b) where the local government so directs, refuse the application and refund the fee, if any; <p>— and in either event shall as soon as is practicable thereafter enter the prescribed particulars in the record maintained by the local government pursuant to section 14 [s.16(2)].</p> 6. Authority to cancel the registration of a dog in accordance with section 16(3A) and (3C). 7. Authority to, on effecting or renewing any registration, deliver to the applicant— <ol style="list-style-type: none"> (a) a certificate in the prescribed form acknowledging the fee paid and specifying the registration number allocated to each dog, the term of the relevant registration period, and a description of each dog so registered; and (b) in respect of each dog so registered, a registration tag of the prescribed kind [s.16(6)]. 8. Authority to certify entries in the register of dogs in accordance with s.45(2) [s.45(2)].

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Delegates	CEO
Conditions	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express power to sub-delegate	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

2.4.32.4.2 **Correct, 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	<p>s.14(4) Register of dogs s.15(2) & (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) & (6) Refusal or cancellation of registration</p>
Function	<p>1. Authority to cause any error in, or omission from, the register to be corrected [s.14(4)]. 4-2. Authority to determine to refuse a dog registration and refund the fee, if any [s.15(2)]. 2-3. 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: (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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or (b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or (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 (d) the dog is required to be microchipped but is not microchipped; or (e) the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3-4. 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)]. 4-5. 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)]. 5-6. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed</p>

	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
25/05/21	Renumbered from 2.5.2 to 2.4.3.	OCM21/05/059
27/08/24	Add function under s.14(4), and renumbered from 2.4.3 to 2.4.2.	<insert OCM ref>

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2.4.42.4.3 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
25/05/21	Renumbered from 2.5.3 to 2.4.4.	OCM21/05/059
27/08/24	Renumbered from 2.4.4 to 2.4.3.	<insert OCM ref>

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2.4.52.4.4 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
25/05/21	Renumbered from 2.5.4 to 2.4.5.	OCM21/05/059
27/08/24	Renumbered from 2.4.5 to 2.4.4.	<insert OCM ref>

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2.4.62.4.5 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	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 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
25/05/21	Renumbered from 2.5.5 to 2.4.6.	OCM21/05/059
27/08/24	Renumbered from 2.4.6 to 2.4.5.	<insert OCM ref>

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2.4.72.4.6 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
25/05/21	Renumbered from 2.5.6 to 2.4.7.	OCM21/05/059
27/08/24	Renumbered from 2.4.7 to 2.4.6.	<insert OCM ref>

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2.4.82.4.7 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 s.33G(4) Seizure and destruction s.33H(1), (2) & (5) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 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)]: <ol style="list-style-type: none"> (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
25/05/21	Renumbered from 2.5.7 to 2.4.8.	OCM21/05/059
27/08/24	Renumbered from 2.4.8 to 2.4.7.	<insert OCM ref>

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2.4.92.4.8 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)]: a. A notice declaring a dog to be dangerous; or 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
25/05/21	Renumbered from 2.5.8 to 2.4.9.	OCM21/05/059
27/08/24	Renumbered from 2.4.9 to 2.4.8.	<insert OCM ref>

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2.4.102.4.9 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
25/05/21	Renumbered from 2.5.9 to 2.4.10.	OCM21/05/059
27/08/24	Renumbered from 2.4.10 to 2.4.9.	<insert OCM ref>

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2.4.104 Applications to Keep More than the Prescribed Number of Dogs

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.26 Approval to keep more than the prescribed number of dogs
Function	<p>To consider and determine written applications seeking approval to keep more than the prescribed number of dogs, (not exceeding 6 dogs) where Council have set a limit of the number of dogs that may be kept on certain land in the district.</p> <p>Conditions may be applied, as necessary to any approval granted.</p>
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
27/08/24	Renumbered from 2.4.11 to 2.4.10.	<insert OCM ref>

2.5 Food Act 2008

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

2.5.1 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 s.70(2) & (3) Compensation
Function	<ol style="list-style-type: none"> 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)]. 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 Director Infrastructure & Development Services Environmental Health Officer Development Officer
Conditions	<ol style="list-style-type: none"> 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. 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.1 to 2.5.1.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.2 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 s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 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 Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.2 to 2.5.2.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.5.3 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 s.112 Variation of conditions or cancellation of registration of food businesses
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.3 to 2.5.3.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.5.4 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 s.126(6), (7) & (13) Infringement officers
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)]. 2. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	CEO Director Infrastructure & Development 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.4 to 2.5.4.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.5 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 s.125 Institution of proceedings
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Delegates	CEO Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.5 to 2.5.5.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates	OCM22/12/191

2.5.6 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	<i>Food Regulations 2009</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Regulation 41, to: <ol style="list-style-type: none"> (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]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO Director Infrastructure & Development 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.6 to 2.5.6.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.7 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	<i>Food Regulations 2009</i> 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 Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.7 to 2.5.7.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.6 Graffiti Vandalism Act 2016

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

2.6.1 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 s.19(3) & (4) Additional powers when notice is given
Function	<ol style="list-style-type: none"> 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)]. 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 the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.1 to 2.6.1.	OCM21/05/059

2.6.2 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 s.24(1)(b) & (3) Suspension of effect of notice
Function	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> 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 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
25/05/21	Renumbered from 2.7.2 to 2.6.2.	OCM21/05/059

2.6.3 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	Subject to exercising Powers of Entry.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.3 to 2.6.3.	OCM21/05/059

2.6.4 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 s.29 Entry under warrant
Function	<ol style="list-style-type: none"> 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]. 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	Nil.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.4 to 2.6.4.	OCM21/05/059

2.7 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.

2.7.1 Enforcement of Liquor Control Act 1988 and Liquor Licensing Act 1988

Head of power	Liquor Control Act 1988
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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 s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	<ol style="list-style-type: none"> 1. Authority to enforce all local authority responsibilities under the <i>Liquor Control Act 1988</i> and <i>Liquor Licensing Act 1988</i>. 2. To issue certificates of Local Health Authority and Local Planning Authority.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.8.1 to 2.7.1.	OCM21/05/059

2.8 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.

2.8.1 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 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
25/05/21	Renumbered from 2.9.1 to 2.8.1.	OCM21/05/059

2.8.2 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.22(1) Compensation s.3.23 Arbitration
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.2 to 2.8.2.	OCM21/05/059

2.8.3 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 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 s.3.26(2) & (3) Additional powers when notices given
Function	<ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> a. is prescribed for in Schedule 3.1, Division 1; or 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)]. 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)]. 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
25/05/21	Renumbered from 2.9.3 to 2.8.3	OCM21/05/059

2.8.4 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.4 to 2.8.4.	OCM21/05/059

2.8.5 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 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 2.8.6 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
25/05/21	Renumbered from 2.9.5 to 2.8.5.	OCM21/05/059
20/12/22	Corrected delegated authority number 2.9.6 to 2.8.6, under conditions	OCM22/12/191

2.8.6 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 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]. 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]. 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 <i>Local Government (Functions and General) Regulations 1996</i> , 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
25/05/21	Renumbered from 2.9.6 to 2.8.6	OCM21/05/059

2.8.7 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.7 to 2.8.7.	OCM21/05/059

2.8.8 Close Thoroughfares to Vehicles

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfares for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	<p><i>Local Government (Functions and General) Regulations 1996</i> r.6(3) Transitional provisions about road closures</p> <ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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]. 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]. 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	<ol style="list-style-type: none"> 1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as

Express power to subdelegate	<p>soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>2. Maintain access to adjoining land [s.3.52(3)].</p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.8 to 2.8.8.	OCM21/05/059

2.8.9 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	<ol style="list-style-type: none"> 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)]. 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 <i>Parks and Reserves Act 1895</i> [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
25/05/21	Renumbered from 2.9.9 to 2.8.9.	OCM21/05/059

2.8.10 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch.9.1, cl.3(1)(a) r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1, cl.3(1)(b) r.7 Encroaching on public thoroughfare - Sch.9.1, cl.3(2)
Function	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 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)]. 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)]. 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]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local</i>

Express power to subdelegate	<i>Government (Uniform Local Provisions) Regulations 1996.</i>
	<p>2. Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> a. where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction; 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; c. provided evidence of sufficient Public Liability Insurance; and d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>s.5.44 CEO may delegate some powers and duties to other employees</p>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.10 to 2.8.10.	OCM21/05/059

2.8.11 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare - Sch.9.1, cl.5(1)
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 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)]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Each approval provided must be recorded in the Shire of Waroona's statutory Register of Gates in accordance with Regulation 8 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.11 to 2.8.11.	OCM21/05/059

2.8.12 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions_ Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare - Sch.9.1, cl.6
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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; 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; c. provided evidence of sufficient Public Liability Insurance; and

Express power to subdelegate	<p>d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.12 to 2.8.12.	OCM21/05/059

2.8.13 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1, cl.7.2 r.13(1) Requirement to construct or repair crossing - Sch.9.1, cl.7(3)
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.13 to 2.8.13.	OCM21/05/059

2.8.14 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over or under public places - Sch.9.1, cl.8
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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; 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; c. provided evidence of sufficient Public Liability Insurance; and 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
25/05/21	Renumbered from 2.9.14 to 2.8.14.	OCM21/05/059

2.8.15 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> 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
25/05/21	Renumbered from 2.9.15 to 2.8.15.	OCM21/05/059

2.8.16 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<ol style="list-style-type: none"> 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]. 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
25/05/21	Renumbered from 2.9.16 to 2.8.16.	OCM21/05/059

2.8.17 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 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)]. 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)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 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)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$500,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].

Delegates	<ol style="list-style-type: none"> 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 <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 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)] 14. Authority to: <ol style="list-style-type: none"> a. 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%. b. 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]. 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)]. <p>CEO</p>
Conditions	<ol style="list-style-type: none"> 1. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> a. a detailed specification; b. the outcomes of market testing of the specification; c. the reasons why market testing has not met the requirements of the specification' and d. rationale for why the supply is unique and cannot be sourced through other suppliers. 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: <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; • current supply contract expiry is imminent;

	<ul style="list-style-type: none"> value of the proposed new contract has been included in the draft Annual Budget proposed for adoption. <ol style="list-style-type: none"> 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. Authority to enter into a variation [F&G r.20(1) and r.20(2)] subject to: <ul style="list-style-type: none"> 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. Compliance with Council's Purchasing and Procurement Policy and Regional Price Preference Policy.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.17 to 2.8.17	OCM21/05/059

2.8.18 Application of Regional Price Preference Policy

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996</i> 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.18 to 2.8.18.	OCM21/05/059

2.8.19 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.58(2) & (3) Disposing of Property
Function	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]; 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)]. 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)]. Authority to dispose of property under Regulation 30(3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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 <i>Local Government Act 1995</i>. 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
25/05/21	Renumbered from 2.9.19 to 2.8.19.	OCM21/05/059

2.8.20 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996</i> 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 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's Purchasing and Procurement. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the <i>Local Government Act 1995</i> .
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.20 to 2.8.20.	OCM21/05/059

2.8.21 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 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	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Waroona [s.6.12(1)(b)]. 2. Waive or grant concessions in relation to any amount of money [s.6.12(1)(b)]. 3. Write off any amount of money which is owed to the Shire of Waroona [s.6.12(1)(c)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Write-off fees and charges and interest on rates up to \$1,000 [s.6.12(1)(c) & (2)]. 2. A debt may only be waived in accordance with Policy CP005 – Donations, Sponsorships and Waivers.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.21 to 2.8.21.	OCM21/05/059
27/06/2023	Condition No. 2 added to align with delegated authority under new council policy CP005 - Donations, Sponsorships and Waivers.	OCM23/06/076

2.8.22 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 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)]. 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	<ol style="list-style-type: none"> 1. All investment activity must comply with Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policy FIN019 - Investment of Surplus Funds. 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. 3. Procedures are to be documented. 4. Procedures are to be administratively reviewed as per Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.22 to 2.8.22.	OCM21/05/059

2.8.23 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 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
25/05/21	Renumbered from 2.9.23 to 2.8.23.	OCM21/05/059

2.8.24 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 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
25/05/21	Renumbered from 2.9.24 to 2.8.24.	OCM21/05/059

2.8.25 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 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
25/05/21	Renumbered from 2.9.25 to 2.8.25.	OCM21/05/059

2.8.26 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.26 to 2.8.26.	OCM21/05/059

2.8.27 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 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	<ol style="list-style-type: none"> 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)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.27 to 2.8.27.	OCM21/05/059

2.8.28 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire of Waroona [s.6.71]. 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)]. 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 / charges 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.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.28 to 2.8.28.	OCM21/05/059

2.8.29 Rate Record – Objections

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.76 Grounds of objection
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.29 to 2.8.29.	OCM21/05/059

2.8.30 Phasing in of certain valuations

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Sch. 6.1 Provisions relating to the phasing in of valuations, cl. 1(1) and 2(1)
Function	<p>1. Authority to resolve that an increase in general valuation, in relation to all land where an increased valuation to 'gross rental value' results, be phased in over a 3-year period, and effect is to be given to that resolution over that period by the local government —</p> <p>a. in the first year of assessment for which the new valuation would otherwise be used, applying instead as the valuation of the land for the purposes of rating, a phased in valuation (being the former valuation plus 1/3 of the difference between the former valuation and the new valuation); and</p> <p>b. in the second such year, applying the former valuation plus 2 /3 of that difference; and</p> <p>c. in the third year, applying the new valuation, but where in relation to any land that general valuation results in a new valuation which is the same as or less than the former valuation, the local government is to apply the new valuation [Sch. 6.1 cl.1(1)].</p> <p>2. Authority to resolve that, in respect of a financial year, and following a determination made by the Minister under section 6.28 to increase from valuations on unimproved value to valuations on gross rental value, the change to rating on the basis of valuations on gross rental value, is to be phased in over a 3 year period and effect is to be given to that resolution over that period by the local government —</p> <p>a. In the first year, rating the land on the basis of valuations on gross rental value in order to yield 1 /3 of the estimated revenue from the rate, and rating the same land on the basis of original valuations in order to yield 2 /3 of the estimated revenue from the rate; and</p>

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	<p>b. in the second year, as above, with 2 /3 of the estimated revenue from the first-mentioned rate, and 1 /3 of the estimated revenue from the second-mentioned rate; and</p> <p>c. in the third year, rating the land on the first-mentioned basis in order to yield the whole of the estimated revenue from the rate [Sch. 6.1 cl.2(1)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

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Amendments		
Date	Details of Amendment	Reference

2.9 Local Government (Miscellaneous Provisions) Act 1960

An Act to deal with certain matters concerning local government.

2.9.1 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	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.10.1 to 2.9.1.	OCM21/05/059

2.10 Planning & Development Act 2005

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

2.10.1 Illegal Development

Head of power	Planning & Development Act 2005
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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 s.215 Illegal development, responsible authority's powers to remove etc.
Function	<ol style="list-style-type: none"> 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; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority; <p>3-2. 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.</p> <p>4-3. If —</p> <ol style="list-style-type: none"> a. a notice is served on a person under section 214(2), (3) or (5) and that person fails to — <ol style="list-style-type: none"> i. carry out the directions within the time specified in the notice; or

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	<p>ii. apply under section 255 for a review of any direction contained in the notice; or</p> <p>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.</p> <p><u>5.4.</u> 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.</p>
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.11.1 to 2.10.1.	OCM21/05/059

2.11 Planning & Development (Local Planning Schemes) Regulations 2015

2.11.1 Planning Approvals and Associated Decisions

Head of power	Planning & Development (Local Planning Schemes) Regulations 2015
Delegator	Council
Express power to delegate	<i>Planning & Development (Local Planning Schemes) Regulations 2015</i> 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	<ol style="list-style-type: none"> 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. 2. Decisions to proceed with a Local Planning Policy are to be made by the Council. 3. <u>Decisions relating to single house development or any development associated with a single house such as additions, alterations, patios or carports, where not otherwise exempt are to be determined by the Chief Executive Officer (CEO) or other local government officer/s authorised by the CEO. This will not apply to any heritage protected place as defined in Schedule 2.</u> 4. Where a public objection has been received after the application has been advertised for comment the

Express power to subdelegate	<p>application may only be determined by the Chief Executive Officer.</p> <p>5. 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.</p> <p><i>Planning & Development (Local Planning Schemes) Regulations 2015</i> cl.83 Local government CEO may delegate powers</p>
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Amendments		
Date	Details of Amendment	Reference

2.12 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.

2.12.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Health (Asbestos) Regulations 1992</i> r.15D(5) Appointment of authorised officers 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 <i>Criminal Procedure Act 2004</i> [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 <i>Health (Asbestos) Regulations 1992</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.12.2 to 2.12.1.	OCM21/05/059

2.12.2 Enforcement Agency Reports to the Chief Health Officer

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
Function	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Waroona [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	CEO Designated Authorised Officer – Environmental Health Officer
Conditions	Nil.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

2.12.3 Designate Authorised Officers

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.24(1) & (3) Designation of authorised officers
Function	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> The <i>Public Health Act 2016</i> or other specified Act; Specified provisions of the <i>Public Health Act 2016</i> or other specified Act Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> an environmental health officer or environmental health officers as a class; OR a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR a mixture of the two. [s.24(1) and (3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> Subject to each person so appointed being; <ul style="list-style-type: none"> Appropriately qualified and experienced [s.25(1)(a)]; and Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

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Amendments		
Date	Details of Amendment	Reference

2.12.4 Determine Compensation for Seized Items

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.264 Compensation
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , 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 Shire of Waroona Local Laws

Local Laws made under the powers conferred by the *Local Government Act 1995* and respective Acts.

