



SHIRE OF MENZIES

Agenda

**FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON**

25 NOVEMBER 2021

Commencing at 1.00 pm

**At the Council Chambers
124 Shenton Street, Menzies**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

FINANCIAL INTEREST

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the Chief Executive Officer (CEO) before the meeting; or
- b) At the meeting, immediately before the matter is discussed.

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter; or
- Participate in or be present during the discussion of decision-making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

Councillor Attendance
Shire of Menzies Council Meetings

Council Meeting Date	Attended in Person	Electronic Attendance	Leave of Absence	Apologies	Absent
29 July 2021	Cr G Dwyer Cr K Mader Cr J Lee Cr J Dwyer	Cr I Baird (Wongary) Cr S Baird (Wongary)			
26 August 2021	Cr G Dwyer Cr K Mader	Cr J Dwyer (Southern Cross) Cr I Baird (Wongary) Cr S Baird (Wongary)			
30 September 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird			Cr J Lee	
28 October 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr S Baird Cr P Warner Cr A Tucker Cr S Sudhir				

TABLE OF CONTENTS

1	DECLARATION OF OPENING	6
2	ANNOUNCEMENT OF VISITORS	6
3	RECORD OF ATTENDANCE	6
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	6
5	PUBLIC QUESTION TIME	6
6	APPLICATION BY MEMBERS	6
7	DECLARATIONS OF INTEREST	6
8	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....	6
9	CONFIRMATION/RECEIVAL OF MINUTES	6
10	PETITIONS/DEPUTATIONS/PRESENTATIONS	7
11	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION	7
12	REPORTS OF OFFICERS.....	8
12.1	FINANCE REPORTS	8
12.1.1	Finance Report - October 2021	8
12.1.2	Payments for the Month of October 2021	30
12.1.3	Investment Report for October 2021	37
12.2	ADMINISTRATION REPORTS.....	40
12.2.1	Draft Register of Delegations	40
12.2.2	CEO leave replacement.....	223
12.2.3	Fleet Replacement - Backhoe.....	226
12.2.4	Strategic Resource Plan 2022-2037	229
12.2.5	RFT 06/21 Design and Construct Staff Accommodation	295
12.2.6	Reserve 5064 operational management plan.....	299
12.2.7	Policy updates	303
12.2.8	Darlot native title claim WAD 142 of 2018	325
12.2.9	Tjuntjuntjara Community Area Indigenous Land Use Agreement.....	329
12.2.10	Repeal Local Law 2021 - Adoption	334
12.2.11	Meeting Procedures Local Law 2021 - Adoption.....	339
12.2.12	Cemeteries Local Law 2021 - Adoption.....	365
12.2.13	Dogs Local Law 2021 - Adoption	380
12.2.14	Unconfirmed NGWG meeting minutes November 2021.....	390
13	INFORMATION REPORTS	397
13.1	ACTIONS PERFORMED UNDER DELEGATION FOR OCTOBER 2021	397
13.2	WORKS REPORT FOR OCTOBER 2021	419
13.3	EHO REPORT FOR OCTOBER 2021	421

13.4 WHS UPDATE FOR OCTOBER 2021	423
13.5 COMPLIANCE CALENDAR UPDATE (SEPTEMBER - OCTOBER 2021)	424
13.6 COMMUNITY SERVICES REPORT FOR OCTOBER 2021	428
14 ELECTED MEMBER MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	431
15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	431
16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS	431
17 NEXT MEETING	431
18 CLOSURE OF MEETING	431

1 DECLARATION OF OPENING

The Shire President declared the meeting open at _____pm.

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

Councillors: Cr G Dwyer, Shire President
 Cr I Baird, Deputy Shire President
 Cr J Dwyer
 Cr S Baird
 Cr P Warner
 Cr A Tucker
 Cr S Sudhir

Staff: Mr B Joiner, Chief Executive Officer
 Ms E Reitmajer, Executive Officer (Minutes)

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

5 PUBLIC QUESTION TIME

6 APPLICATION BY MEMBERS

7 DECLARATIONS OF INTEREST

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

9 CONFIRMATION/RECEIVAL OF MINUTES

CONFIRMATION of the Minutes of the Ordinary Council Meeting held on 28 October 2021.

(Provided under Separate Cover)

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 28 October 2021 be confirmed as a true and correct record.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

**11 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT
DISCUSSION**

OFFICER RECOMMENDATION

That the President's Report for the month of November 2021 be received.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12 REPORTS OF OFFICERS

12.1 Finance Reports

12.1.1	Finance Report - October 2021	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	NAM523	
DATE OF REPORT	16 November 2021	
AUTHOR	Chief Financial Officer, Antonio Giometti	
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	1. Monthly Financial Reports October 2021 [12.1.1.1 - 19 pages]	

SUMMARY:

Statutory Financial Reports are submitted to Council as a record of financial activity for the year to 31 October 2021.

BACKGROUND:

The *Local Government (Financial Management) Regulations 1996* r34 requires Local Government entities to prepare each month a Statement of Financial Activity reporting on the sources and application of funds, as set out in the Annual Budget under r22(1)(d):

- The annual budget estimates;
- Budget estimates to the end of the month to which the statement relates. Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- Any material variations between year to date for income and expenditure and the relevant budget provisions to the end of the relevant reporting period;
- Identify any significant areas where activity is not in accordance with budget estimates for the relevant reporting period;
- Include an operating statement;
- Include the net current assets; and
- Any other relevant reporting notes.

COMMENT:

This report contains annual budget, actual amounts of expenditure and income to the end of the month. It shows the material variances between the budget and actual

amounts where they are not associated to timing differences for the purpose of keeping Council informed of the current financial position.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act 1995 section 6.4

Local Government (Financial Management) Regulations 1996, r34

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As detailed in the Attachment.

RISK ASSESSMENT:

Nil.

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council Receive the Statement of Financial Activity for the period ending 31 October 2021 as attached and note any material differences.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--



SHIRE OF MENZIES

**MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 31 October 2021**

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Monthly Summary Information	2 - 3
Statement of Financial Activity by Program	4
Statement of Financial Activity By Nature or Type	5
Statement of Capital Acquisitions and Capital Funding	6
Note 1 Significant Accounting Policies	7
Note 2 Explanation of Material Variances	8-9
Note 3 Net Current Funding Position	10
Note 4 Cash and Investments	11
Note 6 Receivables	12
Note 7 Cash Backed Reserves	13
Note 9 Rating Information	14
Note 11 Grants and Contributions	15
Note 13 Details of Capital Acquisitions	16-18

**Shire of Menzies
Information Summary
For the Period Ended 31 October 2021**

Key Information

Report Purpose

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

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 31 October 2021 of \$5,782,915.

Items of Significance

The material variance adopted by the Shire of Menzies for the 2020/21 year is plus (+) or minus (-) of 10% for items greater than \$25,000 variance. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Income & Expenditure		Annual Budget	YTD Budget	YTD Actual
Operating Grants, Subsidies and Contributions	31%	\$ 1,646,099	\$ 667,958	\$ 505,080
Non-operating Grants, Subsidies and Contributions	6%	\$ 3,485,806	\$ 871,449	\$ 196,190
	14%	\$ 5,131,905	\$ 1,539,407	\$ 701,270
Rates Levied	101%	\$ 3,556,470	\$ 3,554,558	\$ 3,577,399
Materials & Contracts	40%	(\$1,492,882)	(\$497,084)	(\$593,642)
Capital Projects				
Infrastructure Assets - Roads	0%	(\$50,000)	(\$16,660)	\$0
Infrastructure Assets - Other	51%	(\$186,078)	(\$39,144)	(\$95,000)

% Compares current ytd actuals to annual budget

Financial Position		This Time Last Year	31 Oct 2021
Adjusted Net Current Assets	143%	\$ 4,031,344	\$ 5,782,915
Cash and Equivalent - Unrestricted	169%	\$ 3,174,153	\$ 5,361,734
Cash and Equivalent - Restricted	103%	\$ 11,890,080	\$ 12,303,244
Receivables - Rates	99%	\$ 1,248,900	\$ 1,233,407
Receivables - Other	53%	-\$ 266,673	-\$ 141,012
Payables	417%	\$ 164,583	\$ 686,425

% Compares current ytd actuals to prior year actuals at the same time

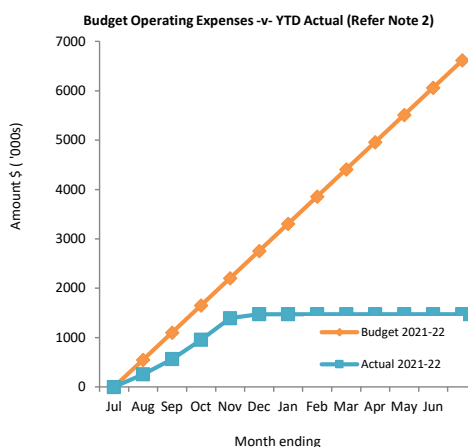
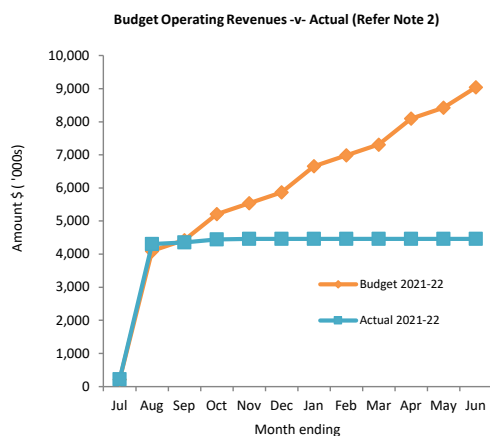
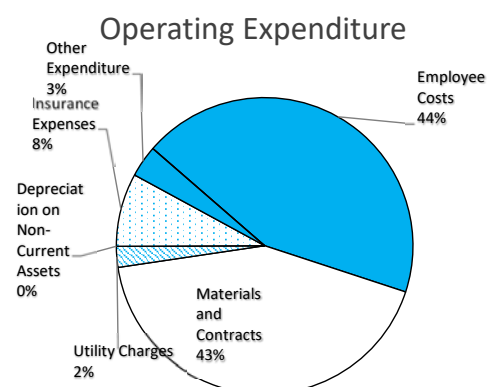
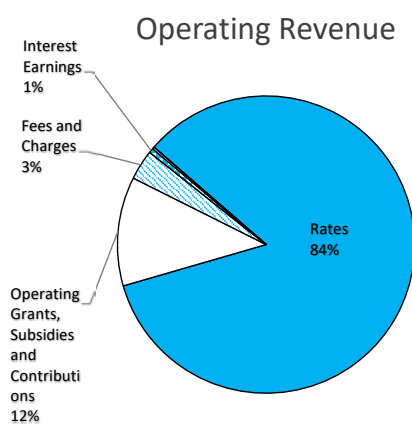
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

Preparation

Prepared by: Antonio Giometti

Date Prepared: 16 Nov 2021

**Shire of Menzies
Information Summary
For the Period Ended 31 October 2021**



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

SHIRE OF MENZIES
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 October 2021

	Note	Amended Annual Budget	YTD Amended Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus(Deficit)	3	3,418,114	3,418,114	3,618,039	199,925	6%	
Revenue from operating activities							
Governance		0	0	63	63		
General Purpose Funding - Rates	9	3,556,470	3,554,558	3,577,399	22,840	1%	
General Purpose Funding - Other		1,498,385	499,450	344,262	(155,188)	(31%)	▼
Law, Order and Public Safety		14,650	4,876	8,057	3,181	65%	
Health		300	100	0	(100)	(100%)	
Education and Welfare		0	0	0	0		
Housing		37,880	12,624	10,374	(2,250)	(18%)	
Community Amenities		25,885	8,624	10,586	1,962	23%	
Recreation and Culture		700	224	364	140	62%	
Transport		182,613	180,132	191,747	11,615	6%	
Economic Services		212,150	70,696	102,957	32,261	46%	▲
Other Property and Services		28,435	9,472	6,458	(3,014)	(32%)	
		5,557,468	4,340,756	4,252,266	(88,491)	(2%)	
Expenditure from operating activities							
Governance		(1,018,986)	(339,620)	(199,000)	140,620	41%	▲
General Purpose Funding		(412,190)	(137,368)	(26,500)	110,868	81%	▲
Law, Order and Public Safety		(135,188)	(45,024)	(14,481)	30,543	68%	▲
Health		(42,592)	(14,192)	(20,952)	(6,760)	(48%)	
Education and Welfare		0	0	0	0		
Housing		(204,819)	(68,116)	(63,525)	4,591	7%	
Community Amenities		(375,724)	(125,080)	(75,312)	49,768	40%	▲
Recreation and Culture		(854,772)	(284,768)	(70,933)	213,835	75%	▲
Transport		(2,261,383)	(752,976)	(246,583)	506,393	67%	▲
Economic Services		(1,309,610)	(436,316)	(138,308)	298,008	68%	▲
Other Property and Services		(3,069)	(884)	(537,785)	(536,901)	(60735%)	▼
		(6,618,332)	(2,204,344)	(1,393,380)	810,964	37%	▲
Operating activities excluded from budget							
Add back Depreciation		2,032,027	677,292	0	(677,292)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	2,140	712	0	(712)	(100%)	
Adjust Provisions and Accruals			0	0	0		
Amount attributable to operating activities		973,303	2,814,416	2,858,886			
Investing Activities							
Non-operating Grants, Subsidies and Contributions	11	3,485,806	871,449	196,190	(675,260)	(77%)	▼
Proceeds from Disposal of Assets	8	25,000	8,332	0	(8,332)	(100%)	
Land and Buildings	13	(5,116,900)	(1,705,568)	(304,238)	1,401,330	82%	▲
Plant and Equipment	13	(300,000)	(65,577)	(4,192)	61,385	94%	▲
Infrastructure Assets - Roads	13	(5,590,189)	(1,863,380)	(486,769)	1,376,611	74%	▲
Infrastructure Assets - Drainage	13	0	0	0	0		
Infrastructure Assets - Bridges	13	0	0	0	0		
Infrastructure Assets - Footpaths	13	(50,000)	(16,660)	0	16,660	100%	
Infrastructure Assets - Parks and Ovals	13	(186,078)	(39,144)	(95,000)	(55,856)	(143%)	▼
Infrastructure Assets - Airports	13	0	0	0	0		
Infrastructure Assets - Sewerage	13	0	0	0	0		
Infrastructure Assets - Other	13	(1,930,000)	(643,304)	0	643,304	100%	▲
Amount attributable to investing activities		(9,662,361)	(3,453,852)	(694,009)	2,759,843	80%	▲
Financing Activities							
Self-Supporting Loan Principal		0	0	0	0		
Transfer from Reserves	7	5,835,821	1,945,252	0	(1,945,252)	(100%)	▼
Transfer from Restricted Cash		0	0	0	0		
Repayment of Debentures	10	(2,363)	0	0	0		
Transfer to Reserves	7	(610,000)	(203,300)	0	203,300	100%	▲
Amount attributable to financing activities		5,223,458	1,741,952	0	(1,741,952)	100%	
Closing Funding Surplus(Deficit)	3	(47,486)	4,520,630	5,782,915			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold
Refer to Note 2 for an explanation of the reasons for the variance.

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

SHIRE OF MENZIES
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 October 2021

	Note	Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	3	3,418,114	3,418,114	3,618,039	199,925	6%	
Revenue from operating activities							
Rates	9	3,556,470	3,554,558	3,577,399	22,840	1%	
Operating Grants, Subsidies and Contributions	11	1,646,099	667,958	505,080	(162,878)	(24%)	▼
Fees and Charges		207,265	69,048	139,427	70,379	102%	▲
Interest Earnings		112,500	37,496	21,051	(16,445)	(44%)	
Other Revenue		35,135	11,696	9,309	(2,387)	(20%)	
Profit on Disposal of Assets	8	0	0	0	0		
		5,557,469	4,340,756	4,252,266	(88,491)	(2%)	
Expenditure from operating activities							
Employee Costs		(2,442,899)	(814,036)	(608,374)	205,662	25%	▲
Materials and Contracts		(1,492,882)	(497,084)	(593,642)	(96,558)	(19%)	▼
Utility Charges		(88,150)	(29,312)	(31,985)	(2,673)	(9%)	
Depreciation on Non-Current Assets		(2,032,027)	(677,292)	0	677,292	100%	▲
Insurance Expenses		(135,382)	(45,028)	(111,156)	(66,128)	(147%)	▼
Other Expenditure		(422,601)	(140,844)	(48,223)	92,621	66%	▲
Loss on Disposal of Assets	8	(2,140)	(712)	0			
		(6,616,080)	(2,204,308)	(1,393,380)	810,928	37%	▲
Operating activities excluded from budget							
Add back Depreciation		2,032,027	677,292	0	(677,292)	(100%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	2,140	712	0	(712)	(100%)	
Adjust Provisions and Accruals		0	0	0	0		
Amount attributable to operating activities		975,556	2,814,452	2,858,886	44,433		
Investing activities							
Grants, Subsidies and Contributions	11	3,485,806	871,449	196,190	(675,260)	(77%)	▼
Proceeds from Disposal of Assets	8	25,000	8,332	0	(8,332)	(100%)	
Land and Buildings	13	(5,116,900)	(1,705,568)	(304,238)	1,401,330	(82%)	
Plant and Equipment	13	(300,000)	(65,577)	(4,192)	61,385	(94%)	
Infrastructure Assets - Roads	13	(5,590,189)	(1,863,380)	(486,769)	1,376,611	(74%)	
Infrastructure Assets - Drainage	13	0	0	0	0		
Infrastructure Assets - Bridges	13	0	0	0	0		
Infrastructure Assets - Footpaths	13	(50,000)	(16,660)	0	16,660	(100%)	
Infrastructure Assets - Parks and Ovals	13	(186,078)	(39,144)	(95,000)	(55,856)	143%	
Infrastructure Assets - Airports	13	0	0	0	0		
Infrastructure Assets - Sewerage	13	0	0	0	0		
Infrastructure Assets - Other	13	(1,930,000)	(643,304)	0	643,304	(100%)	
Amount attributable to investing activities		(9,662,361)	(3,453,852)	(694,009)	2,759,843	80%	
Financing Activities							
Proceeds from New Debentures		0	0	0	0		
Proceeds from Advances		0	0	0	0		
Advances to Community Groups		0	0	0	0		
Transfer from Reserves	7	5,835,821	1,945,252	0	(1,945,252)	(100%)	▼
Repayment of Debentures	10	(2,363)	0	0	0		
Transfer to Reserves	7	(610,000)	(203,300)	0	203,300	100%	▲
Amount attributable to financing activities		5,223,458	1,741,952	0	(1,741,952)	100%	
Closing Funding Surplus (Deficit)	3	(45,233)	4,520,666	5,782,915			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

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

SHIRE OF MENZIES
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 31 October 2021

Capital Acquisitions

	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	Budget YTD Budget (d)	Annual Budget	YTD Actual Total (c) = (a)+(b)	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	304,238	0	1,705,568	5,116,900	304,238	(1,401,330)
Plant and Equipment	13	4,192	0	65,577	300,000	4,192	(61,385)
Infrastructure Assets - Roads	13	486,769	0	1,863,380	5,590,189	486,769	(1,376,611)
Infrastructure Assets - Drainage	13	0	0	0	0	0	0
Infrastructure Assets - Bridges	13	0	0	0	0	0	0
Infrastructure Assets - Footpaths	13	0	0	16,660	50,000	0	(16,660)
Infrastructure Assets - Parks and Ovals	13	95,000	0	39,144	186,078	95,000	55,856
Infrastructure Assets - Airports	13	0	0	0	0	0	0
Infrastructure Assets - Sewerage	13	0	0	0	0	0	0
Infrastructure Assets - Other	13	0	0	643,304	1,930,000	0	(643,304)
Capital Expenditure Totals		890,199	0	4,333,633	13,173,167	890,199	(3,443,434)
Capital acquisitions funded by:							
Capital Grants and Contributions				871,449	3,485,806	196,190	
Other (Disposals & C/Fwd)				8,332	25,000	0	
Council contribution - Cash Backed Reserves							
Building Reserve Accumulation				0	(2,055,725)	0	
Plant Reserve Accumulation				0	(180,000)	0	
Roads Reserve Accumulation				0	(1,290,000)	0	
Main Street Reserve Accumulation				0	0	0	
Staff Amenities Reserve Accumulation				0	(398,160)	0	
Caravan Park Reserve Accumulation				0	(400,000)	0	
Bitumen Reserve Accumulation				0	0	0	
Niagara Dam Reserve Accumulation				0	(1,000,000)	0	
Waste Management Reserve Accumulation				0	0	0	
Former Post Office Reserve Accumulation				0	(410,000)	0	
Council contribution - operations				3,453,852	15,396,246	694,009	
Capital Funding Total				4,333,633	13,173,167	890,199	

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 1: Significant Accounting Policies

The Shire of Menzies adopts its significant accounting policies at the time of adopting its annual budget. Significant accounting policies are set in relation to the following:

- a) Basis of preparation
- b) Prior year actual balances
- c) Rounding off figures
- d) Comparative figures
- e) Budget comparative figures
- f) Forecast fair value adjustments
- g) Rates, grants, donations & other contributions
- h) Goods and services tax (GST)
- i) Superannuation
- j) Cash and cash equivalents
- k) Trade and other payables
- l) Inventories
- m) Fixed assets
- n) Fair value of assets and liabilities
- o) Financial instruments
- p) Impairment of assets
- q) Trade and other payables
- r) Employee benefits
- s) Borrowing costs
- t) Provisions
- u) Leases
- v) Investments in associates
- x) Interests in joint arrangements
- y) Current and non-current classification

There have been no changes to the Shire of Menzies significant accounting policies since adopting the 2021/22 Annual Budget.

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 2: Explanation of Material Variances

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

The material variance adopted by Council for the 2021/22 year is plus (+) or minus (-) of 10% for items greater than \$25,000 variance.

Year to date (YTD) Budgets have not been amended during the Budget Review process therefore Timing issues will occur.

Reporting Program	YTD Budget	YTD Actual	Var. \$	Var. %	Var. Timing/ Permanent Explanation of Variance
Operating Revenues			\$	%	
Governance	0	63	63		▲
General Purpose Funding- Rates	3,554,558	3,577,399	22,840	1%	▲
General Purpose Funding- Other	499,450	344,262	(155,188)	(31%)	▲
Law, Order and Public Safety	4,876	8,057	3,181	65%	▲
Health	100	0	(100)	(100%)	▲
Education and Welfare	0	0	0		▲
Housing	12,624	10,374	(2,250)	(18%)	▲
Community Amenities	8,624	10,586	1,962	23%	▲
Recreation and Culture	224	364	140	62%	▲
Transport	180,132	191,747	11,615	6%	▲
Economic Services	70,696	102,957	32,261	46%	▲
Other Property and Services	9,472	6,458	(3,014)	(32%)	▲
Operating Expense					
Governance	(339,620)	(199,000)	140,620	41%	▲
General Purpose Funding	(137,368)	(26,500)	110,868	81%	▲
Law, Order and Public Safety	(45,024)	(14,481)	30,543	68%	▲
Health	(14,192)	(20,952)	(6,760)	(48%)	▲
Education and Welfare	0	0	0		▲
Housing	(68,116)	(63,525)	4,591	7%	▲
Community Amenities	(125,080)	(75,312)	49,768	40%	▲
Recreation and Culture	(284,768)	(70,933)	213,835	75%	▲
Transport	(752,976)	(246,583)	506,393	67%	▲
Economic Services	(436,316)	(138,308)	298,008	68%	▲
Other Property and Services	(884)	(537,785)	(536,901)	(60735%)	▲

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 2: Explanation of Material Variances

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

The material variance adopted by Council for the 2021/22 year is plus (+) or minus (-) of 10% for items greater than \$25,000 variance.

Year to date (YTD) Budgets have not been amended during the Budget Review process therefore Timing issues will occur.

Reporting Program	YTD Budget	YTD Actual	Var. \$	Var. %	Var. Timing/ Permanent Explanation of Variance
Capital Revenues					
Grants, Subsidies and Contributions	871,449	196,190	(675,260)	(77%)	▲
Proceeds from Disposal of Assets	8,332	0	(8,332)	(100%)	▲
Capital Expenses					
Land and Buildings	(1,705,568)	(304,238)	1,401,330	82%	▲
Plant and Equipment	(65,577)	(4,192)	61,385	94%	▲
Infrastructure Assets - Roads	(1,863,380)	(486,769)	1,376,611	74%	▲
Infrastructure Assets - Drainage	0	0	0		▲
Infrastructure Assets - Bridges	0	0	0		▲
Infrastructure Assets - Footpaths	(16,660)	0	16,660	100%	▲
Infrastructure Assets - Parks and Ovals	(39,144)	(95,000)	(55,856)	(143%)	▲
Infrastructure Assets - Airports	0	0	0		▲
Infrastructure Assets - Sewerage	0	0	0		▲
Infrastructure Assets - Other	(643,304)	0	643,304	100%	▲
Financing					
Transfer from Reserves	-	-	1,945,252	(100%)	▲

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2021	This Time Last Year 31 Oct 2020	Current 31 Oct 2021
		\$	\$	\$
Current Assets				
Cash Unrestricted	4	3,535,226	3,174,153	5,361,734
Cash Restricted - Conditions over Grants	11	0	0	0
Cash Restricted	4	12,303,244	11,890,080	12,303,244
Receivables - Rates	6	663,136	1,248,900	1,233,407
Receivables - Other	6	(168,591)	(266,673)	(141,012)
Interest / ATO Receivable/Trust				0
Inventories		15,211	39,547	15,211
		16,348,225	16,086,007	18,772,584
Less: Current Liabilities				
Payables		(426,943)	(164,583)	(686,425)
Provisions Leases		(2,363)	(3,985)	(2,363)
Provisions Leave		(192,238)	(197,106)	(192,238)
		(621,544)	(365,674)	(881,026)
Less: Cash Reserves	7	(12,303,244)	(11,890,080)	(12,303,244)
Less: Unspent Grants			0	0
Add: Loan Current		0	0	0
Add: Lease Current		2,363	3,985	2,363
Less: SSL Repayments		0	0	0
Add Back : Component of Leave Liability not Required to be Funded		192,238	197,106	192,238
Adjustment				
Net Current Funding Position		3,618,039	4,031,344	5,782,915

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

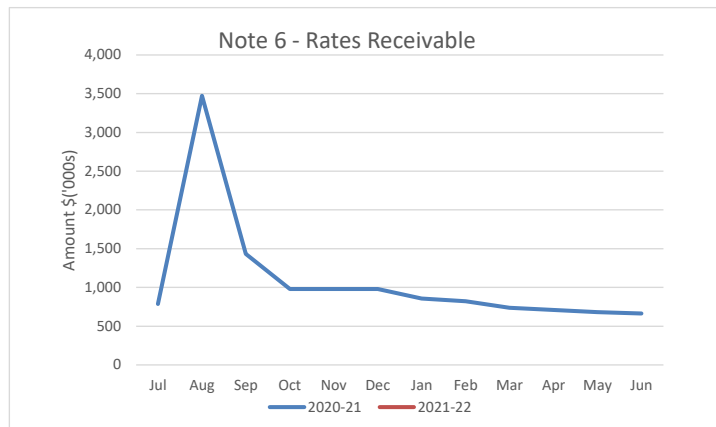
Note 4: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution
	\$	\$	\$	\$	
(a) Cash Deposits					
Cash At Bank	5,331,272			5,331,272	NAB
Cash At Call - Bank	29,397			29,397	NAB
Municipal Fund Term Deposits	0			0	NAB
Cash at Reserve - Bank		12,303,244		12,303,244	NAB
Reserve Fund Term Deposits		0		0	NAB
Trust Fund Bank			0	0	NAB
Petty Cash Float	1,065			1,065	
Total	5,361,734	12,303,244	0	17,664,978	

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

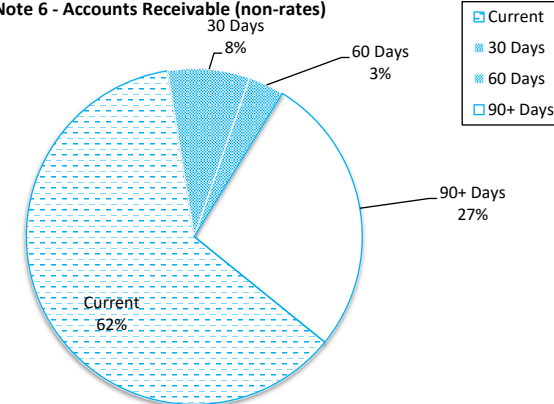
Note 6: Receivables

Receivables - Rates Receivable	31 Oct 2021	30 June 2020
	\$	\$
Opening Arrears Previous Years	863,375	794,305
Levied this year	3,622,388	3,476,331
<u>Less</u> Collections to date	<u>3,252,356</u>	<u>3,407,262</u>
Equals Current Outstanding	1,233,407	863,375
Net Rates Collectable	1,233,407	863,375
% Collected	72.50%	79.78%



Receivables - General	Current	30 Days	60 Days	90+ Days	Totals
	\$	\$	\$	\$	\$
Sundry Debtors	8,842	1,132	495	3,881	14,350
Rates - Pensioner Rebate Claimed					955
Balance per Trial Balance					
Sundry Debtors					15,305
Total Receivables General Outstanding					15,305

Amounts shown above include GST (where applicable)

Note 6 - Accounts Receivable (non-rates)

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 7: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve - Accumulation	206,067		0.00	502	0	0	0	206,569	206,067
Building Reserve Accumulation	3,462,259		0.00	588,442	0	(2,055,725)	0	1,994,976	3,462,259
Plant Reserve Accumulation	1,922,975		0.00	4,689	0	(180,000)	0	1,747,664	1,922,975
Roads Reserve Accumulation	2,732,648		0.00	6,663	0	(1,290,000)	0	1,449,311	2,732,648
Main Street Reserve Accumulation	141,133		0.00	344	0	0	0	141,477	141,133
Staff Amenities Reserve Accumulation	397,246		0.00	969	0	(398,160)	0	55	397,246
TV Reserve Accumulation	17,976		0.00	44	0	0	0	18,020	17,976
Caravan Park Reserve Accumulation	429,505		0.00	1,047	0	(400,000)	0	30,552	429,505
Bitumen Reserve Accumulation	606,768		0.00	1,480	0	0	0	608,248	606,768
Rates Creditors Reserve Accumulation	51,391		0.00	125	0	0	0	51,516	51,391
Niagara Dam Reserve Accumulation	1,248,675		0.00	3,045	0	(1,000,000)	0	251,720	1,248,675
Water Park Reserve Accumulation	301,266		0.00	735	0	0	0	302,001	301,266
Waste Management Reserve Accumulation	59,802		0.00	146	0	0	0	59,948	59,802
Former Post Office Reserve Accumulation	420,432		0.00	1,025	0	(410,000)	0	11,457	420,432
Commercial Enterprise Reserve - Accumulation	101,698		0.00	248	0	(101,936)	0	10	101,698
Land Purchase Reserve - Accumulation	203,402		0.00	496	0	0	0	203,898	203,402
	12,303,243.64	0	0.00	610,000	0	(5,835,821)	0	7,077,423	12,303,244