2.13.1 Application of Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001

Head of power	Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<ul style="list-style-type: none"> cl.2.1 General prohibitions cl.2.2 Activities allowed with a permit – general cl.2.4 Permit required cl.2.5 Removal of redundant crossing cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17 Signs cl.3.2 Advertising signs and portable direction signs cl.3.3 Matters to be considered in determining application for permit cl.3.4 Conditions on portable sign c.3.5 Conditions on election sign cl.4.6 Retailer to remove abandoned trolley cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.6 Driving only on carriageway of flora roads cl.5.7 Designation of special environmental areas cl.5.8 Marking of special environmental areas cl.5.10 Relevant considerations in determining application cl.5.15 When application for permit can be approved cl.5.16 Prohibition on burning cl.5.18 When application for permit cannot be approved cl.5.20 Permit for revegetation projects cl.6.3 Trader's permit cl.6.5 Relevant considerations in determining application for permit cl.6.6 Conditions of permit cl.6.17 Matters to be considered in determining application cl.6.18 Obligations of permit holder cl.7.1 Application for permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.4 Imposing conditions under a policy

	cl.7.5 Compliance with and variance of conditions cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.8.1 Application of Part 9 Division 1 of Act cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference

2.13.2 Application of Shire of Waroona Cat Local Law 2023

Head of power	Shire of Waroona Cat Local Law 2023
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government s.45. Delegation by CEO of local government
Express power or duty delegated	cl.2.3 Direction to abate the nuisance of a cat cl.4.4 Application for permit cl.4.5 Refusal to determine application cl.4.6 Factors relevant to determination of application cl.4.7 Decision on application cl.4.8 Conditions cl.4.10 Revocation cl.5.1 Cat management facility cl.5.3 Charges and costs – imposition cl.6.2 Content of a notice Schedule 1 Additional Conditions Applicable to Particular Permits A. Permit to use premises as a cattery
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19 Dec 23	Added following adoption of Shire of Waroona Cat Local Law 2023	OCM23/12/180

2.13.3 Application of Shire of Waroona Dog Local Law 2023

Head of power	Shire of Waroona Dog Local Law 2023
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.2.1 Fees and charges – imposition of cl.4.2 Application for licence for approved kennel establishment cl.4.3 Notice of proposed use cl.4.4 Exemption from notice requirements cl.4.5 When application can be determined cl.4.6 Determination of application cl.4.7 Where application cannot be approved cl.4.8 Conditions of approval cl.4.10 Fees cl.4.11 Form of licence cl.4.13 Variation or cancellation of licence cl.4.14 Transfer cl.4.15 Notification cl.6.5 Payment of modified penalty cl.6.7 Service
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19/12/2023	Updated to reflect new Shire of Waroona Dog Local Law 2023	OCM23/12/180

2.13.4 Application of Shire of Waroona Drakesbrook Cemetery Local Law 2021

Head of power	Shire of Waroona Drakesbrook Cemetery Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.3.1 Applications for burial cl.3.2 Application for cremation cl.3.4 Certificate of identification cl.3.5 Minimum notice required cl.4.3 Application refusal cl.5.1 Requirements for funerals and coffins cl.5.2 Funeral processions cl.5.6 Conduct of funeral by Board cl.5.9 Depositing the coffin cl.5.10 Removal of the name plate and lead strip cl.5.11 Removal of metal fittings cl.5.12 Disposal of ashes cl.5.14 Ashes held by the Board cl.7.1 Application for monumental work cl.7.5 Removal of sand, soil or loam cl.7.6 Hours of work cl.7.8 Use of wood cl.7.11 Australian war graves cl.7.13 Specification of monuments cl.7.15 Requirements of a memorial plaque cl.7.16 Monumental mason's licence cl.7.18 Carrying out monumental work cl.8.2 Damaging and removing objects cl.8.5 Advertising cl.8.7 Removal from the cemetery
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Amendments	

Date	Details of Amendment	Reference
19/12/23	Renumbered from 2.13.3 to 2.13.4	OCM23/12/180

2.13.5 Application of Shire of Waroona Extractive Industries Local Law 2021

Head of power	Shire of Waroona Extractive Industries Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.3.1 Determination of application cl.4.1 Transfer of licence cl.4.2 Cancellation of licence cl.4.3 Renewal of licence cl.6.3 Prohibitions cl.7.4 Works to be carried out prior to cessation of operation
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.3 to 2.13.4.	OCM21/07/093
20/12/22	Corrected clause numbers under Express power or duty delegated to align with updated Head of Power: Shire of Waroona Extractive Industries Local Law 2021. Removed Clause 22 – Stop work orders.	OCM22/12/191
19/12/23	Renumbered from 2.13.4 to 2.13.5.	OCM23/12/180

2.13.6 Application of Shire of Waroona Fencing Local Law 2014

Head of power	Shire of Waroona Fencing Local Law 2014
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.2.1 Sufficient fences cl.2.4 Depositing fencing material on public place cl.2.5 Alteration of ground levels cl.2.8 Fences across rights-of-way, public access ways or thoroughfares cl.2.9 General discretion of the local government cl.2.10 Pre-used fencing materials cl.2.11 Barbed wire fences and spiked or jagged materials cl.2.12 Electrified and razor wire fences cl.2.14 Tennis court fencing cl.2.15 Estate fencing cl.3.1 Application for approval cl.3.2 Decision on application for approval cl.3.4 Duration of approval cl.5.1 Notices of breach Sch.2 Residential lot Sch.3 Commercial lot Sch.3A Industrial lot Sch.4 Rural lot Sch.5 Electrified fence licence Sch.6 Razor wire fence licence
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093

27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093
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2.13.7 Application of Shire of Waroona Health Local Law 2021

Head of power	Shire of Waroona Health Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.4.9 Burning of rubbish or refuse cl.4.14 Removal of refuse and disused materials cl.4.15 Removal of unsightly overgrowth of vegetation cl.5.5 Dust management cl.5.6 Emission or reflection of light cl.5.7 Car parks cl.5.13 Bird scaring devices cl.5.19 Keeping of approved animals and provision of stables cl.6.10 Local government may execute work and recover costs cl.7.4 Authorised Officer may disinfect or disinfest the premises cl.7.5 Insanitary houses, premises and things cl.7.7 Persons in contact with an infectious disease sufferer cl.7.8 Declaration of infected house or premises cl.7.11 Local government may carry out work and recover costs cl.8.4 Certificate of Registration of Accommodation cl.8.7 Revocation of registration cl.8.21 Furnishing etc. of sleeping apartments cl.8.26 Keeper report cl.9.5 Certificate of Registration of Premises for Offensive Trade cl.10.3 Other enforcement actions
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.5 to 2.13.6.	OCM21/07/093

24/08/21	Updated to reflect new Health Local Law	OCM21/08/122
19/12/23	Renumbered from 2.13.6 to 2.13.7. Updated to remove clauses which do not include express power or duty delegated to Local Government.	OCM23/12/180

2.13.8 Application of Shire of Waroona Local Government Property Local Law 2014

Head of power	Shire of Waroona Local Government Property Local Law 2014
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.1.7 Overriding power to hire or agree cl.2.9 Outright prohibition of specific activities on any local government property cl.3.2 Application for permit cl.3.3 Decision on application for permit cl.3.4 Condition which may be imposed on a permit cl.3.5 Imposing conditions under a policy cl.3.7 Agreement for building cl.3.10 Transfer of permit cl.3.12 Cancellation of permit cl.3.13 Activities needing a permit cl.3.14 Permit required to camp outside a facility cl.4.9 Signs cl.5.1 When entry must be refused cl.6.1 No unauthorised entry to function cl.8.5 Disposal of lost property cl.8.6 Liability for damage to local government property cl.9.1 Offence to fail to comply with notice cl.9.2 Local government may undertake requirements of notice
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.6 to 2.13.7.	OCM21/07/093

19/12/2023	Renumbered from 2.13.7 to 2.13.8	OCM23/12/180
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2.13.9 Application of Pest Plant Local Law 2024

<u>Head of power</u>	Shire of Waroona Pest Plant Local Law 2024
<u>Delegator</u>	Council
<u>Express power to delegate</u>	Local Government Act 1995 s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<u>Express power or duty delegated</u>	cl.3.1 Notice cl.3.4 Non-compliance with a notice
<u>Function</u>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<u>Delegates</u>	CEO
<u>Conditions</u>	Nil
<u>Express power to subdelegate</u>	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees

<u>Amendments</u>		
<u>Date</u>	<u>Details of Amendment</u>	<u>Reference</u>

2.13.10 Application of Bush Fire Brigades Local Law 2024

<u>Head of power</u>	Shire of Waroona Bush Fire Brigades Local Law 2024
<u>Delegator</u>	Council
<u>Express power to delegate</u>	Bush Fires Act 1954 s.48 Delegation by local governments
<u>Express power or duty delegated</u>	First Schedule - cl.2.11 Objection Rights cl.7.6 Disagreements
<u>Function</u>	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
<u>Delegates</u>	CEO
<u>Conditions</u>	Nil
<u>Express power to subdelegate</u>	Sub-delegation is prohibited by s.48(3).

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<u>Amendments</u>		
<u>Date</u>	<u>Details of Amendment</u>	<u>Reference</u>

3. History Summary

Date / Reference	Amendments
24 November 2020 OCM20/11/196	Major review – all previous delegations revoked and new delegations created.
25 May 2021 OCM21/05/059	Removed Section 2.3 Caravan Parks & Camping Grounds Act 1995 and Delegation 2.4.7 Infringement Notices – Extensions and Withdrawals.
	Amended Delegations 2.6.1 to 2.6.7, inclusive.
	Renumbered Delegations 2.4.1 to 2.13.2, inclusive.
	Added Delegations 2.12.2, 2.12.3 and 2.12.4.
22 June 2021 OCM21/06/070	Added Delegations 2.13.1 to 2.13.6, inclusive.
27 July 2021 OCM21/07/093	Added Delegation 2.13.3.
24 August 2021 OCM21/08/122	Amended Delegation 2.13.6.
23 November 2021 OCM21/11/181	Annual statutory review – no amendments made.
14 December 2021 OCM21/12/204	Added Delegation 2.4.11.
22 February 2022 OCM22/02/012	Amended Delegations 2.5.1 to 2.5.7, inclusive.
27 September 2022 OCM22/09/127	Amended Delegations 2.2.1, 2.2.2, 2.2.3, and 2.2.12.
20 December 2022 OCM22/12/191	Amended Background and Delegations 2.2.12, 2.5.2, 2.5.3, 2.5.5, 2.5.7, 2.8.5 and 2.13.4.
27 June 2023 OCM23/07/076	Amended Delegation 2.8.21.
19 December 2023	Amended Background and Delegations 2.13.2, 2.13.3 and 2.13.7.
27 August 2024	Deleted delegation 2.4.2, Amended Background, delegation 2.2.12, 2.4.3, 2.5.1, 2.11.1, and added delegations 2.8.30, 2.13.9 and 2.13.10.



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SHIRE OF
WAROONA
SEA TO SCARP

Register of Delegations

Council to Committees and Chief Executive Officer

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 delegations made by Council and the Chief Executive Officer under the authority of the *Local Government Act 1995* and other legislative instruments as specified.

This document is available in alternative formats such as large print, electronic, audio or Braille, on request.

Document Control		
Date Reviewed	Details	Author
27/11/18	Adopted by Council	Ian Curley
17/12/19	Reviewed by Council	Brad Vitale
24/11/20	Reviewed by Council	Brad Vitale
25/05/21	Amended by Council	Brad Vitale
22/06/21	Amended by Council	Brad Vitale
27/07/21	Amended by Council	Brad Vitale
24/08/21	Amended by Council	Brad Vitale
23/11/21	Reviewed by Council	Brad Vitale
22/02/22	Amended by Council	Brad Vitale
27/09/22	Amended by Council	Kate Pisconeri
20/12/22	Amended by Council	Kate Pisconeri
27/06/23	Amended by Council	Kate Pisconeri
19/12/23	Amended by Council	Kate Pisconeri
<insert date>	Amended by Council	Kate Pisconeri

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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 (CEO) 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 Framework

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.

** Absolute majority required.*

- (2) 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.*

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

- (4) 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.

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

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).

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.

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.

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.

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.

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.

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

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.

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 Thoroughfares and Public Places Local Law 2001*
- *Shire of Waroona Bush Fire Brigades Local Law 2024*
- *Shire of Waroona Cat Local Law 2023*
- *Shire of Waroona Dog Local Law 2023*
- *Shire of Waroona Drakesbrook Cemetery Local Law 2021*
- *Shire of Waroona Extractive Industries Local Law 2021*
- *Shire of Waroona Fencing Local Law 2014*
- *Shire of Waroona Health Local Law 2021*
- *Shire of Waroona Local Government Property Local Law 2014*
- *Shire of Waroona Pest Plant Local Law 2024*
- *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

Delegations to a Temporarily Employed or Appointed Chief Executive Officer

In accordance with Shire of Waroona policy CGP018 – Temporary Employment or Appointment of a Chief Executive Officer, an Acting CEO shall exercise the powers, including delegations, and discharge the duties of the CEO for those periods when the CEO is:

- a. on planned or unplanned leave for a period exceeding 48 hours;
- b. not within the State of Western Australia for a period of more than one week;
- c. during other absences, as determined necessary by the Chief Executive Officer;

but in any case, not for a period exceeding 6 weeks in any one occasion.

1. Delegations from Council to Committees

Nil.

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	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

2.1.2 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	<p>s.18 Further information s.20 Grant of building permit s.22 Further grounds for not granting an application s.23 Time for deciding an application for building or demolition permit s.24 Notice of decision not to grant building or demolition permit s.27(1) & (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect [s.32] r.24 Extension of time during which permit has effect [s.32(3)] r.26 Approval of new responsible persons [s.35(c)]</p>
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to refuse to consider an application [s.18(2)]. 3. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 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)]. 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]. 6. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 7. Authority to determine an application to extend time during which a building permit has effect [r.23 and r.24]. 8. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO

Conditions	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Regulation 5 of the <i>Building Regulations 2012</i> .
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	<p>s.18 Further information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.23 Time for deciding an application for building or demolition permit s.24 Notice of decision not to grant building or demolition permit s.27(1) & (3) Impose conditions on permit</p> <p><i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect [s.32] r.24 Extension of time during which permit has effect [s.32(3)] r.26 Approval of new responsible persons [s.35(c)]</p>
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to refuse to consider an application [s.18(2)]. 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]. 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)]. 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]. 6. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. 7. Authority to determine an application to extend time during which a demolition permit has effect [r.23 and r.24]. 8. Authority to approve, or refuse to approve, an application for a new responsible person for a responsible permit [r.26].
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

2.1.4 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	<p>s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.59 Time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate [s.65]</p>
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to refuse to consider an application [s.55(2)]. 3. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 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]. 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)]. 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)]. 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	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

2.1.5 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 s.99(3) Limitation on powers of authorised person
Function	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 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	<p>s.88 Finishes of walls close to boundaries</p> <p>s.110(1) A permit authority may make a building order</p> <p>s.111(1) Notice of proposed building order other than building order (emergency)</p> <p>s.117(1) & (2) A permit authority may revoke a building order or notify that it remains in effect</p> <p>s.118(2) & (3) Permit authority may give effect to building order if non-compliance</p> <p>s.133(1) A permit authority may commence a prosecution for an offence against this Act</p>
Function	<ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> building work; demolition work; and an existing building or incidental structure [s.110(1)]. Authority to specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)]. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. Authority to revoke a building order [s.117]. Authority to decide on whether the building order has been fully complied with and either revoke the building order or inform each 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)]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or 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)]. 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)].

	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 <i>Building Act 2011</i> .
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	<ol style="list-style-type: none"> 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)]. 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

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	<i>Building Regulations 2012</i> r.51 Approvals by permit authority
Function	<ol style="list-style-type: none"> 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)]. 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)]. 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	<i>Building Regulations 2012</i> r.55 Terms used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	<ol style="list-style-type: none"> 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]. 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	<i>Building Regulations 2012</i> r.70 Approved officers and authorised officers
Function	<ol style="list-style-type: none"> 1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(1) & (1A) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i> 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i>. <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 <u>and</u> authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i>
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
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
27/09/22	Removed Shire President from list of Delegates.	27/09/127

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))
Express power or duty delegated	s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times 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 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
27/09/2022	Removed s.48 Delegation by Local Government from Express Power to Delegate.	OCM22/09/127

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	<p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 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]. 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)]. 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)]. 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)]. 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 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	
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference
	Removed s.17(7) from Express Power or Duty Delegated list.	
27/09/2022	Removed reference to Decisions made under s.17(7), from Conditions.	OCM22/09/127

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	<p>s.18(5) & (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) & (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) & (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) & (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Function	<ol style="list-style-type: none"> 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)]: <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 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)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 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)].

	<ol style="list-style-type: none"> 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]. 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]. 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)]. 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)]. 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		
Date	Details of Amendment	Reference

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 <i>Bush Fires Regulations 1954</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> b. a person operating a bee smoker device during a prescribed period [r.39CA(5)]; c. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]; d. a person using explosives [r.39D(2)]; and e. a person using fireworks [r.39E(3)]. 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]. <p>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</p>
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

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	<p>s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954</i> r.27(3) Permit, issue of</p>
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: <ol style="list-style-type: none"> 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 b. authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]; and b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 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)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in

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

Amendments		
Date	Details of Amendment	Reference

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	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 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)]: <ol style="list-style-type: none"> 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		
Date	Details of Amendment	Reference

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	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> a. of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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)]. 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)]. 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)]. 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)]: <ol style="list-style-type: none"> 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)]. 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 <i>Bush Fires Act 1954</i> in a newspaper circulating in the district [s.38(13)].

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

Amendments		
Date	Details of Amendment	Reference

2.2.9 Control and Extinguishment of Bush 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.46(1A) and (1B) Bush fire control officer or forest officer may postpone lighting fire
Function	<p>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)].</p> <p>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)].</p>
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
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		
Date	Details of Amendment	Reference

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 <i>Bush Fires Act 1954</i> , 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		
Date	Details of Amendment	Reference

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 s.59(3) Delegation of prosecution of offences
Express power or duty delegated	s.59 Prosecution of offences s.59A(2) Alternative procedure - infringement notices
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against the <i>Bush Fires Act 1954</i> [s.59]. 2. Authority to serve an infringement notice for an offence against the <i>Bush Fires Act 1954</i> [s.59A(2)].
Delegates	CEO Director Infrastructure & Development Services Director Corporate & Community Services Coordinator Rangers & Community Safety 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
	Added s.59(3) Delegation of prosecution of offences under Express power to delegate.	
	Changed Director Corporate Services to Director Corporate & Community Services.	
27/09/2022	Added Director Infrastructure & Development Services under Delegates.	OCM22/09/127
20/12/22	Added Manager Governance under Delegates	OCM22/12/191

2.3 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.

2.3.1 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 s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 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)]. 3. Authority to cancel a cat registration [s.10]. 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)]. 5. Authority to record in the register the information prescribed in respect of each cat registered by the local government [s.12(3)]. 6. Authority to cause any error in, or omission from, the register to be corrected [s.12(4)]. 7. 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 <i>Cat Act 2011</i> .

Express power to subdelegate	s.45 Delegation by CEO of local government
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.1 to 2.3.1.	OCM21/05/059

2.3.2 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
25/05/21	Renumbered from 2.4.2 to 2.3.2.	OCM21/05/059

2.3.3 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 s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37 (1) and (2)]. 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)]. 3. Authority to cancel an approval to breed cats [s.38]. 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 <i>Cat Act 2011</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.3 to 2.3.3.	OCM21/05/059

2.3.4 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
25/05/21	Renumbered from 2.4.4 to 2.3.4.	OCM21/05/059

2.3.5 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	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 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)]. 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 <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.5 to 2.3.5.	OCM21/05/059

2.3.6 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	<i>Cat Regulations 2012</i> 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 <i>Local Government Act 1995</i> .
Express power to subdelegate	s.45 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.4.6 to 2.3.6.	OCM21/05/059

2.4 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.

2.4.1 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	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.5.1 to 2.4.1.	OCM21/05/059

2.4.2 Correct, 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	<p>s.14(4) Register of dogs s.15(2) & (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) & (6) Refusal or cancellation of registration</p>
Function	<ol style="list-style-type: none"> 1. Authority to cause any error in, or omission from, the register to be corrected [s.14(4)]. 2. Authority to determine to refuse a dog registration and refund the fee, if any [s.15(2)]. 3. 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: <ol style="list-style-type: none"> (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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or (b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or (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 (d) the dog is required to be microchipped but is not microchipped; or (e) the dog is a dangerous dog [s.16(3) and s.17A(2)]. 4. 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)]. 5. 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)]. 6. 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
25/05/21	Renumbered from 2.5.2 to 2.4.3.	OCM21/05/059
27/08/24	Add function under s.14(4), and renumbered from 2.4.3 to 2.4.2.	<insert OCM ref>

2.4.3 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
25/05/21	Renumbered from 2.5.3 to 2.4.4.	OCM21/05/059
27/08/24	Renumbered from 2.4.4 to 2.4.3.	<insert OCM ref>

2.4.4 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
25/05/21	Renumbered from 2.5.4 to 2.4.5.	OCM21/05/059
27/08/24	Renumbered from 2.4.5 to 2.4.4.	<insert OCM ref>

2.4.5 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	<ol style="list-style-type: none"> 1. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. 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
25/05/21	Renumbered from 2.5.5 to 2.4.6.	OCM21/05/059
27/08/24	Renumbered from 2.4.6 to 2.4.5.	<insert OCM ref>

2.4.6 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
25/05/21	Renumbered from 2.5.6 to 2.4.7.	OCM21/05/059
27/08/24	Renumbered from 2.4.7 to 2.4.6.	<insert OCM ref>

2.4.7 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 s.33G(4) Seizure and destruction s.33H(1), (2) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 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)]: <ol style="list-style-type: none"> (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
25/05/21	Renumbered from 2.5.7 to 2.4.8.	OCM21/05/059
27/08/24	Renumbered from 2.4.8 to 2.4.7.	<insert OCM ref>

2.4.8 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)]: a. A notice declaring a dog to be dangerous; or 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
25/05/21	Renumbered from 2.5.8 to 2.4.9.	OCM21/05/059
27/08/24	Renumbered from 2.4.9 to 2.4.8.	<insert OCM ref>

2.4.9 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
25/05/21	Renumbered from 2.5.9 to 2.4.10.	OCM21/05/059
27/08/24	Renumbered from 2.4.10 to 2.4.9.	<insert OCM ref>

2.4.10 Applications to Keep More than the Prescribed Number of Dogs

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.26 Approval to keep more than the prescribed number of dogs
Function	<p>To consider and determine written applications seeking approval to keep more than the prescribed number of dogs, (not exceeding 6 dogs) where Council have set a limit of the number of dogs that may be kept on certain land in the district.</p> <p>Conditions may be applied, as necessary to any approval granted.</p>
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
27/08/24	Renumbered from 2.4.11 to 2.4.10.	<insert OCM ref>

2.5 Food Act 2008

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

2.5.1 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 s.70(2) & (3) Compensation
Function	<ol style="list-style-type: none"> 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)]. 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 Director Infrastructure & Development Services Environmental Health Officer
Conditions	<ol style="list-style-type: none"> 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. 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.1 to 2.5.1.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.2 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 s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 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 Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.2 to 2.5.2.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.5.3 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 s.112 Variation of conditions or cancellation of registration of food businesses
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.3 to 2.5.3.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

Amendments		
Date	Details of Amendment	Reference
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.5.4 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 s.126(6), (7) & (13) Infringement officers
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)]. 2. Authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	CEO Director Infrastructure & Development 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services.	OCM21/05/059

Amendments		
Date	Details of Amendment	Reference
	Add Director Planning & Sustainability. Renumbered from 2.6.4 to 2.5.4.	
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.5 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 s.125 Institution of proceedings
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Delegates	CEO Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.5 to 2.5.5.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates	OCM22/12/191

2.5.6 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	<i>Food Regulations 2009</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Regulation 41, to: <ol style="list-style-type: none"> (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]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO Director Infrastructure & Development 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.6 to 2.5.6.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012

2.5.7 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	<i>Food Regulations 2009</i> 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 Director Infrastructure & Development Services Environmental Health 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 <i>Food Regulations 2009</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Remove Director Corporate Services. Add Director Planning & Sustainability. Renumbered from 2.6.7 to 2.5.7.	OCM21/05/059
22/02/22	Remove Director Planning & Sustainability. Add Director Infrastructure & Development Services.	OCM22/02/012
20/12/22	Replaced Development Officer with Environmental Health Officer, under Delegates.	OCM22/12/191

2.6 Graffiti Vandalism Act 2016

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

2.6.1 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 s.19(3) & (4) Additional powers when notice is given
Function	<ol style="list-style-type: none"> 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)]. 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 the person who failed to comply with the notice [s.19(4)].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.1 to 2.6.1.	OCM21/05/059

2.6.2 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 s.24(1)(b) & (3) Suspension of effect of notice
Function	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> 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 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
25/05/21	Renumbered from 2.7.2 to 2.6.2.	OCM21/05/059

2.6.3 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	Subject to exercising Powers of Entry.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.3 to 2.6.3.	OCM21/05/059

2.6.4 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 s.29 Entry under warrant
Function	<ol style="list-style-type: none"> 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]. 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	Nil.
Express power to subdelegate	s.17 Delegation by CEO of local government

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.7.4 to 2.6.4.	OCM21/05/059

2.7 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.