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 9: Rating Information

	Rate in	Number of Properties	Rateable Value	YTD Actual				Budget			
				Rate Revenue	Interim Rates	Back Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
RATE TYPE	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
Gross rental valuations											
GRV - Vacant	0.0864	4	20,956				0	215,537	0	0	215,537
GRV - General	0.0862	32	2,500,428				0	1,811	0	0	1,811
Unimproved valuations											
UV - Mining	0.1655	230	15,652,482				0	2,590,486	0	0	2,590,486
UV - Exploration	0.1500	334	3,244,695				0	486,704	0	0	486,704
UV - Prospecting	0.1477	211	510,594				0	75,415			75,415
UV - Pastoral	0.0829	23	826,983				0	56,592	0	0	56,592
UV - Other	0.0829	63	307,900				0	25,525	0	0	25,525
Sub-Totals		897	23,064,038	0	0	0	0	3,452,070	0	0	3,452,070
Minimum Payment	Minimum										
	\$										
Gross rental valuations											
GRV - Vacant	200.00	198	40,769		0	0	0	39,600	0	0	39,600
GRV - General	200.00	8	5,537		0	0	0	1,600	0	0	1,600
Unimproved valuations											
UV - Mining	200.00	55	41,119		0	0	0	11,000	0	0	11,000
UV - Pastoral	200.00	4	129,365		0	0	0	32,800	0	0	32,800
UV - Other	200.00	1	50,421		0	0	0	18,400	0	0	18,400
UV - Exploration	200.00	164	4,638		0	0	0	800	0	0	800
UV - Prospecting	200.00	92	100		0	0	0	200	0	0	200
							0				0
Sub-Totals		522	271,949	0	0	0	0	104,400	0	0	104,400
		1,419	23,335,987	0	0	0	0	3,556,470	0	0	3,556,470
Movement in Excess Rates							0				0
Discounts							0				0
Amount from General Rates							0				3,556,470
Write Offs							0				0
Ex-Gratia Rates							0				0
Specified Area Rates											0
Totals							0				3,556,470

Comments - Rating Information

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 11: Grants and Contributions

	Grant Provider	Type	Opening Balance (a)	Amended Budget Operating	Capital	YTD Budget	Annual Budget (d)	Post Variations (e)	Expected (d)+(e)	YTD Actual Revenue
				\$	\$	\$				\$
General Purpose Funding										
GEN PUR - Financial Assistance Grant - General	WALGGC	Operating	0	890,340	0	296,780	890,340		890,340	225,227
GEN PUR - Financial Assistance Grant - Roads	WALGGC	Operating	0	488,646	0	162,882	488,646		488,646	75,384
GEN PUR - Grant Funding	LRCI	Non-operating	0	0	1,531,180	382,794	1,531,180		1,531,180	0
GEN PUR - Contributions & Donations		Operating	0	0	0	0	0		0	0
GEN PUR - Other Income	Landgate	Operating	0	0	0	0	0		0	0
Governance										
MEMBERS - Reimbursements		Operating	0	0	0	0	0		0	63
Law, Order and Public Safety										
ESL BFB - Operating Grant	Dept. of Fire & Emergency Serv.	Operating	0	6,500	0	2,164	6,500		6,500	0
FIRE - Grants	Dept. of Fire & Emergency Serv.	Operating	0	0	0	0	0		0	2,953
FIRE - Grants	Dept. of Fire & Emergency Serv.	Non-operating	0	0	0	0	0		0	6,190
Community Amenities										
COM AMEN - Grants		Non-operating		0	0	0	0		0	0
Recreation and Culture										
REC - Grants		Non-operating	0	0	0	0	0		0	0
OTH CUL - Grants - Other Culture		Non-operating	0	0	0	0	0		0	0
Transport										
ROADC - Regional Road Group Grants (MRWA)	Main Roads WA	Non-operating	0	0	1,014,000	253,500	1,014,000		1,014,000	0
ROADC - Roads to Recovery Grant	Commonwealth Gvt	Non-operating	0	0	700,626	175,155	700,626		700,626	190,000
ROADC - Other Grants - Roads/Streets	Main Roads WA	Non-operating	0	0	0	0	0		0	0
ROADM - Street Lighting Subsidy		Operating	0	1,713	0	568	1,713		1,713	1,713
ROADM - Direct Road Grant (MRWA)	Main Roads WA	Operating	0	178,900	0	178,900	178,900		178,900	190,034
Economic Services										
TOUR - Grants	Main Roads WA	Non-operating	0	0	0	0	0		0	0
OTH ECON - Community Resource Centre Income		Operating	0	0	0	0	0		0	18
OTH ECON - Community Resource Centre Grant		Operating	0	80,000	0	26,664	80,000		80,000	0
OTH ECON - Grants	Indue, DPIRD	Operating	0	0	0	0	0		0	9,524
Other Property & Services										
ADMIN - Reimbursements	DFES	Operating	0	0	0	0	0		0	165
TOTALS			0	1,646,099	3,485,806	1,539,407	5,131,905	0	5,131,905	701,332
SUMMARY										
Operating	Operating Grants, Subsidies and Contributions		0	1,646,099	0	667,958	1,646,099	0	1,646,099	505,080
Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	0	0	0	0	0	0	0
Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	3,485,806	871,449	3,485,806	0	3,485,806	196,190
TOTALS			0	1,646,099	3,485,806	1,539,407	5,131,905	0	5,131,905	701,270

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 13: Capital Acquisitions

% of
Completion

tion		YTD Actual				Budget			
		Assets	Job	New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance
				\$	\$	\$	\$	\$	\$
<div><div></div></div> <i>Level of completion indicator, please see table at the end of this note for further detail.</i>									
		Buildings							
		Education & Welfare							
0.02	<div><div></div></div>	Arts Centre	BC060	2,727	0	2,727	149,000	49,664	(46,937)
0.00	<div><div></div></div>	Men's Shed	BC060A	0	0	0	200,000	66,664	(66,664)
Education & Welfare Total				2,727	0	2,727	349,000	116,328	(113,601)
		Housing							
1.00	<div><div></div></div>	MWS House Lot 165 (25) Onslow St - Building (Capital)	BC003	0	0	0	0	0	0
1.00	<div><div></div></div>	New Staff House 2020 - Building (Capital)	BC009	18,625	0	18,625	0	0	18,625
0.03	<div><div></div></div>	New 2x1 Staff House - Building (Capital)	BC010	6,000	0	6,000	238,900	79,628	(73,628)
0.00	<div><div></div></div>	New 2x1 Staff House (21-22)	BC011	0	0	0	520,000	173,328	(173,328)
1.00	<div><div></div></div>	Teachers Unit Lot 1090 (53a) (14a) Walsh St - Building (Capita	BC015	24	0	24	0	0	24
1.00	<div><div></div></div>	Unit Lot 45 (29a) Shenton (Front) - Building (Capital)	BC017	47	0	47	0	0	47
0.00	<div><div></div></div>	Old Post Office House Lot 102 (33) Walsh St - Building (Capita	BC020	603	0	603	1,000,000	333,324	(332,721)
Housing Total				25,299	0	25,299	1,758,900	586,280	(560,981)
		Recreation And Culture							
0.00	<div><div></div></div>	Town Hall (Hall) - Building (Capital)	BC026	0	0	0	110,000	36,664	(36,664)
0.88	<div><div></div></div>	Old Butcher Shop Lot 1094 (53) Shenton St - Building (Capital)	BC029	176,936	0	176,936	200,000	66,660	110,276
Recreation And Culture Total				176,936	0	176,936	310,000	103,324	73,612

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 13: Capital Acquisitions

% of
Completion

	Assets	Job	YTD Actual			Budget		
			New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance
			\$	\$	\$	\$	\$	\$
	Transport							
0.15	Depot - Building (Capital)	BC037	37,883	0	37,883	250,000	83,328	(45,445)
0.29	Workshop - Chemical Storage	BC037A	14,439	0	14,439	50,000	16,660	(2,221)
1.00	Depot Office (Capital)	BC037B	756	0	756	0	0	756
	Transport Total		53,077	0	53,077	300,000	99,988	(46,911)
	Economic Services							
	Building not specified	BC000	0	0	0	100,000	33,332	(33,332)
	Lady Shenton/CRC Lot 41 (37) Shenton St - Building (Capital)	BC028	3,996	0	3,996	299,000	99,664	(95,668)
	Church Hall Lot 8 (50) Shenton St - Building (Capital)	BC030	0	0	0	50,000	16,664	(16,664)
	Ex Police Station 8 Wilson (56 Shenton) - Building (Capital)	BC034	635	0	635	0	0	635
	Mercer Street Caravan Park Infrastructure	BC050	41,567	0	41,567	1,800,000	599,992	(558,425)
	Economic Services Total		46,199	0	46,199	2,249,000	749,652	(703,453)
	Other Property & Services							
0.00	Town Hall (Admin) - Building (Capital)	BC027	0	0	0	150,000	49,996	(49,996)
	Other Property & Services Total		0	0	0	150,000	49,996	(49,996)
0.06	Buildings Total		304,238	0	304,238	5,116,900	1,705,568	(1,401,330)
	Plant & Equipment (inc Furniture)							
	Governance							
0.00	Administration Communications Equipment	C0141	0	0	0	10,000	3,332	(3,332)
	Governance Total		0	0	0	10,000	3,332	(3,332)
	Law Order & Public Safety							
0.02	Tjunjuntjara CCTV	PE113	2,245	0	2,245	110,000	2,245	0
	Law Order & Public Safety Total		2,245	0	2,245	110,000	2,245	0
	Transport							
0.00	Backhoe Replacement	PA160	0	0	0	180,000	60,000	(60,000)
1.00	Steel Drum Roller Replacement	PA161	0	0	0	0	0	0
1.00	Banners and Signage	C0128	1,947	0	1,947	0	0	1,947
	Transport Total		1,947	0	1,947	180,000	60,000	(58,053)
0.01	Plant & Equipment Total		4,192	0	4,192	300,000	63,332	(61,385)

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 13: Capital Acquisitions

% of
Completion

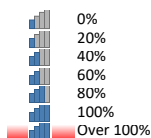
Assets	Job	YTD Actual			Budget		
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance
		\$	\$	\$	\$	\$	\$
Infrastructure Assets - Roads							
Transport							
0.00	Program Reseal	C1213	0	0	200,000	66,664	(66,664)
0.00	Kookynie Malcom Rd (Capital)	RC038	0	0	300,000	100,000	(100,000)
0.00	Tjuntjunjarra Access Rd (Capital) 20-21	RC049	0	0	231,327	77,108	(77,108)
0.00	Tjuntjunjarra Internal Roads Program (20-21)	RC249	0	0	100,000	33,332	(33,332)
0.00	Menzies North West Road Improvements (RRG 20-21)	RRG007A	0	0	510,000	170,000	(170,000)
0.00	Menzies North West Road Improvements (RRG 21-22)	RRG007B	0	0	142,500	47,500	(47,500)
0.00	Menzies North West Road Improvements (RRG 21-22)	RRG007C	0	0	510,000	170,000	(170,000)
1.00	Evanston Menzies Rd (RRG 20-21)	RRG008	16,688	0	16,688	0	16,688
0.00	Evanston Menzies Road (RRG 21-22)	RRG008A	0	0	300,000	100,000	(100,000)
0.00	Yarri Road (RRG 21-22)	RRG039A	0	0	142,500	47,500	(47,500)
0.00	Tjuntjunjarra Access Rd (RRG)	RRG049	0	0	80,000		0
0.08	Menzies North West Rd (R2R)	R2R007	39,852	0	39,852	510,628	39,852
0.99	Tjuntjunjarra Access Rd (R2R)	R2R049	87,579	0	87,579	88,443	87,579
0.67	Tjunjuntjara Access Road (R2R 20-21)	R2R049A	332,485	0	332,485	499,901	166,632
0.00	Tjunjuntjara Access Road (R2R 21-22)	R2R049B	0	0	190,000	63,332	(63,332)
0.00	LRCI Projects Phase 3 - Budgeting Purposes Only	LRC000A	0	0	1,094,890	364,960	(364,960)
0.00	Evanston Road (LRCI 20-21)	LRC008	0	0	450,000	150,000	(150,000)
0.00	Tjuntjunjarra Access Road (Indigenous Community Access Rc	ICA049	0	0	240,000	80,000	(80,000)
1.00	Kookynie Rd - Flood Damage	RFD025	227	0	227	0	227
1.00	Pianto Rd - Flood Damage	RFD036	9,939	0	9,939	0	9,939
	Transport Total		486,769	0	486,769	5,590,189	1,637,028
0.09	Infrastructure Roads Total		486,769	0	486,769	5,590,189	1,637,028
Footpaths							
Transport							
0.00	Footpath Construction General (Budgeting Only)	FC000	0	0	50,000	16,660	(16,660)
	Transport Total		0	0	50,000	16,660	(16,660)
0.00	Footpaths Total		0	0	50,000	16,660	(16,660)

SHIRE OF MENZIES
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 October 2021

Note 13: Capital Acquisitions

% of
Completion

Assets	Job	YTD Actual			Budget		
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance
		\$	\$	\$	\$	\$	\$
Infrastructure Assets - Parks and Ovals							
Recreation and Culture							
0.00	Marmion Village Reserve Improvements	PC005	0	0	68,633	0	0
1.00	Marmion Village - Outdoor Exercise Equip	PC005A	0	0	0	0	0
0.00	Drink Fountain in Park	PC036	0	0	10,000	3,332	(3,332)
0.00	Hand Wash at BBQ Area Water Park	PC112	0	0	10,000	3,332	(3,332)
0.97	Tjuntjunjarra Playground	PC113	95,000	95,000	97,445	32,480	62,520
	Recreation and Culture Total		95,000	95,000	186,078	39,144	55,856
0.51	Infrastructure Parks and Ovals Total		95,000	95,000	186,078	39,144	55,856
Other Infrastructure							
Community Amenities							
0.00	Tjuntjunjarra Cemetery Shade	C0104	0	0	50,000	16,664	(16,664)
	Community Amenities Total		0	0	50,000	16,664	(16,664)
Recreation And Culture							
0.00	Marmion Village - Access Road	IO005	0	0	200,000	66,664	(66,664)
0.00	Kookynie Fencing	IO040	0	0	500,000	166,664	(166,664)
0.00	Niagra Dam Capital Works	C0131	0	0	1,000,000	333,324	(333,324)
	Recreation And Culture Total		0	0	1,700,000	566,652	(566,652)
Transport							
0.00	Bores to Support Road Works	C0123	0	0	50,000	16,664	(16,664)
0.00	Grids Capital	GRIDCAP	0	0	60,000	19,996	(19,996)
0.00	Pilot Activated Lighting - Tjunjuntjara	IO12601	0	0	50,000	16,664	(16,664)
0.00	Town Dam Upgrade	C0121	0	0	20,000	6,664	(6,664)
	Transport Total		0	0	180,000	59,988	(59,988)
0.00	Other Infrastructure Total		0	0	1,930,000	643,304	(643,304)
0.07	Capital Expenditure Total		890,199	0	13,173,167	4,105,036	(3,217,082)



Percentage YTD Actual to Annual Budget
Expenditure over budget highlighted in red.

12.1.2	Payments for the Month of October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM501
DATE OF REPORT	15 November 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. List of Creditors Payments - October 2021 [12.1.2.1 - 5 pages]

SUMMARY:

The list of payments made for the month of October 2021 be received by Council.

BACKGROUND:

Payments have been made by electronic funds transfer (EFT), direct transfer from Council's Municipal Bank account and duly authorised as required by Council Policy. These payments have been made under delegated authority to the Chief Executive Officer and are reported to Council.

COMMENT:

The EFT, Direct Debit, Credit Card and Payroll payments that have been made for the month of October 2021 are attached.

CONSULTATION:

Antonio Giometti – Chief Financial Officer.

STATUTORY AUTHORITY:

Local Government (Financial Management) Regulations 1996 Regulation 13.

POLICY IMPLICATIONS:

Policy 4-7 – Creditors – Preparation for Payment.

FINANCIAL IMPLICATIONS:

\$765,563.15 withdrawn from Municipal Bank Account.

RISK ASSESSMENT:

Nil.

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council receives the list of payments for the month of October 2021 totaling \$765,563.15 being:

1. Electronic Funds Transfer EFT 6376 – 6480, payments from Municipal Fund totaling \$612,683.72;
2. Direct Debit payments from the Municipal Fund totaling \$48,950.98;
3. Payroll payments from the Municipal Fund totaling \$103,928.45; and
4. Credit Card payments of \$8,148.15 for the Statement Month of October are included in Direct Debits of \$48,950.27.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

Shire of Menzies
Payments for the Month of October 2021

Payments Summary

Cheques	<u>\$0.00</u>
EFT	<u>\$612,683.72</u>
Direct Debit	<u>\$48,950.98</u>
Payroll	<u>\$103,928.45</u>
Total Payments	<u>\$765,563.15</u>
Credit Card Payments (included in Direct Debit)	<u>\$8,148.15</u>

Shire of Menzies
Payments for the Month of October 2021

EFT Payments

Chq/EFT	Date	Name	Description	Amount
EFT6376	07/10/2021	Canine Control	RANGER SERVICES 22 September 2021	\$1,600.50
EFT6377	07/10/2021	Stratco	DEPOT BUILDING Fence materials	\$1,413.21
EFT6378	07/10/2021	Tradelink Pty Limited	DEPOT BUILDING Plumbing supplies	\$3,198.65
EFT6379	07/10/2021	3E Advantage	INFORMATION SYSTEMS Smartboard hire	\$374.00
EFT6380	07/10/2021	Urbis Pty Ltd	PLANNING CONSULTANTS Planning review	\$14,190.00
EFT6381	07/10/2021	Riklan Emergency Management Services	ADMIN TRAINING Test and tag training	\$780.00
EFT6382	07/10/2021	Market Creations	FOR CONSULTANCY SERVICES TILL JUNE 30 2022	\$1,386.00
EFT6383	07/10/2021	Leanine Dimer	BOND REFUND	\$250.00
EFT6384	07/10/2021	LED Goldfields	TOWN HALL BUILDING EXPENSES Colored tags for printer	\$274.13
EFT6385	07/10/2021	Cloud Collections Pty Ltd	RATES EXPENSES Debt collection	\$233.01
EFT6386	07/10/2021	LG Best Practices	ADMIN CONSULTANT	\$528.00
EFT6387	07/10/2021	Janet Hancock	ADMIN UNIFORMS Re imburse steel cap workboots. Govenance Manager	\$725.60
EFT6388	07/10/2021	The People & Culture Office	ADMIN CONSULTANT Organisational strategy	\$23,430.00
EFT6389	07/10/2021	Steven Tweedie	GOVERNANCE CONSULTANT Register of delegations	\$1,650.00
EFT6390	07/10/2021	Hersey's Safety Pty Ltd	DEPOT CONSUMABLES Gloves, Cable ties, ear muffs, drink coolers	\$1,344.90
EFT6391	07/10/2021	Golden Mile Cleaning Services	EMPLOYEE COSTS Contract cleaner	\$3,968.25
EFT6392	07/10/2021	Hille Thompson & Delfos	ROADS Road surveys on Menzies- Evanston and Menzies North West	\$58,894.00
EFT6393	07/10/2021	EFTSURE PTY LTD	SOFTWARE LICENSES EFTSURE software subscription	\$5,016.00
EFT6394	07/10/2021	A Space Australia Pty Ltd	TJUNTJUNTJARA PLAYGROUND	\$41,800.00
EFT6395	07/10/2021	MAHJAE PTY LTD T/A WHITNEY CONSULTING	MERCER STREET CARAVAN PARK Business case	\$1,463.00
EFT6396	07/10/2021	Spartan First Pty Ltd	ADMIN RECRUITMENT Pre-employment medical	\$170.50
EFT6397	07/10/2021	Kristy Van Kuyl	ADMIN REFRESHMENT	\$48.15
EFT6398	07/10/2021	PRIORITY SUPPLIER PTY LTD T/A STOREMASTA	WORKSHOP CHEMICAL STORAGE LPG store, aeroso; store, drumstore	\$15,882.69
EFT6399	07/10/2021	thinkproject	PWO SUBSCRIPTIONS RAMMS Subscription to 30 June 2022	\$9,343.37
EFT6400	07/10/2021	WA Local Govt Association	MEMBERS CONFERENCES Local Government Week	\$5,360.00
EFT6401	07/10/2021	Air Liquide Australia Ltd	DEPOT CONSUMABLES Oxy tank hire	\$28.16
EFT6402	07/10/2021	Bunnings	BUILDING MAINTENANCE Minor assets	\$1,650.22
EFT6403	07/10/2021	Conway Highbury	GOVERNANCE CONSULTANT Meeting procedures, dogs, cemeteries	\$990.00
EFT6404	07/10/2021	Core Business Australia Pty Ltd	BUILDING MANAGEMENT New house, Lady Shenton	\$9,435.80
EFT6405	07/10/2021	Eagle Petroleum (W.A) Pty Ltd	BULK FUEL DELIVERY 1000L	\$1,478.69
EFT6406	07/10/2021	Ecowater Services	CARAVAN PARK Biomax Service	\$939.03
EFT6407	07/10/2021	Goldline Distributors	LADY SHENTON Cleaning Supplies	\$386.05
EFT6408	07/10/2021	Harvey Norman Bedding Kalgoorlie	CARAVAN PARK Beddings	\$320.00
EFT6409	07/10/2021	Harvey Norman Electrical - Computers	BM019 57 WALSH STREET Oven, rangehood,	\$2,500.00
EFT6410	07/10/2021	IT Vision	INFORMATION SYSTEMS Altus Bank Rec Implementation	\$8,035.50
EFT6411	07/10/2021	Kalaire	BM034 POLICE STSTION Service airconditioners	\$885.00
EFT6412	07/10/2021	Landgate	RATES EXPENSES Mining tenement schedule M2021/7	\$576.15
EFT6413	07/10/2021	Cr Keith Mader	MEMBERS TRAVEL Cr. KM	\$1,699.20
EFT6414	07/10/2021	Shire of Menzies Social Club	Payroll deductions	\$130.00
EFT6415	07/10/2021	Netlogic Information Technology	INFORMATION TECHNOLOGY Support,	\$1,695.50
EFT6416	07/10/2021	Office National	ADMIN EXPENSES Community Development Office furniture	\$2,785.43
EFT6417	07/10/2021	Shire Of Leonora	HEALTH EXPENSES Contract EHO	\$1,642.80
EFT6418	07/10/2021	Moore Australia	ADMIN CONSULTANT	\$385.00
EFT6419	14/10/2021	Lgiswa	LGIS PROPERTY INSTALMENT 2	\$54,190.66
EFT6420	14/10/2021	Eagle Petroleum (W.A) Pty Ltd	DEPOT BULK FUEL DELIVERY 6800L	\$15,794.08
EFT6421	18/10/2021	Tradelink Pty Limited	TRUCK BAY ABLUTION BLOCK Plumbing materials	\$143.10
EFT6422	18/10/2021	3E Advantage	ADMIN PRINTING & STATIONERY Copier charges	\$2,849.65
EFT6423	18/10/2021	Coolgardie Tyre Service	P0181 JOHN DEERE LOADER Repair tyre	\$110.00
EFT6424	18/10/2021	Golden Mile Cleaning Services	EMPLOYEE COSTS Contract cleaner	\$2,860.00
EFT6425	18/10/2021	Spartan First Pty Ltd	ADMIN RECRUITMENT Pre employment medical ER	\$341.00
EFT6426	18/10/2021	Instant Transportable Offices Pty Ltd	DEPOT BUILDING CAPITAL 20% Deposit	\$31,900.00
EFT6427	18/10/2021	Bunnings	DEPOT BUILDING MAINTENANCE Paint sprayer, chain, saw, cut off wheel.	\$241.31
EFT6428	18/10/2021	Toll Transport Pty Ltd	LIBRARY Freight	\$64.65
EFT6429	18/10/2021	Cybersecure	INFORMATION TECHNOLOGY Backup service	\$309.38
EFT6430	18/10/2021	Goldline Distributors	GOVERNANCE FUNCTIONS Catering	\$359.24
EFT6431	18/10/2021	Goldfields Air Services	MEMBERS ELECTION EXPENSES Flight to Tjuntjuntjara	\$8,800.00
EFT6432	18/10/2021	Goldfields Toyota	P0233 3MN Fuel element assay	\$35.63
EFT6433	18/10/2021	ORE INVESTMENTS PTY LTD T/A GOLDRUSH TOURS, GRT COMMERCIAL PANEL & PAINT	VISITOR CENTRE OPERATIONS Laverton bus fares on commission	\$45.90

Shire of Menzies
Payments for the Month of October 2021

EFT6434	18/10/2021	Mcleods Barristers & Solicitors	BUILDING LEGAL EXPENSES Prosecution RG	\$1,678.47
EFT6435	18/10/2021	Netlogic Information Technology	INFORMATION TECHNOLOGY Support	\$337.50
EFT6436	18/10/2021	Office National	ADMIN STATIONERY Diary, Floor cable protectors	\$256.91
EFT6437	18/10/2021	Shire Of Leonora	HEALTH AND BUILDING Contract EHO	\$10,842.48
EFT6438	18/10/2021	Tower Hotel	MEMBERS ACCOMODATION Cr. IB	\$303.00
EFT6439	18/10/2021	WesTrac Pty Ltd	P0234 12M GRADER Elements	\$443.29
EFT6440	28/10/2021	Canine Control	ANIMAL CONSULTANTS Contract Ranger	\$1,600.50
EFT6441	28/10/2021	Leonora Pharmacy	LEONORA PHARMACY Items on consignment	\$575.40
EFT6442	28/10/2021	3E Advantage	ADMIN COPIER MONTHLY CHARGES 25/10/2021	\$2,601.91
EFT6443	28/10/2021	Piccadilly Butchers	ELECTION EXPENSES Goods for BBQ	\$239.10
EFT6444	28/10/2021	Xstra Global IT and Communication Solutions	PBX MONTHLY RENTAL FEE OCTOBER 2021	\$285.64
EFT6445	28/10/2021	Emygor Services	PUBLIC TOILETS MAINTENANCE Vac out Septic Tank	\$2,546.50
EFT6446	28/10/2021	Visage Productions	ONE ROAD GREAT AUSTRALIAN ROAD TRIPS GOLDFIELDS 50% Iniatial Payment	\$6,050.00
EFT6447	28/10/2021	Golden Mile Cleaning Services	CONTRACTOR CLEANER 11-15/10/2021	\$5,200.00
EFT6448	28/10/2021	Maiolo Construction	CAFE REFURBISHMENT	\$91,258.69
EFT6449	28/10/2021	A Space Australia Pty Ltd	TJUNTJUNTJARA PLAYGROUND	\$62,700.00
EFT6450	28/10/2021	MAHJAE PTY LTD T/A WHITNEY CONSULTING	CONSULTING FEE REGIONAL ECONOMIC DEVELOPMENT GRANTS WRITING	\$6,578.00
EFT6451	28/10/2021	Quality Press	DFES PERMIT TO SET FIRE TO BUSH	\$99.00
EFT6452	28/10/2021	Brian Joseph Callegari	Rates refund for assessment A4650 P31/02020 MINING TENEMENT	\$168.77
EFT6453	28/10/2021	Australia's Golden Outback	FY21/22 SILVER MEMBERSHIP OF AUSTRALIA'S GOLDEN OUTBACK	\$165.00
EFT6454	28/10/2021	Bunnings	EX POLICE STATION BUILDING MAINTENANCE MATERIALS & PWO MINOR ASSET Makita Saw Compound, Wrench and Accesory	\$3,895.31
EFT6455	28/10/2021	Core Business Australia Pty Ltd	ADMIN CONSULTANT WHS Support Claim 4	\$22,423.78
EFT6456	28/10/2021	Toll Transport Pty Ltd	ADMIN OFFICE FURNITURE CDS Freight	\$634.20
EFT6457	28/10/2021	Coyles Mower & Chainsaw Centre	P0146 Chainsaw Blades	\$60.00
EFT6458	28/10/2021	Gregory Dwyer	PRESIDENT TRAVEL & ACCOMODATION Claims and OCM Meals 30/09/2021	\$5,180.55
EFT6459	28/10/2021	Jillian Dwyer	REFUND ELECTION FEE 2021	\$80.00
EFT6460	28/10/2021	Department of Fire And Emergency Services	21/22 ESL INCOME LG FIRE & EMERGENCY SERVICE	\$2,200.00
EFT6461	28/10/2021	Goldline Distributors	COUNCIL PROPERTIES Cleaning Supplies	\$224.20
EFT6462	28/10/2021	ORE INVESTMENTS PTY LTD T/A GOLDRUSH	P0235 TOYOTA RAV4 Insurance Excess	
EFT6463	28/10/2021	TOURS, GRT COMMERCIAL PANEL & PAINT Horizon Power	ELECTRICITY - 358590 - 1 SHENTON STREET, MENZIES (CARAVAN PARK)	\$5,132.61
EFT6464	28/10/2021	Kalaire	BM029 OLD BUTCHER SHOP Supply and Install Airconditioners	\$13,684.00
EFT6465	28/10/2021	Landgate	LANDGATE RATES VALUATION Mining Tenement Schedule M2021/9	\$41.30
EFT6466	28/10/2021	Cr Keith Mader	REFUND ELECTION FEE 2021	\$80.00
EFT6467	28/10/2021	Marketforce	ADMIN ADVERTISING TENDERS 6/2021 The West Australian	\$1,389.14
EFT6468	28/10/2021	D J McGinty & Co Pty Ltd	23 ONSLOW STREET MENZIES SHED CONTRUCTION	\$7,784.70
EFT6469	28/10/2021	Shire of Menzies Social Club	Payroll deductions	\$120.00
EFT6470	28/10/2021	Netlogic Information Technology	MEMBERS IT OFFICE 365 ANNUAL FEE 21/22	\$1,121.50
EFT6471	28/10/2021	Office National	ADMIN EXPENSES Headphones with microphone	\$198.99
EFT6472	28/10/2021	Pila Nguru Aboriginal Corporation	SUPPLIES FOR LOCAL GOVERNMENT ELECTIONS AT TJUNTJUNTJARA	\$133.47
EFT6473	28/10/2021	Shire Of Leonora	CONTRACT EHO 06/10/2021	\$3,285.62
EFT6474	28/10/2021	Andrew Tucker	REFUND ELECTION FEE 2021	\$80.00
EFT6475	28/10/2021	Nadine Tucker	REFUND ELECTION FEE 2021	\$80.00
EFT6476	28/10/2021	Tudor House	SOM FLAGS	\$585.01
EFT6477	28/10/2021	Moore Australia	ADMIN TRAINING NUTS AND BOLTS Antonio Giometti	\$2,706.00
EFT6478	28/10/2021	Wa Hino	P0207 SERVICE MATERIALS	\$103.48
EFT6479	28/10/2021	Paul Warner	REFUND ELECTION FEE 2021	\$80.00
EFT6480	28/10/2021	WesTrac Pty Ltd	P0234 SERVICE MATERIAL Hose	\$218.61
TOTAL				<u>\$612,683.72</u>