2.7.1 Enforcement of Liquor Control Act 1988 and Liquor Licensing Act 1988

Head of power	Liquor Control Act 1988
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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 s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	<ol style="list-style-type: none"> 1. Authority to enforce all local authority responsibilities under the <i>Liquor Control Act 1988</i> and <i>Liquor Licensing Act 1988</i>. 2. To issue certificates of Local Health Authority and Local Planning Authority.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.8.1 to 2.7.1.	OCM21/05/059

2.8 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.

2.8.1 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 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
25/05/21	Renumbered from 2.9.1 to 2.8.1.	OCM21/05/059

2.8.2 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.22(1) Compensation s.3.23 Arbitration
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.2 to 2.8.2.	OCM21/05/059

2.8.3 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 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 s.3.26(2) & (3) Additional powers when notices given
Function	<ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> a. is prescribed for in Schedule 3.1, Division 1; or 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)]. 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)]. 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
25/05/21	Renumbered from 2.9.3 to 2.8.3	OCM21/05/059

2.8.4 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.4 to 2.8.4.	OCM21/05/059

2.8.5 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 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 2.8.6 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
25/05/21	Renumbered from 2.9.5 to 2.8.5.	OCM21/05/059
20/12/22	Corrected delegated authority number 2.9.6 to 2.8.6, under conditions	OCM22/12/191

2.8.6 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 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]. 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]. 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 <i>Local Government (Functions and General) Regulations 1996</i> , 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
25/05/21	Renumbered from 2.9.6 to 2.8.6	OCM21/05/059

2.8.7 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.7 to 2.8.7.	OCM21/05/059

2.8.8 Close Thoroughfares to Vehicles

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfares for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals <i>Local Government (Functions and General) Regulations 1996</i> r.6(3) Transitional provisions about road closures
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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]. 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]. 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	<ol style="list-style-type: none"> 1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as

	<p>soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>2. Maintain access to adjoining land [s.3.52(3)].</p>
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.8 to 2.8.8.	OCM21/05/059

2.8.9 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	<ol style="list-style-type: none"> 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)]. 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 <i>Parks and Reserves Act 1895</i> [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
25/05/21	Renumbered from 2.9.9 to 2.8.9.	OCM21/05/059

2.8.10 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch.9.1, cl.3(1)(a) r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1, cl.3(1)(b) r.7 Encroaching on public thoroughfare - Sch.9.1, cl.3(2)
Function	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 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)]. 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)]. 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]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local</i>

<p>Express power to subdelegate</p>	<p><i>Government (Uniform Local Provisions) Regulations 1996.</i></p> <p>2. Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> a. where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction; 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; c. provided evidence of sufficient Public Liability Insurance; and d. provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
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Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.10 to 2.8.10.	OCM21/05/059

2.8.11 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare - Sch.9.1, cl.5(1)
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 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)]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Each approval provided must be recorded in the Shire of Waroona's statutory Register of Gates in accordance with Regulation 8 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.11 to 2.8.11.	OCM21/05/059

2.8.12 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions_ Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare - Sch.9.1, cl.6
Function	<ol style="list-style-type: none"> 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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 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	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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; 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; c. provided evidence of sufficient Public Liability Insurance; and

	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
25/05/21	Renumbered from 2.9.12 to 2.8.12.	OCM21/05/059

2.8.13 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare - Sch.9.1, cl.7.2 r.13(1) Requirement to construct or repair crossing - Sch.9.1, cl.7(3)
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.13 to 2.8.13.	OCM21/05/059

2.8.14 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over or under public places - Sch.9.1, cl.8
Function	<ol style="list-style-type: none"> 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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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; 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; c. provided evidence of sufficient Public Liability Insurance; and 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
25/05/21	Renumbered from 2.9.14 to 2.8.14.	OCM21/05/059

2.8.15 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> 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
25/05/21	Renumbered from 2.9.15 to 2.8.15.	OCM21/05/059

2.8.16 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<ol style="list-style-type: none"> 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]. 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
25/05/21	Renumbered from 2.9.16 to 2.8.16.	OCM21/05/059

2.8.17 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 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)]. 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)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 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)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$500,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].

	<ol style="list-style-type: none"> 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 <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 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)] 14. Authority to: <ol style="list-style-type: none"> a. 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%. b. 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]. 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	<ol style="list-style-type: none"> 1. Sole supplier arrangements may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> a. a detailed specification; b. the outcomes of market testing of the specification; c. the reasons why market testing has not met the requirements of the specification' and d. rationale for why the supply is unique and cannot be sourced through other suppliers. 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: <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; • current supply contract expiry is imminent;

	<ul style="list-style-type: none"> • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption. <ol style="list-style-type: none"> 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. 4. Authority to enter into a variation [F&G r.20(1) and r.20(2)] subject to: <ul style="list-style-type: none"> • 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. 5. Compliance with Council's Purchasing and Procurement Policy and Regional Price Preference Policy.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.17 to 2.8.17	OCM21/05/059

2.8.18 Application of Regional Price Preference Policy

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996</i> 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.18 to 2.8.18.	OCM21/05/059

2.8.19 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.3.58(2) & (3) Disposing of Property
Function	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]; 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)]. 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)]. Authority to dispose of property under Regulation 30(3)(a) of the <i>Local Government (Functions and General) Regulations 1996</i>.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 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 <i>Local Government Act 1995</i>. 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
25/05/21	Renumbered from 2.9.19 to 2.8.19.	OCM21/05/059

2.8.20 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Financial Management) Regulations 1996</i> 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 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's Purchasing and Procurement. Consistent with the functions of the CEO specified in section 5.41(c) and (d) of the <i>Local Government Act 1995</i> .
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.20 to 2.8.20.	OCM21/05/059

2.8.21 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 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	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Waroona [s.6.12(1)(b)]. 2. Waive or grant concessions in relation to any amount of money [s.6.12(1)(b)]. 3. Write off any amount of money which is owed to the Shire of Waroona [s.6.12(1)(c)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Write-off fees and charges and interest on rates up to \$1,000 [s.6.12(1)(c) & (2)]. 2. A debt may only be waived in accordance with Policy CP005 – Donations, Sponsorships and Waivers.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.21 to 2.8.21.	OCM21/05/059
27/06/2023	Condition No. 2 added to align with delegated authority under new council policy CP005 - Donations, Sponsorships and Waivers.	OCM23/06/076

2.8.22 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
Function	<ol style="list-style-type: none"> 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)]. 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	<ol style="list-style-type: none"> 1. All investment activity must comply with Regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policy FIN019 - Investment of Surplus Funds. 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. 3. Procedures are to be documented. 4. Procedures are to be administratively reviewed as per Regulation 17 of the <i>Local Government (Audit) Regulations 1996</i>.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.22 to 2.8.22.	OCM21/05/059

2.8.23 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 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
25/05/21	Renumbered from 2.9.23 to 2.8.23.	OCM21/05/059

2.8.24 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 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
25/05/21	Renumbered from 2.9.24 to 2.8.24.	OCM21/05/059

2.8.25 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 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
25/05/21	Renumbered from 2.9.25 to 2.8.25.	OCM21/05/059

2.8.26 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Function	<ol style="list-style-type: none"> 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)]. 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
25/05/21	Renumbered from 2.9.26 to 2.8.26.	OCM21/05/059

2.8.27 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 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	<ol style="list-style-type: none"> 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)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.27 to 2.8.27.	OCM21/05/059

2.8.28 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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire of Waroona [s.6.71]. 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)]. 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 / charges 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.
Express power to subdelegate	s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.28 to 2.8.28.	OCM21/05/059

2.8.29 Rate Record – Objections

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	s.6.76 Grounds of objection
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76 (4)]. 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		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.9.29 to 2.8.29.	OCM21/05/059

2.8.30 Phasing in of certain valuations

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 s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Sch. 6.1 Provisions relating to the phasing in of valuations, cl. 1(1) and 2(1)
Function	<ol style="list-style-type: none"> 1. Authority to resolve that an increase in general valuation, in relation to all land where an increased valuation to 'gross rental value' results, be phased in over a 3-year period, and effect is to be given to that resolution over that period by the local government — <ol style="list-style-type: none"> a. in the first year of assessment for which the new valuation would otherwise be used, applying instead as the valuation of the land for the purposes of rating, a phased in valuation (being the former valuation plus 1/3 of the difference between the former valuation and the new valuation); and b. in the second such year, applying the former valuation plus 2 /3 of that difference; and c. in the third year, applying the new valuation, but where in relation to any land that general valuation results in a new valuation which is the same as or less than the former valuation, the local government is to apply the new valuation [Sch. 6.1 cl.1(1)]. 2. Authority to resolve that, in respect of a financial year, and following a determination made by the Minister under section 6.28 to increase from valuations on unimproved value to valuations on gross rental value, the change to rating on the basis of valuations on gross rental value, is to be phased in over a 3 year period and effect is to be given to that resolution over that period by the local government — <ol style="list-style-type: none"> a. In the first year, rating the land on the basis of valuations on gross rental value in order to yield 1 /3 of the estimated revenue from the rate, and rating the same land on the basis of original valuations in order to yield 2 /3 of the estimated revenue from the rate; and

	<ul style="list-style-type: none"> b. in the second year, as above, with 2 /3 of the estimated revenue from the first-mentioned rate, and 1 /3 of the estimated revenue from the second-mentioned rate; and c. in the third year, rating the land on the first-mentioned basis in order to yield the whole of the estimated revenue from the rate [Sch. 6.1 cl.2(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 Local Government (Miscellaneous Provisions) Act 1960

An Act to deal with certain matters concerning local government.

2.9.1 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	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.10.1 to 2.9.1.	OCM21/05/059

2.10 Planning & Development Act 2005

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

2.10.1 Illegal Development

Head of power	Planning & Development Act 2005
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO 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 s.215 Illegal development, responsible authority's powers to remove etc.
Function	<ol style="list-style-type: none"> 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; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority; 2. 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. 3. If — <ol style="list-style-type: none"> a. a notice is served on a person under section 214(2), (3) or (5) and that person fails to — <ol style="list-style-type: none"> i. carry out the directions within the time specified in the notice; or

	<ul style="list-style-type: none"> ii. apply under section 255 for a review of any direction contained in the notice; or 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. 4. 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	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.11.1 to 2.10.1.	OCM21/05/059

2.11 Planning & Development (Local Planning Schemes) Regulations 2015

2.11.1 Planning Approvals and Associated Decisions

Head of power	Planning & Development (Local Planning Schemes) Regulations 2015
Delegator	Council
Express power to delegate	<i>Planning & Development (Local Planning Schemes) Regulations 2015</i> 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	<ol style="list-style-type: none"> 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. 2. Decisions to proceed with a Local Planning Policy are to be made by the Council. 3. Decisions relating to single house development or any development associated with a single house such as additions, alterations, patios or carports, where not otherwise exempt are to be determined by the Chief Executive Officer (CEO) or other local government officer/s authorised by the CEO. This will not apply to any heritage protected place as defined in Schedule 2. 4. Where a public objection has been received after the application has been advertised for comment the

	<p>application may only be determined by the Chief Executive Officer.</p> <p>5. 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.</p>
Express power to subdelegate	<p><i>Planning & Development (Local Planning Schemes) Regulations 2015</i></p> <p>cl.83 Local government CEO may delegate powers</p>

Amendments		
Date	Details of Amendment	Reference

2.12 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.

2.12.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	<i>Health (Asbestos) Regulations 1992</i> r.15D(5) Appointment of authorised officers 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 <i>Criminal Procedure Act 2004</i> [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 <i>Health (Asbestos) Regulations 1992</i>

Amendments		
Date	Details of Amendment	Reference
25/05/21	Renumbered from 2.12.2 to 2.12.1.	OCM21/05/059

2.12.2 Enforcement Agency Reports to the Chief Health Officer

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
Function	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Waroona [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	CEO Designated Authorised Officer – Environmental Health Officer
Conditions	Nil.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

2.12.3 Designate Authorised Officers

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.24(1) & (3) Designation of authorised officers
Function	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> The <i>Public Health Act 2016</i> or other specified Act; Specified provisions of the <i>Public Health Act 2016</i> or other specified Act Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> an environmental health officer or environmental health officers as a class; OR a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR a mixture of the two. [s.24(1) and (3)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> Subject to each person so appointed being; <ul style="list-style-type: none"> Appropriately qualified and experienced [s.25(1)(a)]; and Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Amendments		
Date	Details of Amendment	Reference

2.12.4 Determine Compensation for Seized Items

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.264 Compensation
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	Nil - unless a Regulation enacted under the <i>Public Health Act 2016</i> , 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 Shire of Waroona Local Laws

Local Laws made under the powers conferred by the *Local Government Act 1995* and respective Acts.

2.13.1 Application of Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001

Head of power	Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.2.1 General prohibitions cl.2.2 Activities allowed with a permit – general cl.2.4 Permit required cl.2.5 Removal of redundant crossing cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17 Signs cl.3.2 Advertising signs and portable direction signs cl.3.3 Matters to be considered in determining application for permit cl.3.4 Conditions on portable sign c.3.5 Conditions on election sign cl.4.6 Retailer to remove abandoned trolley cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.6 Driving only on carriageway of flora roads cl.5.7 Designation of special environmental areas cl.5.8 Marking of special environmental areas cl.5.10 Relevant considerations in determining application cl.5.15 When application for permit can be approved cl.5.16 Prohibition on burning cl.5.18 When application for permit cannot be approved cl.5.20 Permit for revegetation projects cl.6.3 Trader's permit cl.6.5 Relevant considerations in determining application for permit cl.6.6 Conditions of permit cl.6.17 Matters to be considered in determining application cl.6.18 Obligations of permit holder cl.7.1 Application for permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.4 Imposing conditions under a policy

	cl.7.5 Compliance with and variance of conditions cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.8.1 Application of Part 9 Division 1 of Act cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference

2.13.2 Application of Shire of Waroona Cat Local Law 2023

Head of power	Shire of Waroona Cat Local Law 2023
Delegator	Council
Express power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government s.45. Delegation by CEO of local government
Express power or duty delegated	cl.2.3 Direction to abate the nuisance of a cat cl.4.4 Application for permit cl.4.5 Refusal to determine application cl.4.6 Factors relevant to determination of application cl.4.7 Decision on application cl.4.8 Conditions cl.4.10 Revocation cl.5.1 Cat management facility cl.5.3 Charges and costs – imposition cl.6.2 Content of a notice Schedule 1 Additional Conditions Applicable to Particular Permits A. Permit to use premises as a cattery
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19 Dec 23	Added following adoption of Shire of Waroona Cat Local Law 2023	OCM23/12/180

2.13.3 Application of Shire of Waroona Dog Local Law 2023

Head of power	Shire of Waroona Dog Local Law 2023
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.2.1 Fees and charges – imposition of cl.4.2 Application for licence for approved kennel establishment cl.4.3 Notice of proposed use cl.4.4 Exemption from notice requirements cl.4.5 When application can be determined cl.4.6 Determination of application cl.4.7 Where application cannot be approved cl.4.8 Conditions of approval cl.4.10 Fees cl.4.11 Form of licence cl.4.13 Variation or cancellation of licence cl.4.14 Transfer cl.4.15 Notification cl.6.5 Payment of modified penalty cl.6.7 Service
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
19/12/2023	Updated to reflect new Shire of Waroona Dog Local Law 2023	OCM23/12/180

2.13.4 Application of Shire of Waroona Drakesbrook Cemetery Local Law 2021

Head of power	Shire of Waroona Drakesbrook Cemetery Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.3.1 Applications for burial cl.3.2 Application for cremation cl.3.4 Certificate of identification cl.3.5 Minimum notice required cl.4.3 Application refusal cl.5.1 Requirements for funerals and coffins cl.5.2 Funeral processions cl.5.6 Conduct of funeral by Board cl.5.9 Depositing the coffin cl.5.10 Removal of the name plate and lead strip cl.5.11 Removal of metal fittings cl.5.12 Disposal of ashes cl.5.14 Ashes held by the Board cl.7.1 Application for monumental work cl.7.5 Removal of sand, soil or loam cl.7.6 Hours of work cl.7.8 Use of wood cl.7.11 Australian war graves cl.7.13 Specification of monuments cl.7.15 Requirements of a memorial plaque cl.7.16 Monumental mason's licence cl.7.18 Carrying out monumental work cl.8.2 Damaging and removing objects cl.8.5 Advertising cl.8.7 Removal from the cemetery
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
Amendments	

Date	Details of Amendment	Reference
19/12/23	Renumbered from 2.13.3 to 2.13.4	OCM23/12/180

2.13.5 Application of Shire of Waroona Extractive Industries Local Law 2021

Head of power	Shire of Waroona Extractive Industries Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.3.1 Determination of application cl.4.1 Transfer of licence cl.4.2 Cancellation of licence cl.4.3 Renewal of licence cl.6.3 Prohibitions cl.7.4 Works to be carried out prior to cessation of operation
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.3 to 2.13.4.	OCM21/07/093
20/12/22	Corrected clause numbers under Express power or duty delegated to align with updated Head of Power: Shire of Waroona Extractive Industries Local Law 2021. Removed Clause 22 – Stop work orders.	OCM22/12/191
19/12/23	Renumbered from 2.13.4 to 2.13.5.	OCM23/12/180

2.13.6 Application of Shire of Waroona Fencing Local Law 2014

Head of power	Shire of Waroona Fencing Local Law 2014
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.2.1 Sufficient fences cl.2.4 Depositing fencing material on public place cl.2.5 Alteration of ground levels cl.2.8 Fences across rights-of-way, public access ways or thoroughfares cl.2.9 General discretion of the local government cl.2.10 Pre-used fencing materials c.2.11 Barbed wire fences and spiked or jagged materials cl.2.12 Electrified and razor wire fences cl.2.14 Tennis court fencing cl.2.15 Estate fencing cl.3.1 Application for approval cl.3.2 Decision on application for approval cl.3.4 Duration of approval cl.5.1 Notices of breach Sch.2 Residential lot Sch.3 Commercial lot Sch.3A Industrial lot Sch.4 Rural lot Sch.5 Electrified fence licence Sch.6 Razor wire fence licence
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093

27/07/21	Renumbered from 2.13.4 to 2.13.5.	OCM21/07/093
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2.13.7 Application of Shire of Waroona Health Local Law 2021

Head of power	Shire of Waroona Health Local Law 2021
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.4.9 Burning of rubbish or refuse cl.4.14 Removal of refuse and disused materials cl.4.15 Removal of unsightly overgrowth of vegetation cl.5.5 Dust management cl.5.6 Emission or reflection of light cl.5.7 Car parks cl.5.13 Bird scaring devices cl.5.19 Keeping of approved animals and provision of stables cl.6.10 Local government may execute work and recover costs cl.7.4 Authorised Officer may disinfect or disinfest the premises cl.7.5 Insanitary houses, premises and things cl.7.7 Persons in contact with an infectious disease sufferer cl.7.8 Declaration of infected house or premises cl.7.11 Local government may carry out work and recover costs cl.8.4 Certificate of Registration of Accommodation cl.8.7 Revocation of registration cl.8.21 Furnishing etc. of sleeping apartments cl.8.26 Keeper report cl.9.5 Certificate of Registration of Premises for Offensive Trade cl.10.3 Other enforcement actions
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.5 to 2.13.6.	OCM21/07/093

24/08/21	Updated to reflect new Health Local Law	OCM21/08/122
19/12/23	Renumbered from 2.13.6 to 2.13.7. Updated to remove clauses which do not include express power or duty delegated to Local Government.	OCM23/12/180

2.13.8 Application of Shire of Waroona Local Government Property Local Law 2014

Head of power	Shire of Waroona Local Government Property Local Law 2014
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.1.7 Overriding power to hire or agree cl.2.9 Outright prohibition of specific activities on any local government property cl.3.2 Application for permit cl.3.3 Decision on application for permit cl.3.4 Condition which may be imposed on a permit cl.3.5 Imposing conditions under a policy cl.3.7 Agreement for building cl.3.10 Transfer of permit cl.3.12 Cancellation of permit cl.3.13 Activities needing a permit cl.3.14 Permit required to camp outside a facility cl.4.9 Signs cl.5.1 When entry must be refused cl.6.1 No unauthorised entry to function cl.8.5 Disposal of lost property cl.8.6 Liability for damage to local government property cl.9.1 Offence to fail to comply with notice cl.9.2 Local government may undertake requirements of notice
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil.
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference
27/07/21	Renumbered from 2.13.6 to 2.13.7.	OCM21/07/093

19/12/2023	Renumbered from 2.13.7 to 2.13.8	OCM23/12/180
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2.13.9 Application of Pest Plant Local Law 2024

Head of power	Shire of Waroona Pest Plant Local Law 2024
Delegator	Council
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	cl.3.1 Notice cl.3.4 Non-compliance with a notice
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees

Amendments		
Date	Details of Amendment	Reference

2.13.10 Application of Bush Fire Brigades Local Law 2024

Head of power	Shire of Waroona Bush Fire Brigades Local Law 2024
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local governments
Express power or duty delegated	First Schedule - cl.2.11 Objection Rights cl.7.6 Disagreements
Function	Authority to perform the duties of the local government for the abovementioned delegated powers and duties.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Sub-delegation is prohibited by s.48(3)

Amendments		
Date	Details of Amendment	Reference

3. History Summary

Date / Reference	Amendments
24 November 2020 OCM20/11/196	Major review – all previous delegations revoked and new delegations created.
25 May 2021 OCM21/05/059	Removed Section 2.3 Caravan Parks & Camping Grounds Act 1995 and Delegation 2.4.7 Infringement Notices – Extensions and Withdrawals.
	Amended Delegations 2.6.1 to 2.6.7, inclusive.
	Renumbered Delegations 2.4.1 to 2.13.2, inclusive.
	Added Delegations 2.12.2, 2.12.3 and 2.12.4.
22 June 2021 OCM21/06/070	Added Delegations 2.13.1 to 2.13.6, inclusive.
27 July 2021 OCM21/07/093	Added Delegation 2.13.3.
24 August 2021 OCM21/08/122	Amended Delegation 2.13.6.
23 November 2021 OCM21/11/181	Annual statutory review – no amendments made.
14 December 2021 OCM21/12/204	Added Delegation 2.4.11.
22 February 2022 OCM22/02/012	Amended Delegations 2.5.1 to 2.5.7, inclusive.
27 September 2022 OCM22/09/127	Amended Delegations 2.2.1, 2.2.2, 2.2.3, and 2.2.12.
20 December 2022 OCM22/12/191	Amended Background and Delegations 2.2.12, 2.5.2, 2.5.3, 2.5.5, 2.5.7, 2.8.5 and 2.13.4.
27 June 2023 OCM23/07/076	Amended Delegation 2.8.21.
19 December 2023	Amended Background and Delegations 2.13.2, 2.13.3 and 2.13.7.
27 August 2024	Deleted delegation 2.4.2, Amended Background, delegation 2.2.12, 2.4.3, 2.5.1, 2.11.1, and added delegations 2.8.30, 2.13.9 and 2.13.10.



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LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

FENCING LOCAL LAW 2024

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LOCAL GOVERNMENT ACT 1995
SHIRE OF WAROONA
FENCING LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Waroona resolved on INSERT DATE to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation and application

This local law may be cited as the *Shire of Waroona Fencing Local Law 2024*.

1.2 Commencement

This local law will come into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal and transitional provisions

- (1) The Shire of Waroona Fencing Local Law 2014, published in the *Government Gazette* on 16 January 2015 is repealed.
- (2) A permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a permit under this local law and may be dealt with accordingly.

1.5 Definitions and interpretation

- (1) In this local law unless the context requires otherwise:

Act means the *Local Government Act 1995*;

AS/NZS means an Australian or Australian/New Zealand Standard (as applicable) published by Standards Australia, as amended from time to time;

authorised person means a person authorised by the local government under section 9.10 of the Act to carry out any of the functions of an authorised person under this local law;

barbed wire fence means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals;

Building Code has the meaning given to it in regulation 3 of the *Building Regulations 2012*;

building permit has the meaning given to it in the *Building Act 2011*;

commercial lot means a lot zoned commercial, service commercial, mixed use, centre or an equivalent commercial zone under the local planning scheme and/or structure plan, but does not include a lot occupied by a residential building;

dangerous, in relation to any fence, means:

- (a) an electrified fence, or one containing barbed or razor wire, other than a fence that is constructed and maintained in accordance with this local law;
- (b) a fence containing exposed broken glass, asbestos fibre or any other potentially harmful projection or material; or
- (c) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the Shire of Waroona and includes any area placed under the jurisdiction of the Shire pursuant to any Act or Regulation;

dividing fence has the meaning given to it in the *Dividing Fences Act 1961* (as amended from time to time);

Section 5 of the *Dividing Fences Act 1961* defines “dividing fence” to mean “a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary”.

electrified fence means a fence carrying or designed to carry an electric charge;

fence means any structure, not including a retaining wall, that is used or functions as a barrier, irrespective of where it is located, and includes any gate;

front boundary means the boundary that separates a thoroughfare and the front of a lot;

front fence means a fence in the front setback area of a lot;

front setback means the horizontal distance between the front boundary and a wall of a building, measured at a right angle to the front boundary;

height, in relation to a fence, means the vertical distance between:

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level immediately below that point;

industrial lot means a lot situated within an industrial development, light industry, general industry, strategic industry zone or an equivalent industrial zone under the local planning scheme and/or structure plan;

land means land in the district and includes a house, building, work or structure, in or on the land;

local government means the Shire of Waroona

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

lot has the meaning given to it in the *Planning and Development Act 2005*;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land;

open fence means a fence:

- (a) that has continuous vertical or horizontal gaps of 50 mm or greater width comprising not less than one third of the total surface area; or
- (b) that has continuous vertical or horizontal gaps less than 50 mm in width, comprising at least one half of the total surface area in aggregate; or
- (c) that has a surface offering equal or lesser obstruction to view; and
- (d) the lower portion of which may be closed up to a height of 1.2 m above the natural ground level measured from the primary street side of the fence;

owner, for the purposes of the definition of 'dividing fence', has the meaning given to it in the *Dividing Fences Act 1961*;

Section 5 of the *Dividing Fences Act 1961* defines "owner" as follows:

"**owner**, in relation to land, includes every person who —

- (a) jointly or severally, whether at law or in equity —
 - (i) is entitled to land for any estate of freehold in possession; or
 - (ii) is entitled to receive or is in receipt of or if the land were let to a tenant would be entitled to receive the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise;
- or
- (b) is the holder of a lease of land the unexpired term of which is not less than 5 years at the time —
 - (i) notice to fence is given by or to him pursuant to section 8;
 - (ii) he makes application to the court under section 11(1);
 - (iii) a copy of an order made pursuant to section 11(2) is given to him;
 - (iv) notice is given by or to him pursuant to section 15,

but does not include any trustees or other persons in whom land is vested as a public reserve, public park or for such other public purposes as may be prescribed, or a person who has the care, control and management of a public reserve, public park or land used for such other public purposes as may be prescribed;"

owner, for all other purposes, has the meaning given to it in the Act;

person means any natural person, company, public body, association or body of persons, corporate or unincorporated and includes an owner, occupier, licensee and permit holder (as applicable), but does not include the local government;

public place means a place to which the public has access;

razor wire fence means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals;

reserve means land (including a parkland or foreshore) in or adjoining the district that is:

- (a) set apart for the use and enjoyment of the public; or
- (b) acquired for public purposes and vested in or under the care, control and management of the local government;

residential lot means any lot:

- (a) situated within a residential, special residential, urban development or an equivalent residential zone as classified by the local planning scheme and/or structure plan; or
- (b) which is or will be predominantly used for residential purposes;

but does not include a rural lot;

retaining wall means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural lot means any lot situated within a rural, rural residential, rural smallholdings or an equivalent rural zone as classified by the local planning scheme or structure plan;

structure plan has the meaning given to it in the local planning scheme;

sufficient fence means a fence described in section 2.2;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government; and

uniform fence means a fence erected by a developer or subdivider in accordance with a subdivision approval which divides a residential lot from a public place such as a pedestrian access way, public open space or road reserve.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act or the *Dividing Fences Act 1961* (as applicable).

1.6 Relationship with other laws

- (1) In the event of any inconsistency between the provisions of a local planning scheme and the provisions of this local law, the provisions of the local planning scheme will prevail.
- (2) Except as described below, nothing in this local law affects the need for compliance, in respect of a fence, with any relevant provisions –
 - (a) of a local planning scheme; and
 - (b) that apply if a building permit is required for a fence under the *Building Act 2011* or *Building Regulations 2012*.
- (3) A dividing fence constructed and maintained as a sufficient fence under this local law does not require a building permit.

PART 2 – FENCING GENERAL

2.1 Dividing fences

- (1) Unless by agreement between the owners of adjoining lots, a person must –
 - (a) not construct or alter a dividing fence on a lot so that it does not satisfy the requirements for a sufficient fence as set out in this local law;
 - (b) not attach anything to a dividing fence;
 - (c) maintain a dividing fence in a condition which satisfies the requirements of a sufficient fence; or

- (d) not alter the level of the ground adjoining the boundary so as to change the height of a dividing fence unless the dividing fence is altered, reconstructed or relocated so as to satisfy the requirements of a sufficient fence.
- (2) An agreement in respect of a dangerous fence is taken not to be an agreement between owners of adjoining lots for the purposes of section 2.1(1) of this local law.
- (3) Without limiting section 1.5, an agreement between the owners of adjoining lots does not negate the need to obtain approval under any other written law.

2.2 Sufficient fence

- (1) Subject to subsections (2) and (3), a sufficient fence –
 - (a) on a residential lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 1;
 - (b) on a commercial lot or an industrial lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 2; and
 - (c) on a rural lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 3.
- (2) Where a fence is constructed on or near the boundary between a residential lot and any of the following –
 - (a) an industrial lot;
 - (b) a commercial lot; or
 - (c) a rural lot,
 a sufficient fence is a dividing fence constructed and maintained in accordance with the requirements of Schedule 1.
- (3) Where –
 - (a) the zoning of a lot is changed from 'Rural' to 'Residential' under a local planning scheme; and
 - (b) immediately before that zoning change a dividing fence on that lot is a sufficient fence,
 the requirements of Schedule 1 will not apply to that dividing fence until a residential use becomes the predominant use for that lot.
- (4) A dividing fence or any fence lawfully erected prior to this local law coming into operation constitutes a sufficient fence.

2.3 Fencing within the front setback area

- (1) On a residential lot, a front fence shall be constructed of face finished brick, concrete, stone or timber palings, or a combination of the aforementioned materials or similar (but excluding fibre cement sheeting or sheet metal), that complement the dwelling and do not detract from the streetscape.
- (2) On an industrial lot, a fence erected within the front setback area shall be constructed and maintained as an open fence and not exceed a height of 2.4m.

- (3) On a rural lot, a front fence shall be not greater than 1.2m in height.

2.4 Sightlines at vehicle access point

A fence adjacent to any vehicle access point, or where two streets intersect, must be truncated with the minimum dimension of the truncation being 1.5m or the fence reduced in height to no more than 0.75m.

2.5 Maintenance of fences

- (1) This section applies to any fence.
- (2) An owner or occupier of a lot on which a fence is constructed must maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, unsightly, or prejudicial to the amenity of the locality.
- (3) An owner or occupier of a lot adjacent to a uniform fence must, where that fence is damaged, dilapidated or in need of repair, ensure that –
- (a) it is repaired or replaced with the same or similar materials with which it was first constructed; and
 - (b) so as far as practicable the repaired or replaced section is the same, including of same height, as the original fence.

2.6 Prohibited fencing materials

In constructing or maintaining a fence a person must not use –

- (1) except where specifically allowed by this local law, broken glass or any other potentially harmful projection or material;
- (2) asbestos fibre;
- (3) any material that is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause; or
- (4) pre-used materials, unless they are painted or treated to the satisfaction of the local government.

2.7 Gates in fences

A person must not construct or maintain on a lot a gate in a fence, unless the gate opens –

- (1) into the subject lot; or
- (2) by sliding parallel on the inside of the fence, which it forms part of, when closed.

PART 3 – BARBED AND RAZOR WIRE FENCES

3.1 Barbed and razor wire fences

- (1) On a residential lot or any other lot abutting such a lot, a person shall not erect or affix to any fence any barbed wire, razor wire or other material with spiked or jagged projections.
- (2) On an industrial lot or a commercial lot, a person shall not erect or affix to any fence bounding that lot any barbed wire, razor wire or other materials with spiked or jagged projections unless the wire or materials are not less than 2.0m from ground level.

- (3) If the posts which carry the barbed wire, razor wire or other materials referred to in subsection (2) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other material do not encroach on adjoining land.
- (4) On a rural lot, a person shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

PART 4 – ELECTRIFIED FENCES

4.1 Electrified fences

- (1) On a residential lot or commercial lot or any other lot abutting such a lot, a person shall not erect or affix an electrified fence.
- (2) On a rural lot or industrial lot, an electrified fence shall –
 - (a) comply with any applicable AS/NZS;
 - (b) comply with any requirements of Western Power; and
 - (c) be inoperable during the hours of business, if any.

PART 5 – ENFORCEMENT

5.1 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$3,500 and not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional daily penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5.2 Prescribed offences

- (1) An offence against a section of this local law specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The number of modified penalty units for a prescribed offence is that specified in the fourth column of Schedule 4.

5.3 Form of infringement notices

For the purposes of this local law -

- (1) the form of the infringement notice referred to in section 9.16 of the Act is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (2) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1
(section 2.2(1)(a))

A SUFFICIENT FENCE ON A RESIDENTIAL LOT BEHIND THE FRONT SETBACK

- (1) This Schedule does not apply to a uniform fence or a front fence.
- (2) Refer to section 2.3 of this local law for fences within the front setback area.
- (3) On a residential lot, a sufficient fence is a dividing fence that –
 - (a) is constructed of:
 - (i) corrugated fibre-reinforced pressed cement sheeting;
 - (ii) timber palings;
 - (iii) masonry (including brick, stone or concrete);
 - (iv) factory coloured sheet metal post and panelled fence;
 - (v) PVC panel (eg. Duralock); or
 - (vi) any combination of the materials described in paragraphs (i)-(v);
 - (b) is between 1.75m and 1.85m in height; and
 - (c) where constructed of masonry, is in accordance with AS/NZS for masonry construction that has been adopted by the Building Code at the time of construction.

Schedule 2
(section 2.2(1)(b))

A SUFFICIENT FENCE ON A COMMERCIAL LOT OR INDUSTRIAL LOT

- (1) This Schedule does not apply to a uniform fence or a front fence.
- (2) Refer to section 2.3 of this local law for fences within the front setback area.
- (3) On a commercial lot or industrial lot, a sufficient fence is a dividing fence that –
 - (a) is constructed of:
 - (i) link mesh, chain mesh or steel mesh and is no higher than 2.0m, unless it is topped with up to three strands of barbed wire to a total height of no more than 2.4m;
 - (ii) fibre reinforced cement sheets;
 - (iii) painted or galvanized steel or aluminium sheeting; or
 - (iv) timber or masonry (including brick, stone or concrete);
 - (b) is no more than 2.4m in height; and
 - (c) where constructed of masonry, is in accordance with AS/NZS for masonry construction that has been adopted by the Building Code at the time of construction.

Schedule 3
(section 2.2(1)(c))

A SUFFICIENT FENCE ON A RURAL LOT

- (1) This Schedule does not apply to a uniform fence or a front fence.
- (2) On a rural lot, a sufficient fence is a dividing fence that -
 - (a) is at least 1.2m in height; and
 - (b) is constructed of posts and wire.

Schedule 4
(section 5.2)

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Penalty Unit
All items	All clauses	Non-compliance with any provision of this local law.	\$500

Schedule 5

Application form to vary a requirement of this Local Law

Owner Details

Given Names: _____

Last Name: _____

Contact number: _____

Email address: _____

Address: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

If the property is owned by multiple owners, ALL signatures are required.
If the property is owned in a company, a company resolution authorising the signatory is required. The application will NOT be processed without ALL signatures and company resolution (if required)

Applicant details (if not the same as above)

Given Names: _____

Last Name: _____

Contact number: _____

Email address: _____

Address: _____

Property details

Address: _____

Suburb: _____ Postcode: _____

Variation to fencing local law

Section(s) of local law sought to be varied: _____

Detail of proposal: _____

Site plan attached Y/N: _____ Elevation plans attached Y/N: _____

Signature: _____ Date: _____

Dated the _____ day of _____ 2024

The Common Seal of the **Shire of Waroona** was affixed by authority of a resolution of the Council in the presence of-

CR JOHN MICHAEL SCOTT WALMSLEY, Shire President

MARK ANDREW GOODLET, Chief Executive Officer

DRAFT

Local Government Act 1995
Dividing Fences Act 1961

Shire of Waroona

Fencing Local Law 2014

Local Government Act 1995
Dividing Fences Act 1961

Shire of Waroona Fencing Local Law 2014

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Local Government Act 1995
Dividing Fences Act 1961

Shire of Waroona
Fencing Local Law 2014

Under the powers conferred by the *Dividing Fences Act 1961*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Waroona resolved on 25th November 2014 to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *Shire of Waroona Fencing Local Law 2014*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette* in accordance with clause 3.14 of the Act.