Shire of Menzies
Payments for the Month of October 2021

Direct Debit Payments

DD	Date	Name	Description	Amount
DD4254.1	05/10/2021	IOOF Essential Super	Superannuation contributions	\$644.23
DD4254.2	05/10/2021	Australian Super	Superannuation contributions	\$2,676.12
DD4254.3	05/10/2021	Cbus	Superannuation contributions	\$788.13
DD4254.4	05/10/2021	LGIAsuper	Superannuation contributions	\$514.62
DD4254.5	05/10/2021	Sunsuper	Superannuation contributions	\$500.00
DD4254.6	05/10/2021	Aware Super Pty Ltd	Payroll deductions	\$5,799.81
DD4282.1	19/10/2021	IOOF Essential Super	Superannuation contributions	\$644.23
DD4282.2	19/10/2021	Australian Super	Superannuation contributions	\$4,611.42
DD4282.3	19/10/2021	Cbus	Superannuation contributions	\$789.09
DD4282.4	19/10/2021	LGIAsuper	Superannuation contributions	\$773.19
DD4282.5	19/10/2021	Sunsuper	Superannuation contributions	\$500.00
DD4282.6	19/10/2021	Aware Super Pty Ltd	Payroll deductions	\$5,972.71
DD4284.1	01/10/2021	WESTNET	VISITOR CENTRE OPERATIONS Internet	\$54.99
DD4286.1	04/10/2021	NAB	ADMINISTRATION Credit Card	\$8,148.15
DD4288.1	07/10/2021	Power ICT Pty Ltd	COMMUNICATION EXPENSES Messages on hold	\$75.90
DD4290.1	11/10/2021	Telstra - DIRECT DEBIT ONLY	COMMUNICATION EXPENSES Satellite phones	\$504.42
DD4292.1	11/10/2021	Telstra - DIRECT DEBIT ONLY	COMMUNICATION EXPENSES Office and CRC phone and data	\$3,992.41
DD4294.1	12/10/2021	Telstra - DIRECT DEBIT ONLY	COMMUNICATION EXPENSES Phones and data	\$458.99
DD4309.1	26/10/2021	Gregory Dwyer	COUNCILLOR SITTING FEES Pres	\$3,364.49
DD4309.2	26/10/2021	Ian Baird	COUNCILLOR SITTING FEES Deputy Pres	\$1,289.67
DD4309.3	26/10/2021	Cr Justin Lee	COUNCILLOR SITTING FEES Cr. JL	\$875.83
DD4309.4	26/10/2021	Jillian Dwyer	COUNCILLOR SITTING FEES Cr. JD	\$875.83
DD4309.5	26/10/2021	Rohan S Baird	COUNCILLOR SITTING FEES Cr. RB	\$875.83
DD4309.6	26/10/2021	Cr Keith Mader	COUNCILLOR SITTING FEES Cr. KM	\$875.83
DD4311.1	01/10/2021	NAB	ADMIN EXPENSES Bank Fees Merchant fee 1 October	\$2,109.06
DD4313.1	29/10/2021	NAB	ADMIN EXPENSES BANK FEES Bpay fees	\$77.40
DD4315.1	29/10/2021	NAB	ADMIN EXPENSES BANK FEES Merchant fee 29 oct	\$169.36
DD4317.1	29/10/2021	Wright Express Australia Pty Ltd	PLANT EXPENSES Fuel cards	\$989.27
<u>TOTAL</u>				<u>\$48,950.98</u>

Shire of Menzies
Payments for the Month of October 2021

Credit Card Payments

Date	Name	Description	Amount
Card No: **** * 2831			
30/08/2021	WINC	Heavy Duty Printing Label - WHS	\$ 48.59
06/09/2021	Rydges Kalgoorlie	Accom- CEO	\$ 156.67
	Rydges Kalgoorlie	Accom - Governance Manager	\$ 156.67
	Rydges Kalgoorlie	Accom - CFO	\$ 156.67
	Rydges Kalgoorlie	Accom - Community Development Specialist	\$ 156.67
8/09/2021	Virgin Australia	Airfare insurance	\$ 6.64
	Virgin Australia	Airfare - EA - DB	\$ 653.99
9/09/2021	Water Corporation	Water Connection - Café	\$ 4,358.98
10/09/2021	Rydges Kalgoorlie	Accom - CEO	\$ 226.42
	Rydges Kalgoorlie	Food - CEO	\$ 27.29
13/09/2021	Godaddy	Lake Ballard Domain Name	\$ 10.95
	Ray Purt Dental	Masks Earloop Blue - WHS	\$ 108.85
15/09/2021	WA Newspapers	Monthly subscription	\$ 28.00
20/09/2021	Taka Taxi	Taxi while on training	\$ 46.15
	Crown Perth	Accom - Local Government Week	\$ 789.36
	Crown Perth	Accom - Local Government Week	\$ 789.36
22/09/2021	City of Perth Parking	Parking - LG Week	\$ 12.42
23/09/2021	Crown Perth	Credit Card surcharge - LG Week	\$ 20.24
	Adobe Acropro	Adobe subscription	\$ 299.90
24/09/2021	Mayfair Lane Pub	Food at LG Week	\$ 85.00
28/09/2021	National Bank	Credit Card Fee	\$ 9.33
			\$ 8,148.15
06/10/2021	Automatic Drawing	Payroll	\$46,851.34
20/10/2021	Automatic Drawing	Payroll	\$57,077.11
		TOTAL	<u>\$103,928.45</u>

12.1.3	Investment Report for October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM502
DATE OF REPORT	15 November 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This item recommends Council receives the investment report for the month of October 2021.

BACKGROUND:

The Chief Executive Officer has delegated authority to invest funds into interest bearing accounts under Delegation 2.5 – Investment of Surplus Funds.

COMMENT:

Below are the current investments for the Shire of Menzies as at 30/10/2021:

INSTITUTION / ACCOUNT TYPE	SUM	TERM	DATE OF MATURITY	INTEREST RATE	RISK ASSESSMENT
NAB – Municipal	\$301,052.12	Open	Open		Medium
NAB – Reserve Fund – Cash Maximiser	\$12,303,645.11	Open	Open	0.010%	Medium
NAB – Cash Maximiser	\$5,029,505.07	Open	Open	0.010%	Medium

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act

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

- (a) oversee the allocation of the local government's finances and resources; and
- (b) determine the local government's policies.

3.1. General function

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

6.14 Power to invest

Local Government (Administration) Regulations

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —

authorised institution means —

- (a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or
- (b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;
- (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.

POLICY IMPLICATIONS:

Policy 4.9 Investments

Delegation 2.5 – Investment of Surplus Funds

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
There is always a certain risk in investment of funds as banking institutions are no longer the stable and unfailing institutions they once were.	Medium	Close management of investment.
The proposal is to closely		Close attention to financial markets and information.
		Diversity of investments as

<p>manage the Shire's investments and avoid the possibility of loss on the investment.</p> <p>At the same time this proposal still seeks the safest and not necessarily the most profitable return on investments.</p>		<p>much as possible.</p>
--	--	--------------------------

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council receives the investment report for the month of October 2021.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12.2 Administration Reports

12.2.1	Draft Register of Delegations	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	NAM482	
DATE OF REPORT	17 September 2021	
AUTHOR	Chief Executive Officer, Brian Joiner	
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	<ol style="list-style-type: none">1. Attachment 1 - Delegations Register adopted February 2021 [12.2.1.1 - 40 pages]2. Attachment 2 - Draft Delegations Register - November 2021 [12.2.1.2 - 140 pages]	

SUMMARY:

This item recommends Council adopts the Draft Delegations Register dated November 2021 (attached).

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

The attached Delegations Register includes:

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

The Register includes the relevant delegation decision for each matter.

BACKGROUND:

Section 5.46 of the *Local Government Act 1995* requires a local government review its delegations at least once every twelve months. The Delegations Register was last reviewed in February 2021, however a review by an independent consultant recommended a number of areas be addressed.

Further, to streamline Shire processes, the CEO has disaggregated the Delegations Register:

1. Delegation Register, Sub Delegations, Authorisations and Appointments (from Council to CEO), where the CEO has been delegated matters, or is able to do so, as a right, requiring Council adoption.
2. CEO Register of Delegations, Sub Delegations, Authorisations and Appointments – updated by CEO, as and when required.

COMMENT:

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

CONSULTATION:

Chief Executive Officer
Steven Tweedie - Consultant

STATUTORY AUTHORITY:

Section 5.46 of the *Local Government Act 1995* requires a local government to review its delegations at least once every twelve months.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from the recommendation of this report.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Delegated tasks are not completed on time or in an appropriate manner with failure resulting in non-compliance/breach of Regulations	Medium/High	Ensure Delegations Register provides appropriate, clear, unambiguous direction.

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Revokes, by Absolute Majority, the delegations as detailed in Attachment No.1, under the *Local Government Act 1995*.
2. Revokes the delegations as detailed in Attachment No.1, under the *Building Act 2011*, *Bush Fires Act 1954* and, *Food Act 2008*:
3. Approves, by Absolute Majority, the delegations, inclusive of amendments as detailed in Attachment No.2 - Delegation Register 2020/21, in accordance with s.5.42 of the *Local Government Act 1995*, s.44 of the *Cat Act 2011*, s.10AA of the *Dog Act 1976* and s.16 of the *Graffiti Vandalism Act 2016*:
4. Approves the delegations, inclusive of amendments and as detailed in Attachment No.2 -Delegation Register 2020/21, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008* and s.21 of the *Public Health Act 2016*.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--



NCR1941

SHIRE OF MENZIES

DELEGATIONS REGISTER

Adopted by Council
February 2021

CONTENTS**INTRODUCTION**

Statutory Context
 Heads of Power
 Legislation
 Definitions
 DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES Guidelines No.17 –
 New Delegations
 Review of Delegations

CERTIFICATIONS**1. DELEGATIONS FROM COUNCIL TO COMMITTEES**

- 1.1 Local Government Act Committees
- 1.2 Local Emergency Management Committee

2. DELEGATIONS FROM COUNCIL TO Chief Executive Officer

- 2.1 Use of Common Seal
- 2.2 Acquisition of Assets and Goods/Services – Tenders for supply
- 2.3 Disposal of Assets
- 2.4 Creditors – Payment of accounts
- 2.5 Investments
Delegation Schedule 2.5 – Investments
- 2.6 Debtors - Write-off of minor amounts
- 2.7 Fire Fighting – Emergency plant hire
- 2.8 Mining tenements, exploration licences etc.

3. DELEGATIONS FROM COUNCIL TO OTHER OFFICERS

- 3.1 Alteration to Restricted and Prohibited Burning Periods
- 3.2 Control of Environmental Health Matters
Delegation Schedule 3.2 – Septic Tank Licences
- 3.3 Control of Food Matters
- 3.4 Control of Building Matters
- 3.5 Control of Planning Matters

4. DELEGATIONS FROM CHIEF EXECUTIVE OFFICER TO OTHER OFFICERS

- 4.1 – Financial Delegation

5. OTHER STATUTORY MATTERS NOT BEING DELEGATIONS

- 5.1 Media Releases

6. HISTORY SUMMARY

INTRODUCTION

Statutory Context

Although a range of legislation permits Council to delegate authority, this Delegations Register has been prepared principally in accordance with the Local Government Act 1995 –

- s.5.16 – Delegation of some powers and duties to certain committees
- s.5.17 – Limits on delegations of powers and duties to certain committees
- s.5.18 – Register of delegations to committees
- s.5.42 – Delegation of some powers and duties to Chief Executive Officer
- s.5.43 – Limits on delegations to Chief Executive Officer's
- s.5.44 – Chief Executive Officer may delegate powers and duties to other employees
- s.7.1B – Delegation of some powers and duties to audit committee and the Administration Regulations –
- r.19 – Record to be kept by delegates

All delegations require approval by an absolute majority of Council.

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

However, given the limited number of delegations, and their importance, it is recommended that Council be advised of use of delegations, for their information. It is open to Council to make a direction that this is the case.

Heads of Power

The Council is responsible for functions and activities under numerous Acts and other legislation, many of which permit Council to delegate responsibilities and authority to various Officers.

Unless stated otherwise, the Local Government Act 1995 sections 5.16 and 5.42 is the statutory context for Council to make the delegations in Parts 1 and 2, and additional legislative requirements are noted.

Delegations must be made within the parameters of the enabling legislation. For instance, the authority of the Local Government Act 1995 cannot be used to delegate functions to the Chief Executive Officer under a different Act. If the other Act specifies a person or role, the delegation must be made accordingly. If the other Act does not specify a person, Council may delegate to who it chooses.

It is Council's expectation, that the Chief Executive Officer will assign delegations relevant to a specialist or specific position, to that person, in accordance with the Local Government Act s.5.44.

Legislation

Generally, the text of legislation (Acts and Regulations) will not be quoted, but only the reference and a summary of the relevant section given. Legislation changes, so it is essential that the empowering provisions are checked regularly, rather than relying on extracts being carried forward, that may be found to be superseded.

Definitions

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

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

“Authority” means the permission or requirement for Council, a Committee or an Officer to act in accordance with:

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

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

“Policy”, as the context requires, means either:

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

“Instruction” means the requirement for a staff member to act in accordance with a direction given by a senior Officer of Council.

There is often confusion about how the terms “Shire” and “Council” are used. In this document, a strict definition is applied –

“Council” means the elected members of the local government, as a body

“Shire” means, as the context requires –

- the corporate entity of the local government, or
- the physical area of the local government

DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES Guidelines No.17 – Delegations

The Department of Local Government and Communities has published Guidelines for the formation of Delegations.

Of note, the Guidelines outline the concept of “delegation” and “acting through” in parts 3 and 4, particularly in paragraph 13 where it is stated –

... the key difference between a delegation and “acting through” is that a delegate exercises the delegated decision-making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows

for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

In effect, “acting through” is an action that could reasonably be expected to be carried out as the result of a decision by Council (e.g. advertising of a tender), or as a function reasonably expected of the position that a person holds.

Not all matters which will be recorded in Policy are “acting through” matters, similarly, not all “acting through” matters will be listed. Policy describes how that action or some other action, is to be carried through.

New Delegations

Council may make new delegations at any time.

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

Review of Delegations

It is a requirement of the Local Government Act s.5.18 and s.5.46 (1) that all delegations made under the authority of that Act, be reviewed at least once in each financial year. Delegations made under other Acts do not have to be reviewed annually but are included for the sake of consistency.

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

In this way, the delegations will be reviewed at the end of the operational year, with the formal motion of application made prior to the commencement of a new financial year.

CERTIFICATIONS

The Delegations contained in Parts 1, 2, 3 and 4 of this Register were formally reviewed by Council on 26 March 2020 and a resolution (No. 1829) confirming their application for the 2019/2020 financial year was made.

The Authorisation in Part 5 is also confirmed



President

The Delegations contained in Part 2 and Part 4 of this Register from Chief Executive Officer to other Officers have been formally reviewed (No. 1829), and their application for the 2019/2020 financial year is confirmed.



Chief Executive Officer

1. DELEGATIONS FROM COUNCIL TO Committees

1.1 Local Government Act Committees

Introduction	The Audit Committee must be established by Council, as required by the Local Government Act, whereas other Committees are at the discretion of Council.
Objective	To establish and authorise Committees under the Local Government Act as required, or as Council considers appropriate.
Statutory context	Local Government Act 1995 – <ul style="list-style-type: none"> - s.5.11A – appointment of deputy members permitted - s.7.1A – requirement to establish an Audit Committee - s.7.1B – Council may delegate some powers and duties to Committees
Formal record	Minutes of Committee Meetings presented to Council.
Delegation by Committee	Not permitted
History	Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. Delegated authority is given to Committees as follows –
 - Audit – None
2. The purpose of Committees is as follows –
 - Audit – to review financial matters as required or considered appropriate
3. Committees are to operate in accordance with the Local Government Act, and have a quorum as follows –
 - Audit – two members to be present
4. All Committee recommendations are to be endorsed by Council prior to implementation.
5. Appointments to Committees remain current until the next general local government elections, subject to resignation etc.
6. Each Committee to meet as considered appropriate or as required, as per the Local Government Act.
7. Reference to a Committee member includes deputy to the member if the member is unavailable.

– End of Delegation

COMMENT

The following Committees and memberships are current as at October 2019 (to October 2021):

INTERNAL COMMITTEES

Committee	Members	Position	Meetings
Audit	Cr Greg Dwyer Cr Jill Dwyer Cr Ian Baird External member to be sought	President Shire of Menzies Councillor Shire of Menzies Councillor Shire of Menzies Member of the Public	At least three times per year. Additional meetings shall be convened at the discretion of the presiding person.

Committee	Members	Position	Meetings
Lake Ballard Management Advisory Committee	Cr Greg Dwyer (temporary) Cr Justin Lee (Deputy) Cr Keith Mader (Deputy) Cr Jill Dwyer TBA TBA (Deputy) TBA (Deputy) David Graves TBA (Deputy)	President Shire of Menzies Councillor Shire of Menzies Councillor Shire of Menzies Councillor Shire of Menzies Traditional Owner Member Traditional Owner Member Traditional Owner Member WA Art Gallery Member WA Art Gallery Member	The Committee shall meet as required

Committee	Members	Position	Meetings
Niagara Dam Working Party	Cr Greg Dwyer Cr Jill Dwyer Mr Brian Joiner External member to be sought	Councillor Shire of Menzies Councillor, Shire of Menzies Chief Executive Officer Shire of Menzies Member of the Public	The Working Party shall meet as required

EXTERNAL COMMITTEES

Committee/Group	Members	Position	Meetings
Regional Road Group	Cr Greg Dwyer Cr Ian Baird Mr Brian Joiner	President Shire of Menzies - Member Councillor Shire of Menzies (Deputy) Chief Executive Officer Shire of Menzies (Deputy)	Twice per year (usually March and November)

Committee	Members	Position	Meetings
Local Emergency Management Committee	CORE MEMBERS Cr Greg Dwyer Cr Keith Mader Mr Brian Joiner TBA Nurse – Menzies Nursing Post Delegate of Officer in Charge Chief Bush Fire Control Officer Delegate of the Principal Delegate - Menzies SECONDARY MEMBERS Delegate of the Regional Manager Delegate of the Regional Manager Delegate of the Regional Manager Delegate of the Regional Manager Delegate	President Shire of Menzies (Chairperson) Councillor Shire of Menzies Chief Executive Officer Shire of Menzies Works Manager Shire of Menzies Department of Health - Delegate of Regional Manager Leonora Police (Deputy Chairperson) Menzies location Menzies Primary School St. John Ambulance Sub-Centre Department of Fire and Emergency Services Department of Environment Department of Child Protection and Family Support Department Communities and Aboriginal Affairs Emergency Management Australia	The Committee shall meet at least four times a year.