1.3 Repeal

Local Laws Relating to Fencing and Tennis Court Floodlighting as published in the Government Gazette on the 20th day of November 1998 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

applicant means a person who makes an application for approval under this local law;

AS/NZS means an Australian/New Zealand Standard published by Standards Australia, as amended from time to time;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

boundary fence means a fence constructed on the boundary of a lot which abuts a thoroughfare;

Building Surveyor means a Building Surveyor of the local government;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the Shire of Waroona;

commercial lot means a lot where a commercial use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot;

dangerous in relation to any fence means—

- (a) an electrified fence other than a fence approved by the local government under this local law;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given in the *Dividing Fences Act 1961*;

electrified fence means a fence carrying or designed to carry an electric charge;

estate entry statement means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;

estate boundary fence means the fence erected around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;

fence means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

front fence means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;

front setback area means the area between the building line of a lot and the front boundary of that lot;

height in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

industrial lot means a lot where an industrial use

(a) is or may be permitted under the local planning scheme; and

(b) is or will be the predominant use of the land;

licence means an electrified fence licence or a razor wire fence licence;

local government means the Shire of Waroona;

local government property means anything —

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” under section 3.53 of the Act;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

notice of breach means a notice referred to in clause 5.1;

occupier has the meaning given to it in the Act;

owner has the meaning given to it in the Act;

rear setback area means the area between the building line of a lot and the rear boundary of that lot;

residential lot means a lot where a residential use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot excluding special use –single residential lots;

retaining wall means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

rural lot means a lot where a rural use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law;

special rural lot means a lot where a special rural use—

- (a) is or may be permitted under the local planning scheme; and
- (b) is or will be the predominant use of the lot;

special use – single residential means a lot where a residential use is or may be permitted for a single house only under the local planning scheme and the land is located within a floodway as designated by the Department of Water;

sufficient fence means a fence that satisfies clause 2.1 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.1; and

thoroughfare has the meaning given to it in the Act.

1.6 Fees and charges

All fees and charges applicable under this local law shall be determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act.

Part 2 — Fences

Division 1 – Sufficient fences

2.1 Sufficient fences

(1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3), (4) and (5) of this local law, a sufficient fence—

- (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
- (b) on a commercial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
- (c) on an industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3A;
- (d) on a rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4;
- (e) on a special rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4A; and
- (f) on a special use—single residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Schedule 4B.

(3) Where a fence is erected on or near the boundary between a residential lot and a commercial lot, industrial lot, rural lot, special rural lot or a special use – single residential lot a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.

(4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2), (3) and (4) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.

(5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—

- (a) it is greater than 1800 millimetres in height; or
- (b) the Building Surveyor so requires.

(6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.

Division 2 – General

2.2 Fences within front or rear setback areas

(1) Notwithstanding the provisions of clause 2.1, a person shall not erect a fence within the front or rear setback areas, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme or the Residential Design Codes.

(2) Where there is inconsistency between the standards and requirements of the local planning scheme and those specified in the Residential Design Codes, the standards and requirements of the local planning scheme shall prevail to the extent of the inconsistency.

2.3 Gates in fences

A person shall not erect a gate in a fence which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

2.5 Alteration of ground levels

(1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.

(2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.

(3) A person shall not alter the natural ground level of land on or within 1000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

2.6 Maintenance of fences

(1) An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated or unsightly to the amenity of the locality.

2.7 Fences and sight lines

(1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction in height shall be provided at the property line to ensure adequate visibility, as follows—

- (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 metres x 1.5 metres, where achievable, or as a minimum a sight line truncation of 1.0 metre x 1.0 metre for low and medium peak vehicle movements, and a sight line truncation of 3.0 metres x 3.0 metres where achievable, for high peak vehicle movements;
- (b) at an intersection of two roads a minimum sight line truncation of 3 metres x 3 metres. A sight line truncation is not required on the entry side of a driveway where it is clearly defined as “ENTRY ONLY” or where a driveway is not less than 6 metres wide, and where appropriate signage and line marking is provided.

(2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.

(3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (1).

2.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

2.9 General discretion of the local government

(1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.

(2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or repair of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

Division 3 – Fencing materials

2.10 Pre-used fencing materials

(1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a commercial lot or an industrial lot from pre-used materials without the approval of the local government.

(2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

2.11 Barbed wire fences and spiked or jagged materials

(1) An owner or occupier of a residential lot, a commercial lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.

(2) Where an approval has been obtained in accordance with subclause (1), the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials are carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is setback 150 millimetres from the face of the fence, is at least 2000 millimetres above ground level and the total height shall not exceed 2400 millimetres.

2.12 Electrified and razor wire fences

(1) An owner or occupier of a lot, shall not—

- (a) except on a rural lot, construct or use an electrified fence on that lot without obtaining the approval of the local government; or
- (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government.

(2) The local government shall not approve an application for the purpose of subclause (1)(a)—

- (a) in respect of a lot which is or which abuts a residential lot;
- (b) unless the fence complies with “AS/NZS 3016:2002 Electrical installations— Electricity security fences”; and
- (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

(3) The local government shall not approve an application for the purpose of subclause (1)(b)—

- (a) if the fence is within 3000 millimetres of the boundary of the lot; or
- (b) where any razor wire used in the construction of the fence is less than 2000 millimetres or more than 2400 millimetres above the ground level.

(4) An application for approval for the purpose of subclauses (1) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

(5) Where the local government approves an application made under this clause, it shall provide a licence to the applicant in the form of –

- (a) Schedule 5, where an application is made under subclause (1)(a); or
- (b) Schedule 6, where an application is made under subclause (2)(b).

2.13 Prohibited fencing materials

A person shall not affix or use broken glass in the construction of any fence.

Division 4 – Tennis court fencing

2.14 Tennis court fencing

(1) A person shall not erect a fence around or partly around a tennis court on a lot unless—

- (a) the fence is not more than 3600 millimetres in height;

- (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot; and
- (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh, erected in accordance with the manufacturer's specifications.

(2) Subclause (1) does not apply to a fence erected with the approval of the local government.

(3) In determining any application for approval for the purpose of subclause (2), where the fence will be less than 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot, the local government shall invite the owner of the adjoining lot to make submissions on the proposal, and the local government shall have regard to any such submissions in making its decision under clause 3.2.

Division 5 – Estate fencing

2.15 Estate fencing

(1) A person shall not construct or erect an estate entry statement or estate boundary fence without the approval of the local government.

(2) Where an estate entry statement or estate boundary fence is constructed and contains an estate name, the entry statement or estate boundary fence shall also depict the locality name in at least equal prominence.

(3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar materials with which it was first constructed, so as far as practicable the repaired or replaced section shall be the same as the original fence.

Part 3 — Approvals

3.1 Application for approval

(1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).

(2) An application for approval under this local law shall —

- (a) be in the form determined by the local government;
- (b) be signed by the applicant and the owner of the lot;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.

(4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

3.2 Decision on application for approval

(1) The local government may—

- (a) approve an application for approval unconditionally or subject to any conditions; or
- (b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

3.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

3.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law runs with the lot to which it relates and may be relied upon by any subsequent occupier or owner of the lot and may be enforced against them by the local government.

Part 4 — Miscellaneous

4.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

Part 5 — Notices of Breach

5.1 Notices of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice of breach in writing to the owner of that lot.

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner is required to remedy the breach within the time specified in the notice.

(3) An owner given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

(4) Should an owner fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

(5) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Act and any entry on to land will be in accordance with Part 3, Division 3 of the Act.

Part 6 — Offences

6.1 Offences and penalties

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

6.2 Modified penalties

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount appearing in the final column of Schedule 1 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Part 7 — Objections and Review

7.1 Objections and review

When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

Schedule 1 – Prescribed offences

[clause 6.2(2)]

Offences and Modified Penalties

Item No.	Clause No.	Nature of offence	Modified penalties \$
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2	Erect a fence within the front or rear setback areas which does not comply with the local planning scheme	200
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside of fence	200
5	2.6(1)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated or unsightly	250
6	2.7(3)	Erect a fence without the required sight line truncation or height reduction	250
7	2.8	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without approval	250
8	2.10(1)	Construct a dividing fence on a residential, commercial or industrial lot from pre-used materials without written approval	250
9	2.11(1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without approval	250
10	2.12(1)	Construct, erect or use razor wire in a fence or electrify a fence without approval	250
11	2.13	Affix, or use, any broken glass in a fence	250
12	2.14(1)(a)	Erect a tennis court fence higher than 3600 millimetres without approval	200
13	2.14(1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without approval	200
14	2.14(1)(c)	Erect a link mesh fence higher than 3600 millimetres or not in accordance with manufacturer's specification without approval	200
15	2.15 (1)	Construct or erect an estate entry statement or estate boundary fence without the approval of the local government	250
16	3.3	Failure to comply with terms or conditions of approval	250
17	5.1(3)	Failure to comply with notice of breach	250

Schedule 2 – Residential lot

[clause 2.1(2)(a)]

Specifications for a sufficient fence on a residential lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a residential lot.
 2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.
- (1) Height: 1800 millimetres except with respect to the front or rear setbacks; minimum height: subject to requirements and standards of local planning scheme;
- (A) Timber fence
A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.
- (B) Corrugated fence
A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—
- (a) length: minimum in-ground length of 25 percent of the total length of the sheet;
depth: minimum in-ground depth of 600 millimetres;
 - (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement or steel sheet;
 - (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
 - (d) height: 1800 millimetres except with respect to the front setback;
minimum height: subject to requirements and standards of local planning schemes.
- (C) Brick, stone or concrete fence
A fence constructed of brick, stone or concrete which satisfies the following requirements and specifications—
- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
 - (b) the footing is to be designed in accordance with AS2870-1996 as amended;
 - (c) fences to be offset at a minimum of 200 millimetres and at maximum 3000 millimetres centres; or 225 millimetres x 100 millimetres engaged piers to be provided at: maximum 3000 millimetres centres;
 - (d) expansion joints in accordance with the manufacturer's written instructions; and
 - (e) height of the fence to be 1800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme.

(D) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended;
- (c) height: maximum overall height of 1800 millimetres, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1800 millimetres centres;
bonded to a maximum height base wall of 514 millimetres; or,
brick fence of height exceeding 1200 millimetres shall have brick piers of minimum of 230 millimetres x 230 millimetres x 1800 millimetres centres;
bonded to a maximum height base wall of 514 millimetres;
- (e) each pier shall be reinforced with,
one R10 galvanised starting rod for 230 millimetres x 230 millimetres piers; and,
two R10 galvanised starting rods for 345 millimetres x 345 millimetres x 345 millimetres piers, each rod being 1500 millimetres high with a 250 millimetres horizontal leg bedded into the concrete footing;
set 65 millimetres above the base of the footing and the top of the footing shall be 1 course (85 millimetres) below ground level;
- (f) cavity to brick piers to be filled with 20 MPa concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPa, mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 millimetres and checked with a standard falling weight penetrometer; and
- (i) control joints in brickwork shall be provided at piers at a maximum of 6 metre centres.

(E) Brick fence with base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1200 millimetres having brick piers of—
minimum of 230 millimetres x 230 millimetres x 2700 millimetres centres bonded to the base wall; and
each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
- (b) height exceeding 1200 millimetres having brick piers of—
minimum 345 millimetres x 345 millimetres x 2700 millimetres centres bonded to base wall; and
each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

(F) Brick fence with no base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1200 millimetres having brick piers minimum 230 millimetres x 230 millimetres x 2700 millimetres centres with no brick base wall; and,
each pier shall be reinforced with one R10 galvanised starting rod as previously specified; or
 - (b) height exceeding 1200 millimetres having brick piers minimum 345 millimetres x 345 millimetres x 2700 millimetres centres with no brick base wall; and,
each pier shall be reinforced with two R10 galvanised starting rods as previously specified.
-

Schedule 3 – Commercial lot

[clause 2.1(2)(b)]

Specifications for a sufficient fence on a commercial lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a commercial lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres, footings of a 225 millimetres diameter x 900 millimetres;
- (b) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (c) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; two at each corner post; and footings 225 millimetres x 600 millimetres;
- (d) cables to be affixed to the top centre and bottom of all posts; and consists of two or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;
- (e) non-rail link, chain or steel mesh is to be a height of 2000 millimetres on top; and three strands of barbed wire carrying the fence to a height of 2400 millimetres in accordance with requirements and standards of local planning scheme;
- (f) galvanised link mesh wire to be 2000 millimetres in height; constructed of 50 millimetres mesh, 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (g) vehicle entry gates shall provide an opening not less than 3600 millimetres constructed of 25 millimetres tubular framework; one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

(B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred to in Schedule 2 and no greater than 2000 millimetres in height; or
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and no greater than 2000 millimetres in height; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 and no greater than 2000 millimetres in height.

Schedule 3A – Industrial lot

[clause 2.1(2)(c)]

Specifications for a sufficient fence on an industrial lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on an industrial lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) Maximum height 2400 millimetres;
- (b) corner posts to be minimum 50 millimetres nominal bore x 3.5 millimetres footings of a 225 millimetres diameter x 900 millimetres;
- (c) intermediate posts to be minimum 37 millimetres nominal bore x 3.15 millimetres; maximum 3500 millimetres centres; and footings of 225 millimetres diameter x 600 millimetres;
- (d) struts to be minimum 30 millimetres nominal bore x 3.15 millimetres fitted at each gate; two at each corner post; and footings 225 millimetres x 600 millimetres;
- (e) cables to be affixed to the top centre and bottom of all posts; and consists of two or more 3.15 millimetres wires twisted together; or single 4 millimetres wire;
- (f) non-rail link, chain or steel mesh is to be a height of 2000 millimetres on top; and three strands of barbed wire carrying the fence to a height of 2400 millimetres in accordance with requirements and standards of local planning scheme;
- (g) galvanised link mesh wire to be 2000 millimetres in height; constructed of 50 millimetres mesh 2.5 millimetres galvanised iron wire; and to be strained, neatly secured and laced to the posts and affixed to cables;
- (h) vehicle entry gates shall provide an opening not less than 3600 millimetres constructed of 25 millimetres tubular framework;
- (i) one horizontal and one vertical stay constructed of 20 millimetres piping; and shall be covered with 50 millimetres x 2.5 millimetres galvanised link mesh strained to framework.

(B) Gates shall be fixed with a drop bolt and locking attachment—

- (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred in Schedule 2, of a minimum height of 1800 millimetres but no greater than 2400 millimetres;
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800 millimetres but no greater than 2400 millimetres; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2 of a minimum height of 1800 millimetres but no greater than 2400 millimetres.

Schedule 4 – Rural lot

[Clause 2.1(2)(d)]

Specifications for a Sufficient Fence on a Rural Lot

1. Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a rural lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this Schedule.

(A) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 millimetres;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases; or
- (c) minimum 5 line ringlock type fencing fixed to the manufactures specifications;
- (d) posts are to be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (e) posts are to be placed at not more than 5000 millimetres intervals, set minimum 600 millimetres in the ground and 1200 millimetres above the ground;
- (f) if timber posts are used, posts are to be cut not less than 1800 millimetres long x 50 millimetres diameter at small end if round, or 125 millimetres x 60 millimetres if split or sawn;
- (g) if strainer posts are to be not less than 2250 millimetres long and 150 millimetres diameter at the small end (tubular steel to be 50 millimetres in diameter) these strainer posts shall be placed a minimum of 1000 millimetres in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart; and
- (h) barbed wire may be used to replace a maximum of two wires. Where a fence adjoins a thoroughfare barbed wire is to be affixed to the inside of the fence.

(B) Electrified fence

An electrified fence having 4 wires is a sufficient fence that is constructed generally in accordance with a non-electrified fence.

Schedule 4 A – Special rural lot

[Clause 2.1(2)(e)]

Specifications for a sufficient fence on a special rural lot

As provided in Schedule 4, except an electric fence is not permitted unless approved by the local government.

Schedule 4 B – Special use - single residential lot

[Clause 2.1(2)(f)]

Specifications for a sufficient fence in a special use - single residential lot

As provided in Schedule 4, except that all fences shall have openings of at least 300 millimetres between the existing ground level and the lowest portion of the fence to allow the unimpeded flow of water in a flood event.

Schedule 5 – Electrified fence licence

[clause 2.12(1)(a)]

Licence for approved electrified fence

This is to certify that

.....
of

.....
is licensed, subject to the conditions set out below, to have and use an electrified fence

on.....

..

.....
..

(address)

from20.....and until this licence is transferred or cancelled.

Dated.....20.....

Chief Executive Officer
Shire of Waroona

Conditions of licence

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) upon the request of an authorised officer produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (e) comply with AS/NZS 3016:2002 Electrical installations – Electric security fences; and
- (f) following construction of the fence, lodge with Synergy a certificate of installation from a qualified electrician and comply with any requirements of Synergy regarding the construction of the fence.

Transfer by endorsement

This licence is transferred to

.....
..

of

.....

from and including the date of this endorsement.

Dated.....20.....

Chief Executive Officer
Shire of Waroona

Schedule 6 – Razor wire fence licence

[clause 2.12(1)(b)]

Licence for approved razor wire fence licence

This is to certify that

.....
of

.....

is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire

on.....

.....
(address)

from 20.....and until this licence is transferred or cancelled.

Dated.....20.....

Chief Executive Officer
Shire of Waroona**Conditions of licence**

The holder of the licence must—

- (a) display this licence in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the local government, produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the Shire prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

.....
.....**Transfer by endorsement**

This licence is transferred to

.....

of

.....
.....

from and including the date of this endorsement.

Dated.....20.....

Chief Executive Officer
Shire of Waroona

Dated

The Common Seal of the Shire of Waroona was affixed by authority of a resolution of the Council in the presence of—

Cr Christine Germain, President.

Ian Curley, Chief Executive Officer.



Our Ref

DM:SM:WARO:49805

Your Ref

30 September 2022

Mr Mark Goodlet
 Chief Executive Officer
 Shire of Waroona
 PO Box 20
 WAROONA WA 6215

By email: ceo@waroona.wa.gov.au

Dear Mark

Volunteer Bush Fire Brigades and implications of WHS Act 2020

In your initial instructions, you explained that the Shire is seeking a legal opinion on the following questions.

Questions for advice

1. Having regard to s.41(1) of the *Bush Fires Act 1954* (**BF Act**) –

Is a local law needed in order for a local government to establish, maintain and equip its bush fire brigades? That is, can or should a local government establish, maintain and equip a bush fire brigade (**BFB**) without it having a local law for that purpose?

2. **Is a BFB Local Law established under the BF Act, or under the *Local Government Act 1995* (WA) (LG Act)?**

3. You refer to LL 1.4 in the WALGA Template Local Law which provides that the Local Law applies throughout the district. In that regard you pose the question –

Can a brigade operate outside of its district lawfully (noting that they routinely operate outside of the district in assisting other LGs)?

Referring to the LG Act s.3.5, if the LG Act provides the head of power for the making of a BFB Local Law –

Does the LG Act s.3.6(1) apply, or should (or can) the LL allow the BFB to operate anywhere within WA or Australia?



Stirling Law Chambers
 220 Stirling Highway
 Claremont WA 6010
 Tel (08) 9383 3133
 Fax (08) 9383 4935
 Email: mcleods@mcleods.com.au

Volunteer Bush Fire Brigades and implications of WHS Act 2020

4. Is this LL compatible with the responsibilities of the PCBU Officer under the *Work Health and Safety Act 2020 (WA) (WHS Act)*? This question is posed by reference to three examples as follows:
- (a) LL 3.7 & 3.8 Nomination of BFC Officer (WALGA template) – There appears to be some danger in the PCBU Officer having no control over the suitability of the selected person for the role, although the LG is required to consider the qualifications and experience of the nominees.
 - (b) LL Schedule 1 Rules. 2.3 Conditions of Membership. The BFBs establish policies pertaining to qualifications and fees, as well as procedures. Is this not the job of the local government, or the PCBU Officer? If the BFB is writing policy, how does the PCBU Officer discharge his/her responsibilities under the WHS Act?
 - (c) LL Schedule 1 Rules. 4.1 The administration and management of the affairs of the BFB are vested in the Committee. Does this mean the PCBU Officer has no role in relation to the items in (2)? Does this then sit well with or potentially even abrogate, the obligations of the PCBU Officer under the WHS Act?
5. LL Schedule 1 Rules 4.1(2)(e) Invest or place funds and 5.6 Audit –

As a financial governance question, should the funds of the BFB be held in a LG trust account and should normal LG audit provisions apply?

I offer my advice and comments on those questions as set out below.