Committee/Group	Members	Position	Meetings
Goldfields Esperance Zone (GEDZ) or WALGA- GVROC	Cr Keith Mader Cr Jill Dwyer Brian Joiner	Councillor Councillor, Chief Executive Officer Shire of Menzies - Delegate (Proxy)	Meetings shall be held monthly

Note –

- i) Committee members (except LEMC) must be named
- ii) Deputy members must have the same origin as the person/s for whom they are deputy.

1.2 Local Emergency Management Committee

Introduction	The Committee is to be established by Council, as required by the Emergency Management Act, and State Emergency Management Committee policy.
Objective	To review all matters relating to emergency management as considered appropriate.
Statutory context	Emergency Management Act 2005 – <ul style="list-style-type: none"> - s.38 – requirement to establish a Local Emergency Management Committee - s.39 – functions of the Local Emergency Management Committee
Formal record	Minutes of Committee Meeting presented to Council.
Delegation by Committee	Not permitted
History	Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. No delegations are made to the Local Emergency Management Committee, except as outlined in (2) below.
2. The purpose of the Committee is to –
 - ensure Council compliance with Emergency Management Act 2005
 - review and update the Local Emergency Management Plan
 - carry out required functions of State Emergency Management Committee Policy
 - where matters are noted outside of these purposes and are not able to be implemented within the Chief Executive Officer's usual duties and responsibilities, a report and recommendation is to be made to Council.
3. The Committee is advisory in nature and is not to be considered as having an operational role in the event of an emergency.

Operational functions may only be exercised by the relevant Hazard Management Authority.
4. All Committee recommendations are to be endorsed by Council prior to implementation.
5. Being established under the *Emergency Management Act 2006*, members of the Committee are –
 - Core members –
 - o Shire President – Chairperson

- delegate of Officer in Charge, Leonora Police – Deputy Chairperson
 - Chief Bushfire Control Officer
 - Shire Councillor
 - delegate of the Principal, Menzies Primary School
 - delegate of Menzies St John Ambulance Sub-Centre
 - delegate of Regional Manager, Dept of Health (Menzies Nursing Post)
- Secondary members –
- delegate of the Regional Manager, Department of Fire and Emergency Services
 - delegate of the Regional Manager, Department of Environment
 - delegate of the Regional Manager, Department of Child Protection and Family Support
 - delegate of the Regional Manager, Department Communities and Aboriginal Affairs
 - delegate of Emergency Management Australia
6. Quorum of the Committee is a simple majority of appointed Core members.
7. Support of the Committee is to be provided by the Chief Executive Officer.

– End of Delegation

COMMENT

As the Committee is not established under the Local Government Act 1995 –

- members are not required to be individually named but may be referred to by position or role.
- additional organisations wishing to participate as more than observers, will require Council approval.

Emergency Management Act 2005 –

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of –
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established –

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its District;
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

2. DELEGATIONS FROM COUNCIL TO Chief Executive Officer

2.1 Use of Common Seal

Introduction	The Local Government Act 1995 does not make reference to how the Common Seal is to be affixed or its custody.
Objective	To give authorisation to the President and Chief Executive Officer, to affix the Common Seal of the Shire of Menzies to relevant legal documents.
Statutory context	Local Government Act 1995 <ul style="list-style-type: none"> - s.9.49A – execution of documents - s.9.49B – contract formalities Functions & General Regulations <ul style="list-style-type: none"> - 34 – penalties for improper use
Formal record	Prior authorisation by Council, or Officer's report to Council if affixed under delegated authority
Delegation by Chief Executive Officer	Not permitted
History	Adopted 26 June 2014 Amended 30 March 2017 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The President and Chief Executive Officer are authorised to sign and affix the Common Seal of the Shire of Menzies to all legal documents requiring authorisation.
2. In the normal course of business, (except where the legal document is related to a matter to the benefit of Council such as the transfer of land or property), where the legal document is the initial document, it must be approved by Council prior to the signing and affixing of the Common Seal.
3. In case of urgency, where the legal document is the initial document and its purpose is consistent with previously agreed position or direction of Council, the President and Chief Executive Officer may affix the Common Seal, to be ratified at the following meeting of Council.
4. Where the legal document is a renewal or extension of the original document and there is not a significant variation in clauses or conditions in the renewal then the President and Chief Executive Officer are authorised to affix the Common Seal without prior referral to Council.
5. The Common Seal is to be kept in the secure custody of the Chief Executive Officer.

– End of Delegation

COMMENT

Generally, the Common Seal is to be kept in the Chief Executive Officer's safe, both the current seal (ink stamp) and the superseded seal (embossing press and papers)

2.2 Acquisition of Assets and Goods/Services – Tenders for supply

Introduction	<p>Generally, tenders must be called for –</p> <ul style="list-style-type: none"> - provision of goods or services valued over \$250,000 - disposal of goods over \$50,000 <p>although there is no prohibition on calling tenders under these thresholds.</p>
Objective	To allow the calling of tenders at an appropriate time.
Statutory context	<p>Local Government Act –</p> <ul style="list-style-type: none"> - s.3.57 – Tenders for providing goods or services - 3.58 – Disposing of property <p>Functions and General Regulations –</p> <ul style="list-style-type: none"> - Part 4 – Provision of goods and services - r.11 (2) – exemption from calling tender for supply - r.12 – anti-avoidance provisions for acquisitions - r.30 – exemption from calling tenders for disposal - r.31 – anti-avoidance provisions for dispositions <p>Council Policy –</p> <ul style="list-style-type: none"> - Purchasing and Tenders – Model Purchasing Policy (Policy 4.2 - amended 9.7.20)
Formal record	Officer's report to Council
Delegation by Chief Executive Officer	Not permitted
History	<p>Former Delegation 11</p> <p>Adopted 26 June 2014</p> <p>Adopted 29 March 2018</p> <p>Reviewed and amended 25 February 2020</p>

Delegation Statement

1. The Chief Executive Officer is authorised to call tenders for supply of goods or services where the total consideration is more than the \$250,000 threshold, at the appropriate time, subject to the intended transaction being disclosed in the Budget.
2. Where an item or service exceeds \$250,000 and is able to be obtained through Council Purchasing Service of WALGA (Preferred Supplier list), a formal tender process is not required, subject to compliance with the Act and Council's delegation 2.3 Disposal of Assets.
3. Rather than obtain quotes in accordance with Council Purchasing Policy, the Chief Executive Officer may exercise their discretion and call tenders for supply of an item or service less than the \$250,000 threshold.
4. All tenders called are to be dealt with according to the Act and Regulations, and referred to Council for decision, unless prior specific delegation has been given.

5. All matters dealing with purchase of land are to have the specific authorisation of Council.

– End of Delegation

COMMENT

Purchasing policy adopted by Council applies to all non-tender acquisitions.

While the Act stipulates \$250,000 as the maximum purchase before tendering, Council may resolve a lesser limit.

Note comments to Delegation 2.3 – trade into a preferred supplier without public tender, does not comply with the Act.

2.3 Disposal of Assets

Introduction	Disposing of property is required to be a process accessible to the public, or if disposal is direct to a person, by public notice.
Objective	To manage the disposal of surplus and other items under the Shire's control.
Statutory context	Local Government Act – - s.3.58 – Disposing of property Function and General Regulations – - r.30 – Dispositions of property to which s.3.58 does not apply
Formal record	Records of submissions received and offers accepted.
Delegation by Chief Executive Officer	Not permitted
History	Former Delegations 24, 33 Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The Chief Executive Officer is authorised to dispose of asset/s where the asset/s to be disposed of have a market value of \$20,000 or less, by offering them for public sale or as consideration for an asset to be acquired, and to accept the most advantageous offer in the following circumstances –
 - a) Assets with a written down value less than the Shire's adopted capitalisation threshold (individually or collectively) –
 - that are surplus to requirements, unlikely to be used, are damaged or impounded
 - b) Assets with a written down value more than the Shire's adopted capitalisation threshold but less than \$20,000 (individually or collectively) –
 - that are surplus to requirements, unlikely to be used, are damaged or impounded, or
 - if outright disposal of the asset is disclosed in Budget, or
 - if the value of the asset being disposed of is to be used as part of consideration for the acquisition of a new asset, and both disposal and acquisition are disclosed in Budget –
 - o subject to the asset not being available to the purchaser until such time as the new asset is available for Shire use
2. The Chief Executive Officer is authorised to dispose of asset/s where the asset/s to be disposed of have a market value of \$20,000 or more, and to accept the most advantageous offer in the following circumstances –
 - if disposal of the asset is disclosed in Budget, and either;
 - the asset is not being used as part of the consideration for a public tender for supply, by public auction or tender for outright sale, or

- the asset may be used as part of the consideration for an acquisition under a preferred supplier arrangement, the disposal must be –
 - o advertised for public auction or outright sale, and disclosure to this effect made in the acquisition specifications, or
 - o advertised for public submissions, and subsequent consideration of submissions.
3. All matters dealing with disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council, except leases for staff in Shire owned properties.

– End of Delegation

COMMENT

The Department of Local Government confirmed on 8 June 2010 that –

1. Changeover of plant and vehicles etc, is two transactions – one for supply and one for disposal. Therefore, simply trading in a vehicle to a preferred supplier, for a new vehicle from that preferred supplier, may not comply with the Local Government Act or Regulations, due to being above the prescribed values.
2. Use of WALGA Preferred Suppliers constitutes compliance with the requirements for acquisition under the Local Government Act, but not for disposal of an asset.
3. The limits imposed by Regulation 30 (3) that must be complied with, if the disposal is not publicly advertised are that –
 - the asset being disposed of is valued at less than \$20,000, or
 - the asset being acquired has a total value less than \$75,000*

* this value was increased from \$50,000 to \$75,000 within the regulations (18 September 2015)

2.4 Creditors – Payment of accounts

Introduction	For payment of creditors in a timely way, obtaining discounts if available, and ensuring payments are within the current balances of bank accounts.
Objective	To streamline payment of creditors.
Statutory context	Local Government Act – - s.6.8 (1) – Expenditure from municipal fund not included in annual budget Financial Management Regulations – - r.12 – Payments for municipal fund or trust fund - r.13 – Lists of accounts (presentation to Council meetings)
Formal record	Officer's report to Council – Schedule of accounts paid and for payment
Delegation by Chief Executive Officer	Deputy Chief Executive Officer
History	Former Delegation 18, Policy 3.8 Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The Chief Executive Officer is authorised to arrange payments from the Municipal Fund and Trust Fund, and transfers to and from Reserve Accounts as necessary.
2. No creditor payments of any kind may be made from a Reserve Account. Reserve Accounts are permitted to have funds transferred to and from the Municipal Fund only.
3. No payments whatsoever are permitted to be made in cash, except from Petty Cash.
4. Creditor payments are to be certified by the person ordering and/or receiving the goods, or services, prior to actual payment being made.
5. Cheques are to be signed and electronic funds transfers authorised by two persons, at least one of whom must be the Chief Executive Officer, except that if the Chief Executive Officer is unavailable, then it shall be the Deputy Chief Executive Officer and another person authorised by the Chief Executive Officer.
6. All payments are to be reported to the following Council meeting as having been paid during the month.
7. Contravention of this Delegation of Authority will be considered serious misconduct and may result in disciplinary action.

– End of Delegation

COMMENT

2.5 Investments

Delegation Statement

The Chief Executive Officer is delegated authority to invest money held in the municipal, trust or reserves funds that are not required for the time being for any other purpose. The Chief Executive Officer, when exercising this delegation, shall do so in accordance with Shire of Menzies Investment Policy 4.9 (Adopt 30.8.18).

LEGISLATIVE POWER

Local Government Act, Section 5.42, 6.14 and 6.15

Local Government (Financial Management) Regulation 19

RECORDING REQUIREMENTS

Section 5.46(3) Local Government (Administration) Regulation No.19

Investment Register maintained by Deputy Chief Executive Officer

– End of Delegation

COMMENT

Delegation Schedule 2.5 – Investments

1. "Prudent Person" Rule

- a) The main features of the "Prudent Person" rule include:
 - exercising the care, diligence and skill that a "Prudent Person" would exercise in managing the affairs of other persons; and
 - a duty to invest funds in investments that are not speculative or hazardous.
- b) In exercising powers of investment, there are important matters for consideration, including the:
 - purpose of the investment and the needs and circumstances;
 - desirability of diversifying investments;
 - nature of and risk associated with existing investments;
 - need to maintain the real value of capital and income;
 - risk of capital or income loss or depreciation;
 - potential for capital appreciation;
 - likely income return and timing of the income return;
 - length of the term of the proposed investment;
 - liquidity and marketability of the proposed investment;
 - aggregate value of the investment;
 - effect of the proposed investment in relation to the tax liability (if any);
 - likelihood of inflation affecting the value of the proposed investment;
 - costs of making the proposed investment; and
 - results of a review of existing investments.

2. Liquidity

- a) Liquidity ratio – at least 50% of total investment portfolio must be liquefiable within 10 days.
- b) Cash flow report to be monitored at least weekly to ensure cash funds are available to meet commitments.
- c) Generally, investments should not exceed 3 months to ensure liquidity, subject to investment rates available, and the likelihood of funds being required.

3. Authorised Investments

- a) Institutions and minimum credit rating (Standard & Poor's) approved/required are –
 - All banks within the meaning of the Banking Act 1959. A-1 (Short) to A (Long)
(A minimum of 50% of total investments must remain with a Bank)
 - Commonwealth Government A-1 to AA
 - State Government A-1 to AA
 - Other Financial Institutions A-1 (Short) to A (Long)
- b) Maximum term of any investment is 1 year
- c) Cash / Bank Deposits / Securities –
 - At Call/Short-Dated deposits with a bank within the meaning of the Banking Act 1959 of the Commonwealth or a bank established by or under a law of a State or Territory of the Commonwealth.
 - Bills of exchange that have been accepted or endorsed by a bank.
 - Certificates of deposit and term deposits issued by a bank whether negotiable, convertible or not.
- d) Restrictions
 - Organisations with which deposits are placed must have a long-term credit rating of A (or equivalent or higher) as assessed by a recognised Ratings Agency.
 - All securities other than those guaranteed by the Commonwealth or a State Government must have a short-term domestic credit rating of A1 (or equivalent or higher) as assessed by a recognised Ratings Agency.

4. Management Reporting

Each month an investment report must be produced to Council. The report will summarise

-
- institutions holding investments;
- amounts invested
- maturity details;
- current investment rate of return;
- any breaches of authority

– End of Schedule

2.6 Debtors - Write-off of minor amounts

Introduction	From time to time, minor amounts remain unpaid as the result of miscalculation, late receipt or processing of payments, or other error, that are not cost effective to attempt recovery.
Objective	To eliminate accumulation of minor amounts that are considered unrecoverable, or that arise as a result of a miscalculation of interest on rates etc.
Statutory context	Local Government Act – - s.6.12 – Power to defer, grant discounts, waive or write-off debts Financial Management Regulations – - r.26 – Discount, incentive, concession, waiver and write-off information
Formal record	Officer's report to Council
Delegation by Chief Executive Officer	Deputy Chief Executive Officer
History	Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The Chief Executive Officer is authorised to write off minor amounts up to \$500.00 in the following circumstances –
 - interest and charges on rates (not rates) – where as a result of daily interest calculations, it is clear that the rates were intended to be paid in full, but either an error occurred, or the payment was received by mail after the calculation was made.
 - sundry debtors – where the debtor can no longer be traced, or recovery is deemed unlikely.
2. This delegation is not authority for the write-off of rates, but may be applied to rate interest and charges, administrative charges or sundry debtors considered unrecoverable or where it would be an inefficient use of resources to pursue the amount.
3. Should additional information come to hand, a debt previously written-off under this delegation or by authority of Council may be reinstated, and recovery pursued.
4. The Chief Executive Officer to report to Council any debts written off.