Advice and comments

- 1. Question 1: Is a local law needed in order for a local government to establish, maintain and equip its BFBs?**

Advice and comments on question 1

- 1.1 S.62(1) of the BF Act gives power to a local government to make local laws for stated purposes associated with the establishment, and the organisation, maintenance and equipping of BFBs as follows:

‘62. Local government may make local laws

- (1) *A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to –*

Volunteer Bush Fire Brigades and implications of WHS Act 2020

- (a) *the appointment, employment, payment, dismissal and duties of bush fire control officers;*
- (b) *the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and*
- (c) *any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.'*

1.2 Note that s.62(1) contemplates local laws made in relation to a BFB being made in accordance with Subdivision 2 of Division 2 of Part 3 of the LG Act.

1.3 S.36 of the BF Act confers powers on a local government in relation to the establishment and equipping of bush fire brigades which are capable of operating independently of the provisions of a BFB local law. Relevantly, s.36 provides –

'A local government may, notwithstanding anything to the contrary contained in any other Act –

- (a) *purchase and maintain appliances, equipment, and apparatus for the prevention, control and extinguishment of bush fires;*

...

- (d) *establish and maintain bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires; ...'.*

1.4 There are provisions in the BF Act which suggest a local government may have authority to establish and maintain a BFB independently of the provisions of any BFB local law. On the other hand however, there are provisions in the BF Act which suggest that the adoption of a local law is required for the establishment and operation of a BFB as mentioned below.

1.5 S.41(1) of the BF Act provides relevantly –

- (1) *For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.'*

Like s.62(1), s.41(1) is expressed in permissive terms, but it assumes that the establishment and maintaining of one or more bush fire brigades is to be in

Volunteer Bush Fire Brigades and implications of WHS Act 2020

accordance with the local government's local laws made for the purpose. S.41(1) does not say that the local government may, in accordance with any local laws that it may have made for the purpose, establish and maintain one or more bush fire brigades. The provision assumes that a local government wishing to establish and maintain one or more bush fire brigades will have local laws in existence for that purpose.

- 1.6 In my opinion a local government proposing to establish a BFB should make local laws for that purpose. The fact that s.62(1) is expressed in permissive terms in my opinion reflects the fact that not all local governments will have a need to establish a BFB. The power is given in s.62(1) for those local governments that do wish to establish a BFB, to make local laws under the BF Act, but in accordance with the procedures in Subdivision 2 of Division 2 of Part 3 of the LG Act.
- 1.7 There is an even clearer indication of the requirement of local laws in s.43 of the BF Act. S.43 makes the requirement of the adoption of BFB local laws even clearer. That section provides –

'43. Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.'

- 1.8 Although there are provisions in the BF Act which suggest that a local government may establish, maintain and equip one or more BFBs without adopting local laws for the purpose, other provisions in the Act indicate that where a local government proposes to establish one or more BFBs, it should adopt local laws for that purpose.
- 1.9 In my opinion, the making of a BFB local law is needed for a LG to establish, maintain and equip a BFB.

2. Question 2: Is a BFB Local Law established under the BF Act (s.41), or under the LG Act (s.3.5)?

Advice and comments on question 2

- 2.1 S.62(1) which empowers a local government to make local laws in relation to BFBs, provides that the local government may make such local laws **in accordance with Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995**. If local laws are to be made in relation to BFBs under the authority of the BF Act, then the intention of the Act is that the local laws will be made in accordance with the local law provisions of the LG Act.

-
- 2.2 S.3.11 of the LG Act contemplates that the procedures in the LG Act for the making of local laws can apply to local laws made under the LG Act, and unless a contrary intention appears in another Act, can apply to local laws made under any other Act. On that basis, it seems reasonable to conclude that the legislature intends that a local law in relation to BFBs may be made under the authority of the BF Act, but in accordance with the procedure in the LG Act for making local laws.
- 2.3 In my opinion, having regard to the provisions of the BF Act and the LG Act mentioned above, it seems appropriate for the BFB local laws to be made under the authority of the BF Act, but in accordance with the procedures in the LG Act. The LG Act provides the procedures only, and that is reflected in s.3.11 of the LG Act, which provides that Subdivision 2 of Division 2 of Part 3 of the LG Act applies not only to local laws made under the LG Act, but applies also to local laws made under any other Act and provides the procedure for making the local laws made under another Act.
- 2.4 The correct answer to question 2 in my opinion is that it would ordinarily be appropriate for a BFB local law to be made under the BF Act, but procedurally, using the procedure in Subdivision 2 of Division 2 of Part 3 of the LG Act for making local laws.
- 2.5 Having regard to the provisions of s.3.18 of the LG Act, it may be possible for a local government to make local laws for the establishment of BFBs under the powers provided in the LG Act, even if there were not appropriate powers in the BF Act for that purpose. S.3.18(1) provides that a local government is to administer its local laws and may do all other things that are necessary or convenient to be done for or in connection with, performing its functions under the LG Act. Then in s.3.18(2), it is provided that in performing its executive functions, a local government may provide services and facilities. It is at least arguable that the establishment of a BFB would involve the provision of services and facilities to the local government's district in dealing with the bush fire risk.
- 2.6 In any event, as the BF Act contains clear provision for the making of local laws for the establishment, equipping and maintenance of BFBs, and as that Act contemplates the local laws being made in accordance with the procedures in the LG Act, in my opinion the appropriate course would be for BFB local laws to be **made under the BF Act, though in accordance with the procedures in the LG Act.**

3. **Question 3: Can a brigade operate outside of its district lawfully (noting that they routinely operate outside of the district in assisting other LGs)? Does the LG Act s.3.6(1) apply, or should (or can) the LL allow the BFB to operate anywhere within WA or Australia?**

Advice and comments on question 3

- 3.1 S.3.1(1) of the LG Act provides that the general function of a LG is to provide for the good government of persons in its district.
- 3.2 S.3.5(2) provides that a local law made under the LG Act does not apply outside the local government's district unless it is made to apply outside the district under s.3.6.
- 3.3 S.3.6(1) gives power to a local government to make a local law **under the LG Act** that applies outside its district, if the Governor's approval has been first obtained. That applies to a local law **made under the LG Act**.
- 3.4 As explained above, the BF Act contemplates that BFB local laws would be **made under the BF Act**, though in accordance with the procedure in the LG Act. A BFB local law made under the BF Act would not be subject to the restriction in s.3.5(2), which applies to a local law made under the LG Act.
- 3.5 I could find nothing in the BF Act which says clearly and specifically that a BFB local law made under the BF Act can allow a local government's BFB to operate outside the local government's district. There are however a number of provisions in the BF Act which reflect that possibility, including the following:
- (a) In s.39(1), special powers of bush fire control officers appointed under the BF Act by a local government are set out without any indication that the powers of the bush fire control officer so appointed can only be exercised within the district of the local government making the appointment. That is pertinent in regard to the power in para.(f) of a bush fire control officer appointed by a local government to 'take charge of and give directions to any bush fire brigade present at a bush fire with respect to its operations or activities in connection with the extinguishment or control of the bush fire, or the prevention of the spread or extension of the fire ...'.
 - (b) S.39A sets out duties of bush fire authorities on the outbreak of fire. In subs.(1), it is provided that on the outbreak of a bush fire '**at a place within or adjacent to the district of a local government**, the bush fire control officers, bush fire brigade officers, or bush fire brigade members, of the local government ... may ... take charge of the operations for controlling and extinguishing a bush fire or preventing the spread or extension of the fire'.

That provision recognises that officers appointed by a local government may perform duties within or adjacent to the district of the local government by which they are appointed.

- (c) In s.39A(2), it is provided –

‘Where a bush fire to which this section applies occurs, if a bush fire control officer, bush fire brigade officer, or member of a bush fire brigade, of the local government in whose district the bush fire is burning is not present at the fire, a bush fire control officer, a bush fire brigade officer, or member of a bush fire brigade, of a local government whose district is adjoining or adjacent, may exercise in respect of the bush fire, all powers and authorities of a bush fire control officer of the local government in whose district the fire is burning.’

That further gives a clear indication of the intention of the BF Act that a LG’s BFB may operate outside the district of the appointing local government.

- (d) S.40 recognises that two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purpose of the Act, and the section further provides that bush fire control officers so appointed ‘... shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them’.

Admittedly that is a special provision dealing with two or more local governments joining in the appointment of a bush fire control officer, but nevertheless there is support for the notion of BFBs and their officers operating outside the district of a particular local government.

- (e) Similar provisions are made in s.42 for two or more local governments to join in establishing, maintaining and equipping a BFB to act as the BFB of each local government under and for the purposes of the BF Act.
- (f) S.44(3) provides that subject to other provisions of the Act, where a bush fire brigade of a local government is present at a fire which is burning within the district of the local government, if a bush fire control officer of the local government is not present, the captain or in his absence the next senior officer of the bush fire brigade of the local government, or in the absence of the captain and all other officers of that bush fire brigade, any other member of that bush fire brigade, has and shall take supreme control and charge of all operations **and the officers and members of another bush fire brigade if present are subject to and shall act under his orders and directions.**

- (g) Further, subs.(4) provides that where a bush fire control officer of an LG is present at a fire which is burning in the district of the LG, he has supreme control and charge of all operations, and the officers and members of all bush fire brigades present at the fire are subject to and shall act under his orders and directions.
- (h) In s.56(2), it is recognised that where a bush fire control officer appointed by a local government obtains the name and place of abode of a person committing an offence against the BF Act, the bush fire control officer is to report the facts of the offence and the name and place of abode of the person who committed the offence ‘... as soon as conveniently may be to the local government in whose district the offence is committed’.

That provision recognises that a bush fire control officer appointed by one local government may initiate penalty proceedings against an offender in another local government district.

- (i) Other provisions recognising the possibility of a bush fire control officer appointed by a local government operating in another local government district, are contained in s.58.

3.6 It is in the nature of bush fires that they do not respect boundaries, whether they be boundaries of properties or the boundaries of local government districts. Without reference to any particular provisions in the BF Act, it would seem strange if it was the intent of the BF Act that a BFB established by one local government would not be able to operate for control of bush fires in a neighbouring or other local government district. The provisions referred to above reinforce what in my opinion is a common-sense approach to the operation of bush fire control legislation.

3.7 It is a well-known fact that BFBs appointed by a particular local government operate outside of the district of the appointing local government, and perform their functions cooperatively, and in accordance with the general provisions for control hierarchy in the BF Act, in the control of bush fires in other LG districts.

3.8 In my opinion, s.3.6(1) of the LG Act does not apply in the case of BFBs fighting fires in local government districts other than the district of the local government by which they are appointed. In my opinion the BF Act recognises and allows that situation. In my opinion BF local laws could reflect the extra-territorial provisions in the BF Act.

4. Question 4: Is the WALGA LL template compatible with the responsibilities of the PCBU Officer under the WHS Act?

Advice and comments on question 4

4.1 It is worth drawing a distinction between a 'PCBU' and an 'officer' within the context of the WHS Act.

4.2 A 'PCBU' refers to a person who is conducting a business or undertaking for the purpose of the WHS Act, including a public body, company, or body corporate (*Interpretation Act 1984* (WA), s.5). An 'officer' is defined in the WHS Act at s.4A as follows –

'Officer -

(a) *means*

(i) *an officer within the meaning of the Corporations Act 2001 (Commonwealth) section 9 other than a partner in a partnership;*

(ii) *an officer of the Crown within the meaning of subsection (2); or*

(iii) *an officer of a public corporation within the meaning of subsection (3);'*

4.3 Local governments are considered 'public corporations' pursuant to s.4 of the WHS Act. Accordingly the operative definition of an officer of a local government as a public corporation, is given in s.4A(3) as follows –

'(3) A person who makes, or participates in making, decisions that affect the whole, or a substantial part, of the business or undertaking of a public corporation is taken to be an officer of the public corporation for the purposes of this Act.'

4.4 Thus the Shire is the PCBU, and the Officer will be any Officer of the Shire who falls within the scope of s.4A(3) as set out above.

4.5 It is also worth drawing a distinction between the role of the BFB and the Shire in their respective roles under the WHS Act.

4.6 As indicated in paras.4.2-4.4 above, the Shire is a PCBU within the meaning of the WHS Act. S.5 of the WHS Act deals with the meaning of PCBU. S.5(1) provides –

'(1) For the purposes of this Act, a person conducts a business or undertaking –

(a) *whether the person conducts the business or undertaking alone or with others; and*

(b) *whether or not the business or undertaking is conducted for profit or gain.'*

4.7 S.5(4) provides that an individual does not conduct a business or undertaking to the extent that the individual is engaged solely as a worker in, or as an officer of, that business or undertaking.

4.8 S.5(5) provides that a local government member does not conduct a business or undertaking.

4.9 S.5(7) provides –

'A volunteer association does not conduct a business or undertaking for the purposes of this Act.'

4.10 S.5(10) of the WHS Act contains the following provision in relation to volunteer associations –

'volunteer association means a group of volunteers working together for 1 or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.'

4.11 Having regard to subss.(7) and (10) of s.5 of the WHS Act, in my opinion a BFB cannot be considered to be a PCBU. It seems clear that a BFB falls within the definition of 'volunteer association' in s.5(10). The object of a BFB is for volunteer members to engage in 'normal brigade activities' which are set out in s.35A of the BF Act.

4.12 Because the Shire (as the PCBU) establishes the BFB, the Shire is the PCBU of the BFB for the purposes of the WHS Act.

4.13 The members of the BFB, while engaging in 'normal brigade activities' will likely be considered 'workers' under s.7 of the WHS Act, which provides as follows –

7. Meaning of worker

(1) *A person is a **worker** if the person carries out work in any capacity for a person conducting a business or undertaking, including work as -*

...

(h) *a volunteer*’.

- 4.14 As workers, all members of the BFB are owed the primary duty of care by the Shire as the PCBU under s.19 of the WHS Act, to ensure their health and safety so far as is reasonably practicable.

‘19. Primary duty of care

- (1) *A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of –*

(a) *workers engaged, or caused to be engaged, by the person; and*

(b) *workers whose activities in carrying out work are influenced or directed by the person,*

while the workers are at work in the business or undertaking.

Example 1 – LL 3.7 & 3.8 Nomination of BFC Officer

- 4.15 LL 3.7 and LL 3.8 refer to the nomination of a ‘bush fire control’ officer (**BFC officer**) and you have requested advice as to whether the PCBU has control over the suitability of the selected person for the role.

- 4.16 Pursuant to s.38(1) of the BF Act, the Shire ‘*may*’ appoint a person to the BFC officer position.

- 4.17 LL 3.8 states as follows –

‘If the local government has not established a Bush Fire Advisory Committee, then at the annual general meeting of a bush fire brigade, the bush fire brigade is to nominate one brigade member to the local government to serve as the bush fire control officer for the brigade area until the next annual general meeting.’

- 4.18 The word ‘nominate’ implies that it is a recommendation made by the BFB at the time of the annual general meeting as opposed to an absolute appointment. The Shire retains the power pursuant to s.38(1). LL 3.8 permits the BFB to nominate a person to the BFC officer position, but the appointment is by the LG.

- 4.19 To the extent that your Shire has the power to appoint a BFC officer, the Shire as the PCBU is also required to comply with its duty under s.44(2) of the WHS Act, to ensure that it hires workers with the prescribed qualifications or experience. S.44(2) relevantly provides –

‘44. Requirements for prescribed qualifications or experience

- (2) *A person who conducts a business or undertaking must not direct or allow a worker to carry out work at a workplace if –*
- (a) *the regulations require the work, or class of work, to be carried out by, or under the supervision of, a person who has prescribed qualifications or experience; and*
 - (b) *the worker does not have the prescribed qualifications or experience or the work is not carried out under the supervision of a person who has the prescribed qualifications or experience.’*

4.20 In our view, while the BFBs are permitted to make a nomination, the ultimate appointment decision lies with the Shire to appoint the BFC officer, and the Shire has the duty to ensure the prospective BFC officer possesses the prescribed qualifications or experience.

Example 2 – LL Schedule 1 Rules. 2.3 Conditions of Membership

4.21 LL 2.3 (Schedule 1) refers to the BFB’s right to establish policies regarding qualifications and fees in relation to the BFB members. You have requested advice as to who has the responsibility to write policy and the PCBU’s associated responsibilities.

4.22 As part of the primary duty of care under s.19 the PCBU must ensure so far as is reasonably practicable (paraphrased from s.19(3) for clarity) –

‘(c) *the provision and maintenance of safe systems of work; and*

...

(f) *the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking’.*

4.23 By virtue of the above two duties, irrespective of the policies established by the BFBs under LL 2.3 (Schedule 1) the Shire as the PCBU is ultimately responsible for ensuring so far as is reasonably practicable the provision and maintenance of the policy and procedures necessary to protect all persons from risks to their health and safety arising from the work.

4.24 The policy and procedures must be meaningful in themselves, and the duty to provide instructions and training is a continuing obligation. As observed by Harrison J in *Attorney General of NSW v Tho Services Ltd (in liq)* [2016] NSWCCA 221 at [70],

it was not an obligation that could either be discharged by a single compliance at an induction, or avoided entirely.

Example 3 – LL Schedule 1 Rule 4.1

- 4.25 LL 4.1 (Schedule 1) refers to the role of the committee of the BFB (**Committee**) to administer and manage the BFB and you have requested advice as to whether this would abrogate the PCBU's obligations under the WHS Act.
- 4.26 Similar to above, while the Committee may have the ongoing administration and management of the affairs of the BFB, the ultimate responsibility lies with the Shire as the PCBU.
- 4.27 The Shire's primary duty of care under s.19 is not transferable to any other person (s.14) and any attempt to exclude, limit or modify the operation of this duty is of no effect (s.272).
- 4.28 The Shire's duties under the WHS Act are concurrent, the provisions in ss.15 and 16 overlapping. The relevant provisions are:

‘15. Person may have more than 1 duty

A person can have more than 1 duty by virtue of being in more than 1 class of duty holder

16. More than 1 person can have a duty

(1) *More than 1 person can concurrently have the same duty.*

(2) *If more than 1 person has a duty for the same matter, each person –*

(a) *retains responsibility for the person's duty in relation to the matter; and*

(b) *must discharge the person's duty to the extent to which the person has the capacity to influence and control the matter or would have had that capacity but for an agreement or arrangement purporting to limit or remove that capacity.'*

5. **Question 5: LL Schedule 1 Rules 4.1(2)(e) Invest or place funds and 5.6 Audit. A financial governance question. Should the funds of the BFB be held in an LG trust account and normal LG audit provisions apply?**

Advice and comments on question 5

- 5.1 LL 4.1(2)(e) (Schedule 1) sets out as follows –

‘Without limiting the generality of subclause (1), the Committee is to have the following functions:

...

- (e) *to invest or place on deposit any of the funds of the bush fire brigade not immediately required to perform the normal brigade activities’.*

That function having been given to the committee in my opinion it is appropriate that there be an acceptable level of control over the performance of the function and investing or placing on deposit the BFB funds.

- 5.2 S.6.14 of the LG Act deals with the power to invest money held in the municipal fund and the trust fund of the LG. S.6.14(1) provides as follows –

‘6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III’.*

- 5.3 Just as the Shire may invest funds held in the Shire’s trust fund, if they are not required for any other purpose, in my opinion it is appropriate that the same provisions apply to the investment of BFB funds that are not immediately required for the performance of the BFB’s function.

- 5.4 I have not found in the legislation any provision specifically giving the status of a trust fund to the funds held by a BFB. However the LG Act and the *Local Government (Financial Management) Regulations 1996 (WA) (Financial Management Regulations)* give useful guidance in regard to the investment of funds in the local government context, and in my opinion it would be reasonable and convenient for the provisions relating to the investment of the trust fund of a local government to be applied to the investment of BFB funds. In my opinion the funds of a BFB which are not immediately required for the BFB to perform its normal brigade activities should be invested on the basis that the funds of the BFB are held in trust. In my opinion it would be appropriate for the BFB to deal with such funds

in accordance with s.6.14 of the LG Act, and reg.19C(2) of the Financial Management Regulations, which provides as follows –

- ‘(2) When investing money under section 6.14(1), a local government may not do any of the following –
- (a) deposit with an institution except an authorised institution;
 - (b) deposit for a fixed term of more than 3 years;
 - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
 - (d) invest in bonds with a term to maturity of more than 3 years;
 - (e) invest in a foreign currency.’

5.5 LL 4.1(2)(e) (Schedule 1) clearly contemplates that it is a function of the committee to invest or place on deposit any of the funds of the BFB not immediately required to perform the normal BFB activities. That indicates an intention that the committee would have the function of investing the BFB’s surplus funds. If that provision remains in the local law, then the management of the BFB’s fund should be such as to enable compliance with LL 4.1(2)(e) (Schedule 1), but nevertheless the funds should be managed in the same way as the Shire’s trust fund.

5.6 So far as audit is concerned, nothing in the BF Act stipulates that a BFB’s fund should be subject to audit, but if it is to be operated in effect as a trust fund, it seems clear that it should be subject to the same audit process as applies to a LG trust fund. Presumably the Shire could arrange for an audit of the BFB’s finances to be carried out at the same time as the Shire’s funds are audited.

5.7 It may be worth noting that each a tier 1, tier 2 and tier 3 association, under the *Associations Incorporation Act 2015* (WA) is required to prepare a financial report for each financial year, and tier 1 and tier 2 associations are required to have their financial reports audited or reviewed, which tier 3 associations must have their financial reports audited. The review/audit requirements applicable to associations in my opinion give support to my comments above in regard to the auditing of BFB funds.

The above advice and comments range over numerous issues. I trust the advice and comments deal adequately with your BFB concerns. I will be happy to discuss any of the above with

30 September 2022

Shire of Waroona

Volunteer Bush Fire Brigades and implications of WHS Act 2020*McLeods*

Page 16

you if you feel that further discussion would be beneficial. Please don't hesitate to contact me if any further comment or other assistance is required in connection with the matter.

Yours sincerely



Denis McLeod

Direct line: 08 9424 6201

Email: dmcleod@mcleods.com.au



AUSPICING AGREEMENT

SoW HUMAN RESOURCES & ASSOCIATED SUPPORT FOR HRRT

An Agreement between

Shire of Waroona
ABN: 22 902 474 201

and

Harvey River Restoration Taskforce Inc. (HRRT)

Term: 1st July 2024 to 30th June 2029

1. CONTEXT

Harvey River Restoration Taskforce (HRRT) is a small, incorporated, community group which has been delivering community engagement and on-ground river restoration outcomes in the Harvey Basin for the past two decades in alignment with the HRRT's Strategic Plans.

This Auspicing Agreement specifies the working relationship between the Shire of Waroona and the Harvey River Restoration Taskforce Inc..

2. THE PROJECT IN TERMS OF THIS AGREEMENT

This project is entitled "SoW HUMAN RESOURCES & GOVERNANCE SUPPORT FOR HRRT", herein 'the Project'.

3. AGREEMENT DETAILS

DESCRIPTION	DETAILS
1. Commencement Date	This agreement commences 1 st June 2024.
2. Funding Provider	Shire of Waroona ABN 22 902 474 201
3. Representative	Name: Mark Goodlet Position: Chief Executive Officer Phone: 0400 567 447 Email: ceo@waroona.wa.gov.au
4. Recipient	Name: Ms Jennifer Stringer Position: Chair Business Name: Harvey River Restoration Taskforce Inc. ABN: Nil Address: Waroona Landcare Centre, 93 South Western Hwy, Waroona, 6215
5. Recipient Representative	Name: Jane Townsend Phone: 08 9733 2628
6. Insurance	Public Liability (Held by HRRT) Policy Name: Ceneta Insurance Services Annual Public and Products Liability (\$20million) No: CENETA000060 Expiry date: 01/03/2025

Vehicle (Held by HRTT)

Policy name: NRMA
 No: MOTN0000931717
 Expiry date: 07/06/2025

Trailer Insurance (Held by HRRT)

Policy Name: NRMA
 No. TRLN0000339891
 Expiry date: 21/07/2025

Workers' Compensation (Held by Shire of Waroona)

Policy Name: Provided by Shire of Waroona

Volunteers Insurance (Held by HRRT)

Ceneta Insurance Services
 Voluntary Workers Insurance
 No: Ceneta000060
 Expiry date: 01/03/2025

Waroona Landcare Centre Contents Insurance
Provided by Shire of Waroona

Policy Name: Property Insurance
 No. Member No 000089
 Expiry date: 30/06/2025
 Comment: Contents: \$10,000
 Held by SOW for the Centre,
 for items purchased through
 SOW accounts; any items
 purchase through Shire of
 Waroona Landcare Account will
 be insured by the Shire.

7. Agreement Completion & This agreement may be reviewed annually by the
Review Date parties - Review date 30/06/2025

4. GLOSSARY OF TERMS

In this Agreement, unless the context otherwise requires:

Agreement means this Agreement (Contract), including its recitals and any schedules or attachments.

Approved Project or **Project** means the Project or Approved Purpose set out in the project description or schedule.

Auspicing Fee means any amount, mutually agreed by the parties that SoW charges HRRT in respect to this Agreement.

Activity means the undertaking by the Recipient in regard to achieving the negotiated deliverable outcomes and milestones which are specified in this Agreement and Schedules 1 to 2.

Business Day means a day other than a Saturday, Sunday or public holiday in Western Australia.

Catchment means the hydrological catchment of the Peel-Harvey.

Confidential Information includes but is not limited to, any information relating to business affairs and processes of the Parties, obtained by virtue of this Agreement, which would not otherwise be available to the general public and all information marked as confidential as well as information which by its nature is confidential, is known to be confidential or which Party receiving the information from the other party ought to have known was confidential and includes all such information that may be in the possession of their employees and agents.

Donations means grants, donations, sponsorships, or other funds provided by a Funding Body or any other form of income including bank interest.

DGR means deductible gift recipient.

GST means any form of goods and services tax payable under the GST Law.

GST Law means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).

Financial records means invoices, receipts, bank statements, copies of cheques, and reconciliations of bank balance, receipts and expenditure.

Funding Body means a giver of a grant, donations, sponsorships or other funds.

SOW means the Shire of Waroona.

SOW's Representative means the Chief Executive Officer (CEO), or Legal representative, of the SOW, or any other Officer authorised by CEO.

SOW Supervisor means the SOW's Project manager.

Parties mean the SOW and the Recipient to this Agreement.

Project means the "operations of the Harvey River Restoration Taskforce in accordance with their strategic directions documents and any related projects implemented in order to achieve their objectives" as per this Agreement.

Project budget means the budget developed for any Donation received for a project towards achieving HRRT's strategic directions.

5. PARTIES TO THE AGREEMENT

- 5.1 Shire of Waroona (ABN 22 902 474 2016) of 52 Hesse Street, Waroona, Western Australia, 6210, is the Auspicor for this Agreement.
- 5.2 Harvey River Restoration Taskforce (HRRT) of 93 South Western Highway Waroona, 6215 and c/- P.O. Box 20 Waroona, 6215, is the Auspicee to this Agreement.
- 5.3 SOW and HRRT commit to notify and consult each other on matters that come to their attention that may improve the operation of this Agreement.

6. AGREEMENT TERM AND TERM VARIATION

- 6.1 This agreement Term begins 1st July 2024 and continues until 30 June 2029 or until it is otherwise terminated in accordance with this agreement, whichever comes first.
- 6.2 The Parties may vary the Term of the Agreement by written consent.
- 6.3 In varying the Term of Agreement, depending on the variation and to minimise impact on the other party, up to three months' notice must be given by either party.
- 6.4 Despite clause 6.1, this agreement becomes periodic after the nominated termination date, continuing on with the same terms, conditions and obligations to both Parties, until it is terminated in accordance with this agreement.

7. SERVICE FEE

- 7.1 The SOW in-kind support for the HRRT is estimated at approximately \$15,000 per annum.
- 7.2 For the purposes of this Agreement SOW does not charge a fee for this Auspicing arrangement.
- 7.3 The need to charge a fee may be reviewed in alignment with changing circumstances of either party.

8. PROJECT SCOPE IN CONTEXT OF THIS AGREEMENT

The Harvey River Restoration Taskforce seeks funding to deliver on-ground and community engagement outcomes in accordance with their strategic directions documents:

- 8.1 Mission: The Harvey River Restoration Taskforce is a community-based organisation acting as a catalyst within the Harvey River catchment for the protection and rehabilitation of waterways.
- 8.2 Vision: The waterways of the Harvey River catchment are thriving & vibrant, supporting healthy, resilient communities and productive landscapes.
- 8.3 Goals:
 - 8.3.1 Catchment Resilience: Improve long-term resilience, and area protected, of waterway and wetland habitat within the Harvey River catchment.
 - 8.3.2 Practice Change: Increase stakeholder adoption of best practice waterway management within the Harvey River catchment.
 - 8.3.3 Community Connection: Maintain a 'sense of place' to enhance, and connect community with, the waterways of the Harvey River catchment.
 - 8.3.4 Business Sustainability: Implement best practice business management principles to ensure growth, financial security, and relevance of the program over time.
- 8.4 The HRRT receives support from SOW to employ a Rivercare Officer and manage associated processes.
- 8.5 The HRRT Community Panel approves project budgets for implementation by the HRRT Rivercare Manager.

9. ACCESS TO INFORMATION

For twelve months after the termination or expiration of this agreement, each Party will permit access to its accounts and records, relating wholly or in part to this agreement, and to any of its offices or buildings where that information may be held, by the other Party and its duly authorised agents and employees, for the purpose of verifying compliance with this Agreement and to take copies of all such information.

10. OBLIGATIONS OF AUSPICEE – HRRT

HRRT will:

- 10.1 Secure funds to cover the employment and associated costs of the Rivercare Officer, Shire overheads and management costs, and will pay the subject funds to the SOW.

- 10.2 HRRT will pay all invoices from the SOW within 30 days of invoice. The invoices will be for the Rivercare Officer/s salary and other remunerations, Shire overheads and management costs.
- 10.3 Contribute to implementation of this Agreement in a professional and business-like manner.
- 10.4 Not conduct business in any way which would damage the SOW's public image or reputation.
- 10.5 At all times work in the best interests of the SOW in relation to this Agreement.
- 10.6 Keep records and provide sufficient information and take all reasonable steps to enable the SOW to comply with all employment obligations, legislative requirements and this Agreement.
- 10.7 Arrange and maintain adequate insurance as set out in Clause 3.
- 10.8 Comply with all workplace health and safety obligations under the Work Health and Safety Act 2020 and its subsidiary legislation, including but not limited to volunteers undertaking HRRT projects.
- 10.9 Secure all Donations from Funding Bodies without any assistance from the SOW, both financially and non-financially, except as otherwise set out in this agreement.
- 10.10 In a timely manner inform the SOW if the HRRT does not have the capacity to pay amounts due to the SOW and therefore continue with this agreement.
- 10.11 Not represent in any manner that they are an agent for the SOW or that they have the capacity to bind the SOW in any respect, except as provided for in this Agreement.

11. OBLIGATIONS OF AUSPICOR – SOW

SOW will:

- 11.1 Employ a Rivercare Officer, who undertakes the work of the HRRT.
- 11.2 Advocate for HRRT projects and operations.
- 11.3 Administer and govern functions relating to employment of the Rivercare Officer.
- 11.4 Contribute to implementation of this Agreement in a professional and business-like manner.
- 11.5 Not conduct business in any way which would damage the HRRT's public image or reputation.
- 11.6 At all times work in the best interests of the HRRT in relation to this Agreement.

- 11.7 Keep records and provide sufficient information and take all reasonable steps to comply with all employment obligations, legislative requirements and this Agreement.
- 11.8 Keep records and provide sufficient information and take all reasonable steps to inform HRRT in relation to its project and administrative obligations, legislative requirements and this Agreement.
- 11.9 Not represent in any manner that they are an agent for the HRRT or that they have the capacity to bind the HRRT in any respect, except as provided for in this Agreement.

12. LIABILITY AND INSURANCE

- 15.1 Other than as outlined in clause 22 Special Conditions, to the extent permitted by law the SOW has no liability to HRRT or any third party including, but not limited to, direct, indirect or consequential losses, liabilities, costs, charges, expenses, actions, proceedings, claims and demands, fines and damages, and/or interest in the event of any failure, inaction, loss, cost, expense, liability, damage or claim from or arising out of this agreement.
- 15.2 It is the responsibility of the parties to ensure they have all necessary, current and adequate insurance policies in place, including those itemised in clause 3, to cover the Project and protect all personnel, assets and equipment to be used in respect of the Project. Insurance responsibilities of each Party are outlined in clause 3.

13. ACKNOWLEDGEMENT AND PUBLIC RELATIONS

HRRT will acknowledge the assistance of SOW and its support in any relevant publication, presentation, website, media or display material or any announcements or interviews referring to the Project in a manner that is acceptable to both Parties.

14. EVENT OF DEFAULT

If an Event of Default occurs, is considered by either Party as likely to occur or would be considered by a reasonable person as likely to occur, then the Party shall immediately notify the other Party of the occurrence or likely occurrence and shall then consult with one another with respect to this Agreement or its possible termination.

15. TERMINATION OF THIS AGREEMENT

Either Party may terminate this agreement at any point with a minimum of three months' notice unless the non-terminating party agrees to a shorter period.

16.ASSIGNMENT

This agreement is personal to each party and neither party may assign the rights or benefits of this agreement or sub-contract any obligations to any other person except by the written agreement of both Parties.

17.GENERAL PROVISIONS

- 17.1 Entire agreement This agreement constitutes the entire agreement between the Parties regarding the matters set out in it and supersedes any prior representations, understandings or arrangements made between the Parties, whether orally or in writing.
- 17.2 Variation. This Agreement may be varied by mutual written agreement. If either Party wishes to vary the Agreement a minimum of three months' notice must be given unless both Parties agree to a shorter time period.
- 17.3 Waiver. A right created by this agreement cannot be waived except in writing signed by the Party entitled to that right. Delay by a Party in exercising a right does not constitute a waiver of that right, nor will a waiver (either wholly or in part) by a Party of a right operate as a subsequent waiver of the same right or of any other right of that Party.
- 17.4 Further assurances - Each Party must promptly execute all documents and do everything necessary or desirable to give full effect to the arrangements contained in this agreement.

18.GENERAL WARRANTIES

Each party warrants to each other party that:

- 21.1 This agreement creates legal, valid and binding obligations, enforceable against the relevant party in accordance with its terms.
- 21.2 Unless otherwise stated, it has not entered into this agreement in the capacity of trustee of any trust.
- 21.3 They will comply with the law in discharging their obligations under this agreement.
- 21.4 Each party has the necessary qualifications, skills, expertise and experience to achieve objectives of this Agreement.
- 21.5 The SOW warrants that it is not endorsed as a Charitable Institution. At the time of this Agreement HRRT is not endorsed as a Charitable Institution.

19.DISPUTE RESOLUTION

Before resorting to external dispute resolution mechanisms, the Parties shall in good faith attempt to settle by negotiation any dispute in relation to this Agreement, and where practical, each Party shall refer the matter to personnel who have authority to intervene and facilitate some form of resolution.

20. CONFIDENTIALITY

The Parties shall treat as confidential any Confidential Information and will not disclose this information to any person other than its employees, officers, agents and legal and financial advisers who legitimately and reasonably require such Confidential Information in order to properly discharge the duties:

- a) they were employed or engaged to discharge; and
- b) which they would ordinarily and reasonably be expected to discharge on account of such employment or engagement; unless:
 - 1. required to do so under or pursuant to a provision of a statute, regulation, by-law or ordinance in operation in Australia from time to time; or
 - 2. required to do so by virtue of an order or direction given to it by or on the part of the Parliament of the State or by Court or Tribunal of the relevant jurisdiction.

The Parties agrees that they will ensure that their officers, employees, agents, members and legal and financial advisers comply with the obligations of confidentiality specified in this clause.

21. JURISDICTION

This Agreement is a legal instrument enforceable in any court of competent jurisdiction in Western Australia.

22. SPECIAL CONDITIONS


If any Special Conditions are inserted as a Schedule they will form part of this Agreement, and to the extent that they are consistent with any clause hereto contained, the Special Conditions will prevail.

- 22.1 **HRRT Project Vehicle**
SOW has no liability in regard to the capital, operational or depreciation costs of the HRRT Project Vehicle.
- 22.2 **Organisational Audit**
Where Projects conducted by HRRT require audit, HRRT is responsible for the cost of the audit.
- 22.3 **IT Managed Services Agreement**
HRRT manages its own IT arrangements and IT support.
- 22.4 **Work Health and Safety**

HRRT warrants that its Rivercare Office will comply with SOW work health and safety policies, procedures and systems.

EXECUTION PAGE

Signed for SOW by its authorised representative in the presence of:














Signature of witness:	Signature of authorised representative: 
Name of witness	Name of authorised representative: Mark Goodlet
Date:	Title of authorised representative: Chief Executive Officer

Signed for HRRT by its authorised representative in the presence of:

Signature of witness:	Signature of authorised representative:
Name of witness	Name of authorised representative:
Date:	Title of authorised representative:



LEGEND

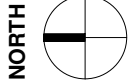
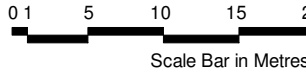
- | | | | | |
|--|---|--|--|--|
|  1. RESURFACED & UPGRADED FOR 2 X MULTI-PURPOSE COURTS (INDICATED IN BLACK DASH) & 2 X TENNIS COURTS (INDICATED IN BLUE DASH) |  5. NEW SHED |  9. EXERCISE STATION |  13. SCREEN LANDSCAPING TO WEST BOUNDARY |  17. FENCE AROUND COURTS |
|  2. EXISTING COMMUNITY HALL |  6. EXISTING CARPARK EXTEND AND UPGRADED WITH ACCESS ROAD TO RELOCATED SHEDS |  10. NEW DRINKING FOUNTAIN |  14. HALF CIRCULAR PINE BEAMS OUTLINE PERIMETER OF CARPARK |  18. COURT LIGHTING ON TIMBER POSTS |
|  3. NEW TANKS, SIZES TO BE CONFIRMED |  7. EXISTING PLAYGROUND WITH NEW SAIL SHADES.
7A. NEW NATURE ADVENTURE PLAY WITH NEW SAIL SHADES. |  11. RETAINING WALL ON EASTERN BOUNDARY |  15. LANDSCAPING AROUND WALKING & EXERCISE PATHS | |
|  4. EXISTING TANK |  8. NEW LAWN LANDSCAPED AREA WITH FENCE TO KEEP OUT RABBITS AND ROOS |  12. WALKWAY AROUND COURTS & EXERCISE TRAIL |  16. BBQ PODS & 18 COVERED BBQ AREA WITH OUTDOOR POWER POINTS | |

PROPOSED SITE PLAN

Scale 1 : 500 @A3

LAKE CLIFTON COMMUNITY CENTRE - MASTER PLAN

LOT 1812 TUART GROVE TERRACE, LAKE CLIFTON
2312 SK2 31/07/2024



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SHIRE OF
WAROONA
SEA TO SCARP

Lake Clifton Reserve Survey Summary

The survey feedback provides
valuable insights into community
preferences and suggestions for the
Lake Clifton Master Plan



Document Control		
Date Reviewed	Details	Author
31 July 24	Authored	Manager Community Development

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Lake Clifton Population Snapshot

Total population: 759 = 18% of the Shire of Waroona¹

Number of Dwellings: 316 = 2.4 people per household

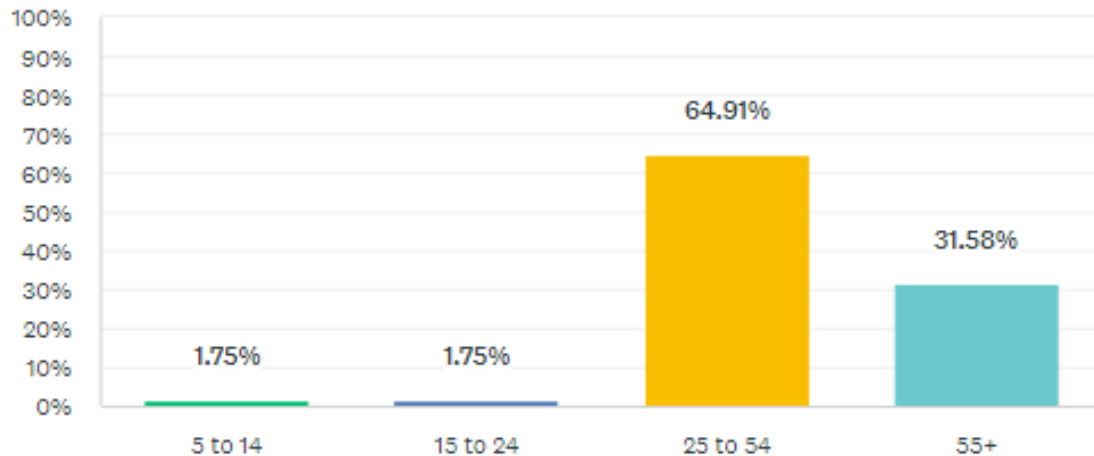
Ancestry	Total population	Percentage
Australian	329	43%
English	308	41%
Scottish	80	11%
Irish	68	9%
Italian	40	5%
Aboriginal and Torres Strait Islander peoples	29	4%
Country of birth		
Australian	535	70%
England	62	8%
New Zealand	36	5%
South Africa	16	2%
Germany	10	1%
Scotland	8	1%
Population breakdown		
Males	381	50%
Females	377	50%
0 to 4	28	4%
5 to 14	109	14%
15 to 24	92	12%
25 to 55	297	39%
55 +	237	31%
Median age	42	