– End of Delegation

COMMENT

2.7 Fire Fighting – Emergency plant hire

Introduction	While an allocation is made for fire control each year, should a serious incident occur, substantial commitment may be required.
Objective	To ensure that maximum effort can be made for the control of wildfires, for the protection of life and property.
Statutory context	Local Government Act – - s.6.8 (1)(c) – authorisation of unbudgeted expenditure in an emergency Bush Fires Act 1954 – - s.38 (3)(4)(5) – appointed BFCO's may exercise specific authorities given to them
Formal record	Officer's report to Council
Delegation by Chief Executive Officer	To Deputy Chief Executive Officer Chief Bush Fire Control Officer
History	Former Delegation 5 Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The Chief Executive Officer is authorised to commit expenditure for the private hire of plant and equipment necessary for the efficient fighting and control of fires.
2. Where possible, the Chief Executive Officer is to seek advice from the senior FCO at the fire, and if major expenditure is likely, seek approval from the President or Deputy President. However, since this delegation will only be used in emergency situations, it is acknowledged that these actions may not be possible.

The approval to be sought is an administrative function for expenditure purposes only and does not extend to the issue of operational instructions.

3. Adequate resources to fight a fire, for the safety of fire fighters, and for the protection of life and property have the highest priority and are not to be unnecessarily jeopardised by delay.

– End of Delegation

COMMENT

2.8 Mining tenements, exploration licences etc.**Introduction**

Objective To ensure that prompt response to applications/notifications is made.

Statutory context Planning Scheme –
- cl.3.3.3, 4.1.1, Table 1 – Zoning, 5.2.4(d)

Formal record Officer's report to Council

**Delegation by
Chief Executive
Officer** Not permitted

History Former Delegation 40
Adopted 26 June 2014
Adopted 29 March 2018
Reviewed and adopted 26 March 2020
Adopted 25 February 2021 (major)

Delegation Statement

1. The Chief Executive Officer is authorised to lodge objections, notify of conditions etc to the granting of mining tenements, exploration licenses and the like, that may affect any Council property.
2. The Chief Executive Officer is further delegated authority to negotiate/impose appropriate conditions to be applied to protect Council's interest in that property. Conditions that are to be considered include environmental and social issues, such as –
 - No activity to be within 30 metres of the centerline of any road, or 10 metres of the top of the table drain backslope, whichever is the greater,
 - Vehicle entry warning signs to be placed between 200 metres and 250 metres on either side of any access being used regularly by vehicles
 - Protection of sites of local historical or cultural significance, whether or not listed on the Heritage Council Register or Listing, or the Municipal Heritage Register
 - Control and minimization of noise within 500m of a townsite or community
3. The Chief Executive Officer may apply additional conditions if circumstances warrant.

– End of Delegation

COMMENT

The Mining Act 1978 provides for grant of multiple types of licence associated with mining, over all Crown lands and public (reserve) lands with few exceptions, and generally over private lands. There is little opportunity for objection or influence in this process, as it is, and there is no obligation for the comments of Council to be sought prior to grant of any licence.

In the process of adopting or reviewing a Local Planning Scheme, the Dept of Mines and Petroleum must be notified, and their comments sought. Inclusion of the above provisions are almost the only method of significant influence that Council may be able to utilise.

3. DELEGATIONS FROM COUNCIL TO Other Officers

3.1 Alteration to Restricted and Prohibited Burning Periods

Delegation to	Shire President and Chief Bush Fire Control Officer, jointly
Introduction	To extend or reduce the prohibited or restricted burning seasons.
Objective	To enable flexibility in the opening and closing dates of the restricted and prohibited periods as seasonal conditions appear to warrant.
Statutory context	Bush Fires Act 1954 – - s.17 (7) to (11) – variation of prohibited burning periods
Formal record	Chief Executive Officer's report to Council
Delegation by President & CBFCO	Not permitted
History	Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. In accordance with the Bush Fires Act 1954 section 17 (10) the President and the Chief Bush Fire Control Officer are authorised to exercise the powers of Council under the Bush Fires Act 1954 section 17 (7) and (8).
2. The Fire and Emergency Services Authority and surrounding shires will be advised, prior to a decision being made.
3. Should the President or Chief BFCO be unavailable or hold joint office –
 - the deputy to that position, or
 - the Chief Executive Officer as Chief BFCO, only, may act in that office in relation to this matter.
4. If not holding joint office, the Chief Executive Officer is to be advised in order that notification to other FCOs, Shires and the community may be arranged as quickly as possible.

– End of Delegation

COMMENT

3.2 Control of Environmental Health Matters

Delegation to	Environmental Health Officer
Introduction	A Local Government is authorised and directed to carry out within its district the provisions of the Act and the regulations, local laws, and orders made.
Objective	To authorise the timely management of environmental health responsibilities.
Statutory context	Health Act 1911 – - s.26 – the local government may appoint a deputy (i.e. delegate) to discharge all or any of the functions and powers
Formal record	Officer's report to Council
Delegation by EHO	Not permitted
History	Former Delegation 27 Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The EHO is appointed and authorised to exercise and discharge all or any of the powers and functions of the Local Authority, under the Health Act 1911 in regard to –
 - a) Part IV Sanitary Provisions;
 - b) Part V Dwellings;
 - c) Part VI Public Buildings;
 - d) Part VII Nuisances and Offensive Trades;
 - e) Part VIII Food generally;
 - f) Part IX Infectious Diseases;
 - g) Part XV Miscellaneous Provisions;
 - h) Regulations and made pursuant to the above parts of the Health Act 1911, specifically including the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974,
 - subject to Delegation Schedule 3.2 Septic Tank Licences
 - i) Shire of Menzies Health Local Laws
2. The following matters are to be referred to Council for decision –
 - a) commencement of any action for prosecution of an offence

– End of Delegation

COMMENT

Delegation Schedule 3.2 – Septic Tank Licences

1. The EHO is authorised to exercise and discharge the powers and functions of the Council in relation to the Health (Treatment of Sewage and Disposal of Liquid Waste) Regulations 1974
 -
 - Regulation 4 (3)(a) – Grant approval subject to form and conditions set by Council.
 - Regulation 4 (3)(b) – Refusal to grant approval.
 - Regulation 10 (2) – Issue of permit to use
 - Regulation 10 (4)(b) – Issue of order to undertake works or decommission
 - Regulation 22 (2)(a) – Making a determination of appeal of decision
 - Regulation 22 (2)(b) – Advising of determination of appeal of decision
2. Compliance with the Health Act and Regulations, the Building Code of Australia, the Town Planning Scheme and Town Planning Policies is mandatory.
3. Any application not complying is to be refused, unless there is a discretion, in which case it is to be referred to Council for decision.
4. Effluent systems are to be sized in accordance with the Regulations.

– End of Schedule

3.3 Control of Food Matters

Delegation to	Environmental Health Officer
Introduction	The Food Act came into force replacing a range of provisions in several Acts, consolidating the requirements into one Act.
Objective	To enable timely compliance with the Act and Regulations.
Statutory context	<p>Food Act 2008 –</p> <ul style="list-style-type: none"> - s.118 – authority to delegate functions and obligations - s.122(1)(b) – authorised person must hold office as an environmental health Officer under the <i>Health Act 1911</i> <p>Food Regulations 2009 –</p> <ul style="list-style-type: none"> - s.5 – a local government is an appropriate enforcement agency - s.56 – appointment of an environmental health Officer
Formal record	Officer's report to Council
Delegation by EHO	Not permitted
History	<p>Adopted 26 June 2014</p> <p>Adopted 29 March 2018</p> <p>Reviewed and adopted 26 March 2020</p> <p>Adopted 25 February 2021 (major)</p>

Delegation Statement

1. The EHO is authorised to exercise and discharge the powers and functions of the local authority in regard to the Food Act 2008.
2. The following matters are to be referred to Council for decision –
 - a) commencement of any action for prosecution of an offence

– *End of Delegation*

COMMENT

It should be noted that under the Act, the EHO may be required to prosecute, regardless of Council's direction.

3.4 Control of Building Matters

Delegation to	Chief Executive Officer
Introduction	Introduction of the Building Act 2011 required a full review of delegations and authorisations previously made under various legislation
Objective	To enable the timely approval or actions in relation to building applications, approvals and orders.
Statutory context	Building Act 2011 – <ul style="list-style-type: none"> - s.96 (3) – appointment of authorised Officers - s.127 (6A) – delegation of authority
Formal record	Officer's report to Council
Delegation by Chief Executive Officer	Not permitted
History	Former Delegations 1, 2, 3, 4, 25, 26 Adopted 26 September 2013 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Delegation Statement

1. The authorised persons under Building Act 2011 s.96 (3) are –
Mr Brian Joiner, Chief Executive Officer
2. The authorised persons may undertake the following actions under the Building Act 2011 –
 - Section 20 - Grant of Building Permit
Authority to grant or refuse to grant building permits.
 - Section 21- Grant of Demolition Permit
 - Section 22 – Not to grant a Permit
Authority to refuse to grant Building Permits or Demolition Permits if it appears –
 1. There appears to be an error in the documents or information provided in the application; or
 2. If an application is inconsistent with –
 - i) A function that the Permit Authority has underwritten law; or
 - ii) An agreement between the Permit Authority and the applicant.
 - Section 50 – Grant of Occupancy Permits – Strata, and
Building Approval Certificate – Strata
Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.
 - Section 58 – Grant of Occupancy Permits, Building Approval Certificate

Authority to grant, modify or refuse to grant Occupancy Permits or Building Approval Certificates.

Section 96 – Authorised Persons

Authority to appoint authorised persons for the purpose of the *Building Act 2011*

Section 110 – Building Orders

Authority to issue Building Orders in relation to –

- Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the *Building Act*;
- Take specific action to prevent contravention of the Act;
- Finish an outward facing side of a wall;
- Buildings which are considered as being unsafe or not fit for human habitation.

3. The following matter is to be referred to Council for decision –

- a) commencement of any action for prosecution of an offence

4. The following Delegation Schedule 3.4 – Issue of Building Licences is adopted, and forms part of this Statement.

– *End of Delegation*

COMMENT

Delegation Schedule 3.4 to be deleted once appropriate Planning Policy has been adopted and is in place.

Delegation Schedule 3.4 – Issue of Building Licences

1. The authorised persons may issue building permits for –

- all buildings where permitted in accordance with the Building Act 2011 and where
- permitted in accordance with the Town Planning Scheme and Planning Policies, provided that the proposed building does not –
 - Residential Zone – exceed 60m² in area or have a wall height greater than 3m;
 - or
 - Special Rural Zone – exceed 150m² in area or have a wall height greater than 3.6m

2. A building licence is not to be issued unless –

- a) the application complies with –
- the Building Code of Australia
 - the Building Regulations 1989
 - Builder's Registration Board requirements
 - Local Planning Scheme
 - Local Planning Policies
- b) where necessary, planning consent has been granted in accordance with the Local Planning Scheme
- c) payment has been received for –
- the assessed building licence fees

- Building and Construction Industry Training Fund levy, or production of evidence of payment or exemption
- d) if for an outbuilding, there is existing development on or of the property, and the aggregate area of outbuildings does not –
 - in the Residential Zone – exceed 60m² in area or have a wall height greater than 3m; or
 - in the Special Rural Zone – exceed 150m² in area or have a wall height greater than 3.6m.

– End of Schedule

3.5 Control of Planning Matters

Delegation to	Chief Executive Officer
Introduction	The Shire's Planning Scheme permits Council to delegate various matters to a committee or the Chief Executive Officer the functions under the Scheme.
Objective	To enable the timely approval of planning and development applications.
Statutory context	<p>Planning and Development Act 2005 –</p> <ul style="list-style-type: none"> - s.214 (2)(3) – issue notices to stop unlawful work, or remove unlawful work - s.214 (5) – issue notices to complete work <p>Shire of Menzies Planning Scheme –</p> <ul style="list-style-type: none"> - cl.11.3.1 – delegation of functions
Formal record	Officer's report to Council
Delegation by Chief Executive Officer	None
History	<p>Adopted 26 February 2015</p> <p>Adopted 29 March 2019</p> <p>Reviewed and adopted 26 March 2020</p> <p>Adopted 25 February 2021 (major)</p>

Delegation Statement

5. The Chief Executive Officer is delegated authority to determine planning and development applications in the following circumstances –
- a) All "P" uses as per the Planning Scheme Zoning Table,
 - b) All "IP" uses as per the Planning Scheme Zoning Table, where
 - i) The proposed development is on land having –
 - existing development,
 - and
 - the proposed development is a use consistent with the existing development having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development
 - c) "AA" uses as per the Planning Scheme Zoning Table, where –
 - ii) The proposed development is a use previously approved by Council on that land and the conditions imposed at that time (if any) are to be re-imposed without reduction, or
 - iii) The proposed development is on land having –

- existing development, or
 - common boundary with land having an existing development
- and both –
- the proposed development is a use consistent with the existing development having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development, and
 - the proposed development is adjoining the existing development
- d) “SA” uses as per the Planning Scheme Zoning Table where –
- iv) The proposed development is a use previously approved by Council on that land and the conditions imposed at that time (if any) are to be re-imposed without reduction, or
 - v) The proposed development is on land having –
 - existing development,
 and both –
 - the proposed development is a use consistent with the existing development, having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development, and
 - the proposed development is adjoining the existing development.
6. The Chief Executive Officer is delegated authority to commence advertising of any proposal submitted to Council for approval at a time considered appropriate.
7. Notwithstanding compliance in all other respects with clause 1 of this delegation, where advertising of a proposal is required the proposed development is not to be approved by the Chief Executive Officer unless the submissions are solely in support of a proposed development, and all submissions received in response to advertising of the proposed development are to be referred to Council for determination.
8. The Chief Executive Officer is delegated authority to issue notices in accordance with the Planning and Development Act 2005 s.214 (2), (3), and (5), and shall report each such instance to the next following Council meeting.

– End of Delegation

COMMENT

4. FINANCIAL DELEGATIONS FROM CHIEF EXECUTIVE OFFICER TO Other Officers**4.1 Financial Delegation**

Delegation to	Deputy Chief Executive Officer Works Manager
Introduction	In accordance with the provisions of section 5.44 of the Local Government Act 1995, the Chief Executive Officer has the authority to delegate powers and duties to other Officers to maintain effective and efficient Administration of the Shire.
Objective	To expend operational/capital expenditure to a set value to enable efficient deliverables.
Statutory context	Local Government Act 1995 – - s.5.44 – CEO may delegate powers and duties to other employees
Formal record	Officer's report to Council
Delegation by Officer	Not permitted
History	Adopted 25 February 2021 (major)

Delegation Statement

1. The Deputy Chief Executive Officer (DCEO) is permitted to expend:
 - a. up to \$5,000 on operational expenditure
 - b. up to \$15,000 on capital expenditure
2. The Works Manager (WM) is permitted to expend:
 - a. \$5,000 on capital expenditure
3. The DCEO and WM are required to sign a letter of understanding and acknowledgement of the above delegated powers.