¹ [2021 Lake Clifton, Census All persons QuickStats | Australian Bureau of Statistics \(abs.gov.au\)](https://abs.gov.au)

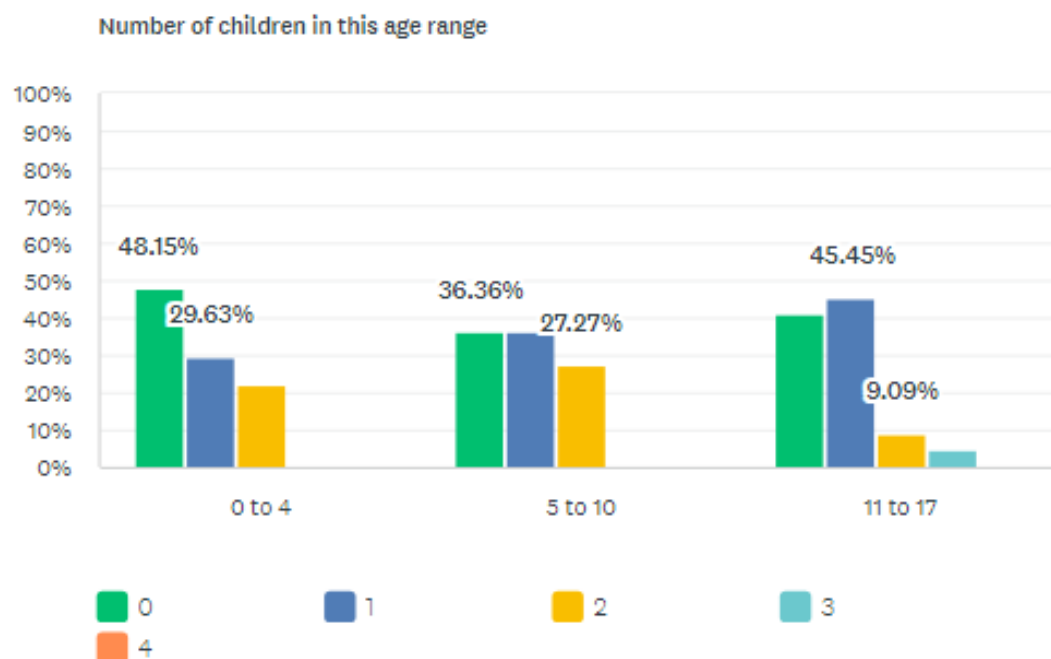
Survey Summary

The survey was open from June 2024 to August 2024. The survey was distributed through various channels, including online platforms, local newspapers, and at community events. 57 community members responded to the survey.

Respondent Demographics



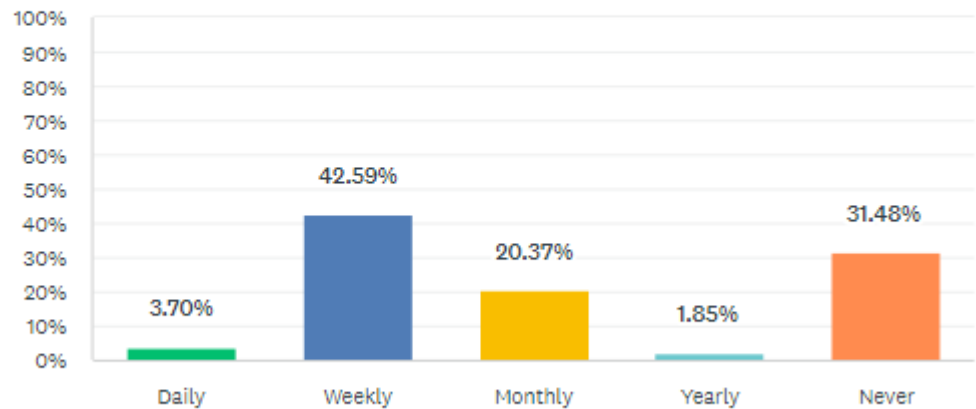
Family Information



Usage of Facilities – How often would respondents use the following.

Exercise equipment

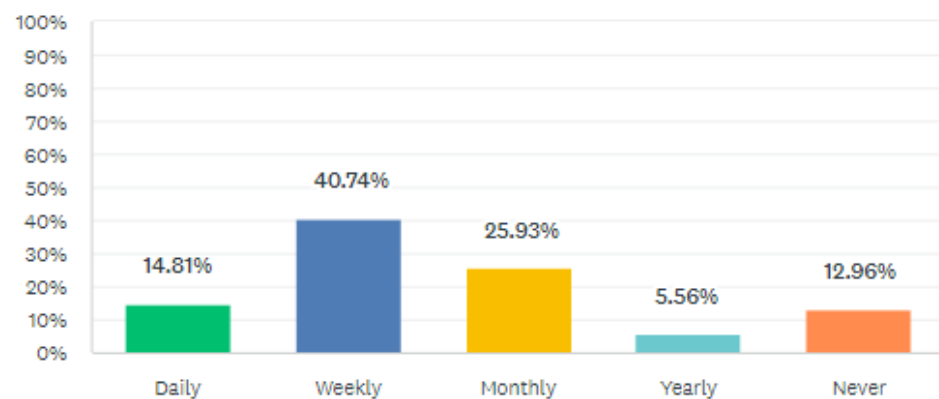
Answered: 54 Skipped: 3



Insight: A significant proportion of respondents intend to use the exercise equipment weekly.

Exercise path

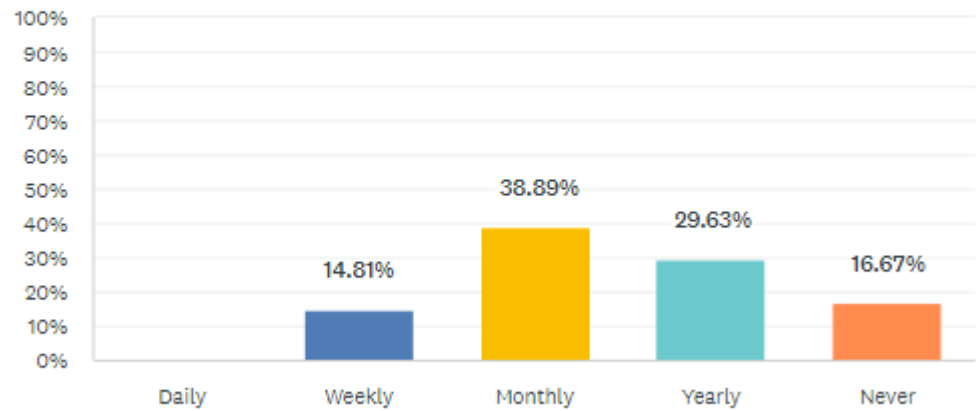
Answered: 54 Skipped: 3



Insight: The exercise path is quite popular, with the majority intending to use it weekly or monthly.

Undercover BBQs

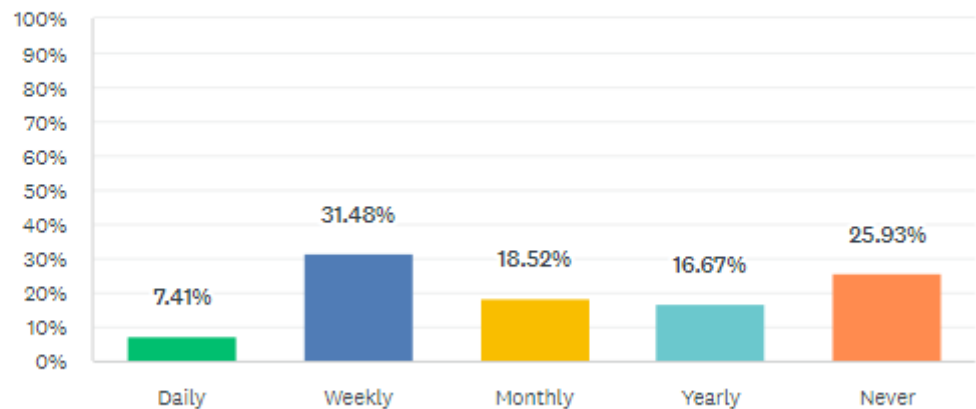
Answered: 54 Skipped: 3



Insight: Monthly and yearly usage is predominant for the undercover BBQs, indicating they will be popular for occasional events and gatherings.

Children's playground

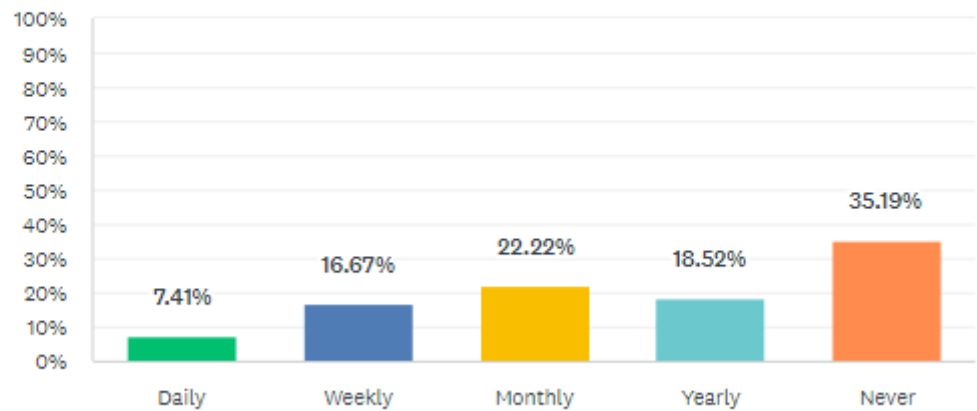
Answered: 54 Skipped: 3



Insight: The children's playground will have regular use, particularly weekly.

Basketball court

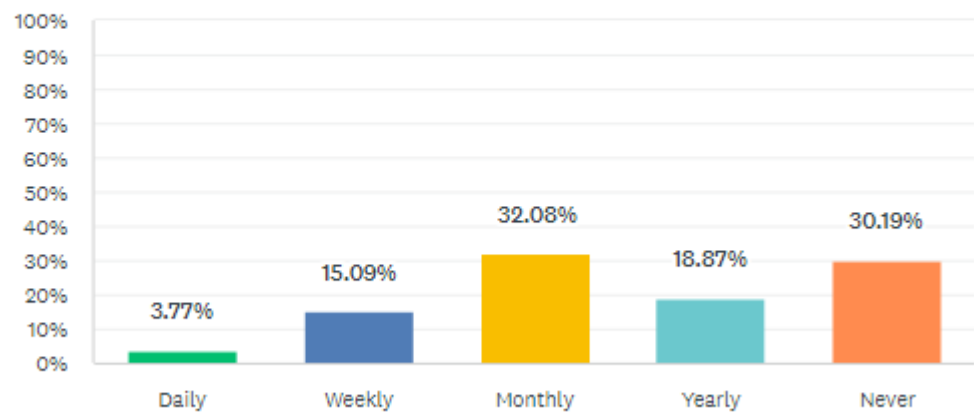
Answered: 54 Skipped: 3



Insight: The basketball court will have a mix of occasional and infrequent use.

Tennis court

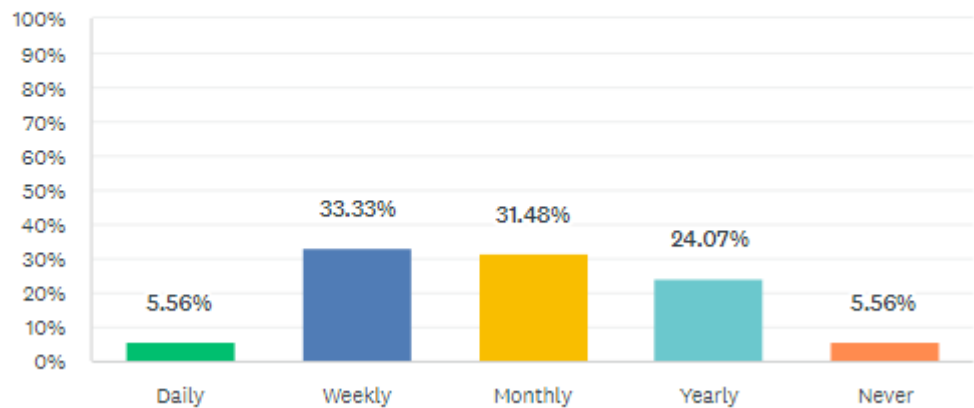
Answered: 53 Skipped: 4



Insight: Monthly use is the highest for the tennis court.

Grassed picnic area

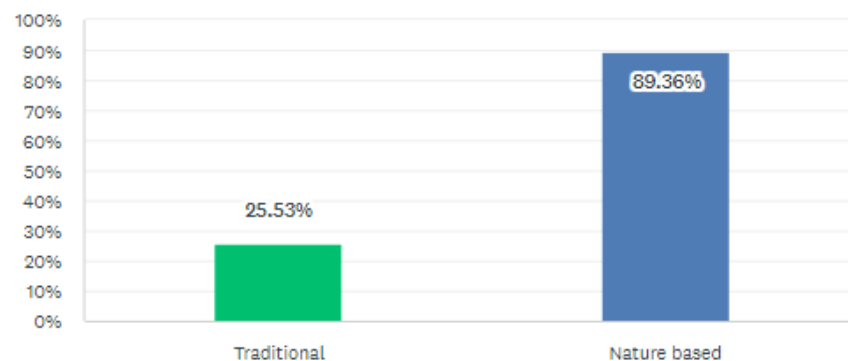
Answered: 54 Skipped: 3



Insight: The grassed picnic area will be a popular feature, with high weekly and monthly usage and very few respondents never using it.

What kind of elements would you like included in the playground

Answered: 47 Skipped: 10



Insight: The concept of a nature-based playground was overwhelmingly popular. 5 respondents made additional comments with a suggestion to include musical play items and activities for preteens/teenagers.

Overall Observations about the facilities

The survey results show that the exercise path, exercise equipment, and grassed picnic area are the most frequently used facilities. The netball court and children's playground have higher rates of infrequent use.

Lighting preferences

Though the inclusion of lighting was very popular, the survey responses indicate differing views of the lighting needs for the Lake Clifton Reserve and highlight concerns regarding its impact on surrounding areas.

Lighting for the Multipurpose Courts: 70.83%

This indicates a strong preference for lighting in the courts, likely to extend usability into the evening. Respondents highlighted the benefit of being able to use the courts when it's cooler in the early evening.

Lighting for the BBQ Area: 85.42%

The highest preference is for lighting in the BBQ area, emphasising its importance for social gatherings and safety during evening activities.

Lighting in the Car Park: 58.33%

A moderate preference for car park lighting suggests a need for safety and security for vehicles and visitors during the evening.

No Lighting: 10.42%

A small portion of respondents prefer no lighting, likely to preserve the natural night environment and reduce light pollution.

There were 13 additional comments for the question regarding lighting. General concerns and suggestions included:

Light Pollution and Wildlife Impact:

Several respondents are concerned about light pollution affecting the night sky and local wildlife, particularly birds and insects. Suggestions include using timers and sensors to ensure lights are only on when necessary. Solar-powered lights were also mentioned as an eco-friendly option.

Residential Impact:

Residents living close to the community centre expressed concerns about lights staying on all night and disturbing their homes. They strongly prefer lights to be turned off early in the evening.

Timers and Sensors:

Implementing timers and sensor-based lighting can address concerns about light pollution and residential disturbance while still providing necessary illumination for evening activities.

Selective Lighting:

Ensuring lights are focused on key areas like the courts, BBQ area, and car park can optimise safety and usability without excessive illumination. Ensuring lights turn off when not in use will help maintain the natural ambiance.

Community Consultation:

Ongoing consultation with nearby residents about lighting schedules and intensity can help balance community needs with individual preferences, ensuring a harmonious implementation.

Conclusion:

The feedback highlights a need for strategic lighting that enhances usability and safety while minimising light pollution and residential disturbance. By adopting timers, sensors, and potentially solar power, the community can enjoy extended use of facilities without compromising the area's natural beauty and tranquillity.

Additional Feedback

The following is information about four open questions that were asked to seek additional feedback from respondents.

Other Desired Features: 40 respondents provided various suggestions for additional features they would like to see in the space, such as more shaded areas, playground equipment types, and enhanced safety features.

Favorite Concept Elements: 44 respondents highlighted their favourite aspects of the concept, including the natural setting, family-friendly amenities, and the variety of recreational options.

Improvements: 34 suggestions for improvements included better maintenance of facilities, more frequent community events, and improved accessibility for people with disabilities.

Elements to Remove: 10 respondents suggested removing elements they felt were unnecessary or would be underutilised.

Other feedback: 26 respondents made comments about the Lake Clifton Reserve and its surrounds.

Below is a summary of the feedback, categorised by themes and common suggestions.

Recreational Facilities & Children's Play Area:

7 requests for a bike pump track for children and teenagers.

3 respondents mentioned the desire for a skate park.

Fly Fox and Suspended Bridge for additional recreational fun.

Suggestions to include CrossFit style equipment rather than traditional stationary fitness equipment.

A fence around the children's play area is requested to ensure safety.

Additional benches along the path near the playground.

Requests for a larger playground with equipment for various age groups

Sculptures by local artists

Need for more sanitary public toilets, accessible without keys during daylight hours.

A toilet facility adjacent to the community building.

Community and Social Activities:

A suggestion to have a small cafe or coffee van.

Community library or local swap book facility.

Produce markets.

Suggestions for family-focused activities and events at the community hall.

Need for playgroups and youth activities to resume.

A community event like Fish and Chips night on Fridays.

More workshops

BBQ and Picnic Areas:

The need for more undercover BBQ facilities.

Requests for shaded areas and seating for relaxation and nature enjoyment.

Installation of outdoor power points in BBQ areas.

Installation of drinking water fountains.

Safety and Maintenance:

Security Cameras to deter vandalism and enhance safety.

Regular maintenance and rubbish removal to ensure cleanliness.

A defibrillator for emergencies, along with education on its use.

Maintenance to control rabbits and other vermin.

Use shade sails instead of tree shades to reduce fire risks.

Consideration for native animals sensitive to light; restricted light source hours.

Addressing fire hazards by maintaining surrounding areas.

Safe places for pets during emergencies and fire safety measures

Security measures to restrict access during specific hours to prevent misuse.

Commitment to regular maintenance of the upgraded facilities.

Pathways and Access:

Verg Pathways to get to the park.

Paths accessible to people with disabilities.

Aboriginal Representation:

Increase Aboriginal representation and acknowledgment in the project.

Community Hall:

Concerns about the hall's availability and accessibility to all community members.

Requests to make the hall more accessible and affordable for community events.

Existing Equipment:

Comments that current equipment is not engaging enough for children.

Praise for new and updated sports courts.

General Satisfaction

Several respondents expressed satisfaction with the overall plan, noting that everything seems covered and praising the effort put into the project.

"It looks like you have everything covered which is wonderful."

"No I think what you are doing sounds fantastic, our grandchildren will love all this. Thank you."

Conclusion

The survey feedback indicates a strong community interest in enhancing the recreational and social facilities at Lake Clifton. There is a clear emphasis on family-friendly amenities, safety, regular maintenance, and inclusive community engagement. By addressing these concerns and incorporating the suggestions, the Lake Clifton Master Plan can significantly improve the quality of life for residents and foster a stronger community spirit.