COMMENT

5. OTHER STATUTORY MATTERS NOT BEING DELEGATIONS

5.1 Media Releases

Introduction	This authorisation is not a Delegation as defined under the Local Government Act, as it is the sole prerogative of the President to permit the Chief Executive Officer to speak on behalf of Council either generally, or within set guidelines.
Objective	To ensure that the public receives full, appropriate and timely information.
Statutory context	Local Government Act - - s.5.41 (f) – discretionary decision of Shire President
Formal record	President's letter of authority to each individual Chief Executive Officer.
Delegation by Chief Executive Officer	n/a
History	President's authority to each individual Chief Executive Officer. Adopted 26 June 2014 Adopted 29 March 2018 Reviewed and adopted 26 March 2020 Adopted 25 February 2021 (major)

Authorisation Statement

1. The Chief Executive Officer is permitted to make media releases and to speak on behalf of the Shire of Menzies.
2. The President, or if unavailable, the Deputy President, should be consulted prior to matters of delicacy being discussed in public, however it is recognised that this may not always be possible. In this case, the Chief Executive Officer is to use discretion whether comment is to be made or not. Regardless, the Chief Executive Officer is not under any obligation to make any comment on any matter.

– End of Authorisation

COMMENT

6. HISTORY SUMMARY

	Meeting	Purpose	Applies	Delegations changed
1		Revocation Adoption		All former delegations All delegations within this document
2	26 September 2013	Review and Adoption	All Delegations	None
3	26 June 2014	Review and Adoption	All Delegations	None
4	26 February 2015	Additional	EHO/Building Surveyor	3.5 Control of Planning Matters
5	29 March 2018	Review and Adoption	All Delegations	4.1 Caravan Parks and Camping Grounds
6	26 March 2020	Review and Adoption	All Delegations	2.1 Use of Common Seal – additional item (6) 2.2 Acquisition of Assets and Goods/Services – Tenders for supply 2.3 Disposal of Assets 3.1 Alteration to Restricted and Prohibited Burning Periods 3.4 Control of Building Matters 4.1 Caravan Parks and Camping Grounds
8	25 February 2021	Review & Adoption	All Delegations	4.1 Financial Delegation to other Officers (new item)



SHIRE OF MENZIES

DELEGATION REGISTER

Current as at 25 November 2021

Delegation Register

Shire of Menzies

Table of Contents

INTRODUCTION	1
LOCAL GOVERNMENT ACT 1995 DELEGATIONS	6
1.1 Council to CEO	6
1.1.1 Performing Functions Outside the District	6
1.1.2 Compensation - Damage Incurred when Performing Executive Functions	7
1.1.3 Powers of Entry	8
1.1.4 Declare Vehicle is Abandoned Vehicle Wreck.....	9
1.1.5 Confiscated or Uncollected Goods.....	10
1.1.6 Disposal of Sick or Injured Animals.....	11
1.1.7 Close Thoroughfares to Vehicles	12
1.1.8 Control Reserves and Certain Unvested Facilities	14
1.1.9 Obstruction of Footpaths and Thoroughfares	15
1.1.10 Gates Across Public Thoroughfares.....	17
1.1.11 Public Thoroughfare – Dangerous Excavations	18
1.1.12 Crossing – Construction, Repair and Removal.....	20
1.1.13 Private Works on, over or under Public Places	21
1.1.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	22
1.1.15 Expressions of Interest for Goods and Services.....	23
1.1.16 Tenders for Goods and Services – Call Tenders.....	24
1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.....	26
1.1.18 Tenders for Goods and Services - Exempt Procurement	28
1.1.19 Disposing of Property.....	30
1.1.20 Payments from the Municipal or Trust Funds	33
1.1.21 Nominate an Employee to be a Designated Employee	35
1.1.22 Defer, Grant Discounts, Waive or Write Off Debts	36
1.1.23 Power to Invest and Manage Investments	38
1.1.24 Rate Record Amendment.....	40
1.1.25 Agreement as to Payment of Rates and Service Charges.....	41
1.1.26 Determine Due Date for Rates or Service Charges.....	42
1.1.27 Recovery of Rates or Service Charges	43
1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent.....	44
1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land	45
1.1.30 Rate Record – Objections	47
1.1.31 Renewal or Extension of Contracts during a State of Emergency	48

Delegation Register

Shire of Menzies

1.1.32	Procurement of Goods or Services required to address a State of Emergency	50
1.2	Local Law Delegations to the CEO	52
1.2.1	Local Laws	52
2	BUILDING ACT 2011 DELEGATIONS	53
2.1	Council to CEO	53
2.1.1	Grant a Building Permit	53
2.1.2	Demolition Permits	55
2.1.3	Occupancy Permits or Building Approval Certificates	57
2.1.4	Designate Employees as Authorised Persons	58
2.1.5	Building Orders	59
2.1.6	Inspection and Copies of Building Records	61
2.1.7	Referrals and Issuing Certificates	62
2.1.8	Private Pool Barrier – Alternative and Performance Solutions	63
2.1.9	Smoke Alarms – Alternative Solutions	64
2.1.10	Appointment of approved officers and authorised officers	65
3	BUSH FIRES ACT 1954 DELEGATIONS	67
3.1	Council to CEO, Shire President and Bush Fire Control Officer	67
3.1.1	Make Request to FES Commissioner – Control of Fire	67
3.1.2	Prohibited Burning Times - Vary	68
3.1.3	Prohibited Burning Times – Control Activities	69
3.1.4	Restricted Burning Times – Vary and Control Activities	71
3.1.5	Control of Operations Likely to Create Bush Fire Danger	73
3.1.6	Burning Garden Refuse / Open Air Fires	74
3.1.7	Firebreaks	76
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	77
3.1.9	Control and Extinguishment of Bush Fires	78
3.1.10	Recovery of Expenses Incurred through Contraventions of this Act	79
3.1.11	Prosecution of Offences	80
4	CAT ACT 2011 DELEGATIONS	81
4.1	Council to CEO	81
4.1.1	Cat Registrations	81
4.1.2	Cat Control Notices	82
4.1.3	Approval to Breed Cats	83
4.1.4	Recovery of Costs – Destruction of Cats	84
4.1.5	Applications to Keep Additional Cats	85
4.1.6	Reduce or Waiver Registration Fee	86

Delegation Register

Shire of Menzies

5	DOG ACT 1974 DELEGATIONS	87
5.1	Dog Act Delegations Council to CEO.....	87
5.1.1	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons	87
5.1.2	Refuse or Cancel Registration	88
5.1.3	Kennel Establishments	90
5.1.4	Recovery of Moneys Due Under this Act.....	91
5.1.5	Dispose of or Sell Dogs Liable to be Destroyed	92
5.1.6	Declare Dangerous Dog	93
5.1.7	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke.....	94
5.1.8	Determine Recoverable Expenses for Dangerous Dog Declaration	95
6	FOOD ACT 2008 DELEGATIONS	96
3.1	Council to CEO	96
6.1.1	Determine Compensation	96
6.1.2	Prohibition Orders.....	97
6.1.3	Food Business Registrations	98
6.1.4	Appoint Authorised Officers and Designated Officers.....	99
6.1.5	Debt Recovery and Prosecutions.....	100
6.1.6	Food Businesses List – Public Access	101
7	GRAFFITI VANDALISM ACT 2016 DELEGATIONS	102
7.1	Council to CEO	102
7.1.1	Give Notice Requiring Obliteration of Graffiti.....	102
7.1.2	Notices – Deal with Objections and Give Effect to Notices.....	103
7.1.3	Obliterate Graffiti on Private Property	104
7.1.4	Powers of Entry	105
8	PUBLIC HEALTH ACT 2016 DELEGATIONS	106
8.1	Council to CEO	106
8.1.1	Appoint Authorised Officer or Approved Officer (Asbestos Regs).....	106
8.1.2	Enforcement Agency Reports to the Chief Health Officer.....	107
8.1.3	Designate Authorised Officers	108
8.1.4	Determine Compensation for Seized Items.....	110
9	PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS	111
9.1	Council to CEO	111
9.1.1	Illegal Development	111
9.2	Local Planning Scheme – Council to CEO.....	112
10	STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES.....	114

Delegation Register

Shire of Menzies

10.1	Environmental Protection Act 1986	114
10.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	114
10.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	115
10.1.3	Noise Management Plans – Construction Sites	116
10.2	Planning and Development Act 2005	117
10.2.1	Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner	117
10.2.2	Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02).....	120
10.2.3	WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01).....	126
10.3	Main Roads Act 1930	127
10.3.1	Traffic Management - Events on Roads.....	127
10.3.2	Traffic Management – Road Works.....	129
10.4	Road Traffic (Vehicles) Act 2012	131
10.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles ..	131
11	AUTHORISATIONS AND APPOINTMENTS BY THE COUNCIL	133
11.1.1	Authorisations and Appointments by Council	133

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

Introduction

FORMAT OF REGISTER

This Register includes:

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

The Register includes the relevant delegation decision for each matter.

The CEO has established a separate Register of Delegations, Sub Delegations, Authorisations and Appointments, where the CEO has been delegated matters, or is able to do so, as of right.

As a matter of principle throughout the Register, the Chief Executive Officer is the only employee authorised by the Shire of Menzies to commence (or authorise the commencement of) legal proceedings.

TERMINOLOGY AND ACRONYMS

Clause – of the Shire of Menzies Local Planning Scheme No 2 referenced by 'cl', as in cl8.

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

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

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

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

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

DELEGATIONS

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

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

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

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

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

This Register describes:

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

AUTHORISATIONS

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

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

APPOINTMENTS

This Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council has chosen not to make an appointment at the date of adoption of this Register.

LOCAL GOVERNMENT ACT 1995

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

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government,
- any of the local government's powers under s5.98, 5.98A, s5.99, s5.99A and s5.100 of the Act,
- borrowing money on behalf of the local government,
- hearing or determining an objection of a kind referred to in s9.5 of the Act,
- the power under s9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government,

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

- any power or duty that requires the approval of the Minister or the Governor.

In addition, there are several other matters which cannot be delegated to the CEO:

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

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

OTHER LEGISLATION

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

- Animal Welfare Act 2002,
- Australian Citizenship Act 2007,
- Building Act 2011 and Building Regulations 2012
- Bush Fires Act 1954, regulations and local laws created under that Act,
- Cat Act 2011 and regulations
- Caravan Parks and Camping Grounds Act 1995,
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations,
- Dog Act 1976 and regulations,
- Equal Employment Opportunity Act 1984,
- Environmental Protection Act 1986,
- Food Act 2008,
- Freedom of Information Act 1992,
- Graffiti Vandalism Act 2016,
- Health (Miscellaneous Provisions) Act 1911 regulations and local laws created under that Act,
- Health (Asbestos) Regulations 1992,
- Land Administration Act 1997, and regulations,
- Litter Act 1979 and regulations,
- Local Government (Miscellaneous Provisions) Act 1960,
- Parks and Reserves Act 1895,
- Planning and Development Act 2005 including regulations, policies, and the Town Planning Scheme,
- Public Interest Disclosure Act 2003,
- Public Health Act 2016,

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

- Rates and Charges (Rebates and Deferments) Act 1982,
- Road Traffic Act 1974,
- Strata Titles Act 1985

The Shire of Menzies Town Planning Scheme No 2 permits delegation by Council to employees (rather than via the CEO as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

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

Such matters are addressed in the CEO Register of Delegations.

REVIEW OF DELEGATIONS

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

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

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

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

RECORD OF ACTIONS AND DECISIONS

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

The record is to contain information on:

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

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

Similar provisions do not exist under other legislation regarding record keeping (except for the Building Act 2011).

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

The CEO has determined that in relation to all record keeping of the exercise of delegated authority under legislation other than the Local Government Act 1995 that the provisions of the latter will apply and the same record keeping approach as required under the Local Government Act will be applied.

These requirements will be applied as an administrative instruction from the CEO.

PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

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

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

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

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

ACTING THROUGH ANOTHER PERSON

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

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

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

The key difference between a delegation and 'acting through' is that a delegate exercises the delegated decision-making function in his or her own right.

Thus, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to 'act through' another employee.

The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the 'acting through' concept.

Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

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

CERTIFICATION

I.....SHIRE PRESIDENT OF THE SHIRE OF MENZIES CERTIFY THAT THIS REGISTER WAS REVIEWED AND ADOPTED BY COUNCIL ON.....

.....

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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 the function [s.3.20(1)].
Council Conditions on this Delegation:	a. 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 functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.2 Compensation - Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of \$500.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.3 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to 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].
Council Conditions on this Delegation:	a. 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.

Compliance Links:	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.4 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority - Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.5 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Compliance Links:	Local Government Act 1995 : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.6 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	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
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.

Compliance Links:	
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.7 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • 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 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 draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

Shire of Menzies – Register of Delegations November 2021

Delegation Register
Shire of Menzies

1. Local Government Act 1995 Delegations

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.8 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 that the Shire could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].
Council Conditions on this Delegation:	a. 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.

Compliance Links:	.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.9 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> ii. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
--	--

Compliance Links:	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1– Public Thoroughfare Obstruction – Determine Conditions</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.10 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.11 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

Compliance Links:	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.12 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<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)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.13 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to a landowner / 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)].
Council Conditions on this Delegation:	

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.15 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 4.2 - Purchasing and Tenders Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.16 Tenders for Goods and Services – Call Tenders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. 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 where: <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	Council Policy 4.2 - Purchasing and Tenders Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous within the \$250,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into <u>OR</u> the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement <u>OR</u> the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	<p>goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$20,000 (ex GST) whichever is the lesser value [F&G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
Council Conditions on this Delegation:	<p>a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ol style="list-style-type: none"> The total consideration under the resulting contract is \$250,000 or less; The expense is included in the adopted Annual Budget; and The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&G r.21A(a)] must comply with the any Council Policy and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering the extended term.</p>

Compliance Links:	<p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Policy 4.2 - Purchasing and Tenders Policy</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.18 Tenders for Goods and Services - Exempt Procurement

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government												
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (<i>exemptions</i>)												
Delegate:	Chief Executive Officer												
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(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 to contract directly with a suitable supplier [F&G r.11(2)(f)]. 												
Council Conditions on this Delegation:	<ol style="list-style-type: none"> Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories: <table border="1"> <thead> <tr> <th>Category</th><th>Maximum Value for individual contracts</th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td><td>\$250,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the</td><td><\$250,000*</td></tr> </tbody> </table> 	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000	Goods or services supplied by a person registered on the	<\$250,000*
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000												
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000												
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000												
Goods or services supplied by a person registered on the	<\$250,000*												

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<i>*as specified in F&G.r.11(2)(h)(ii)</i>
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
<p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.</p>		

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy 4.2 - Purchasing and Tender Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.19 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) 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 it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$20,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal. <p>e. Where property to be disposed of have a market value of \$20,000 or less, by offering them for public sale or as consideration for an asset to be acquired, and to accept the most advantageous offer in the following circumstances:</p> <ul style="list-style-type: none"> • assets with a written down value less than the Shire's adopted capitalisation threshold (individually or collectively) • that are surplus to requirements, unlikely to be used, are damaged or impounded <p>f. Assets with a written down value more than the Shire's adopted capitalisation threshold but less than \$20,000 (individually or collectively):</p> <ul style="list-style-type: none"> • that are surplus to requirements, unlikely to be used, are damaged or impounded, or • if outright disposal of the asset is disclosed in Budget, or • if the value of the asset being disposed of is to be used as part of consideration for the acquisition of a new asset, and both disposal and acquisition are disclosed in Budget, then, subject to the asset not being available to the purchaser until such time as the new asset is available for Shire use. <p>g. The Chief Executive Officer is authorised to dispose of asset/s where the asset/s to be disposed of have a market value of \$20,000 or more, and to accept the most advantageous offer in the following circumstances:</p> <ul style="list-style-type: none"> • if disposal of the asset is disclosed in Budget, and either; <ul style="list-style-type: none"> ➤ the asset is not being used as part of the consideration for a public tender for supply, by public auction or tender for outright sale, <u>or</u> ➤ the asset may be used as part of the consideration for an acquisition under a preferred supplier arrangement, the disposal must be:
--	--

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> o advertised for public auction or outright sale, and disclosure to this effect made in the acquisition specifications, or o advertised for public submissions, and subsequent consideration of submissions. <p>h. All matters dealing with disposal of land (sale or lease) are to have the specific authorisation of Council, subject to any prior directions of Council, except leases for staff in Shire owned properties.</p>
--	---

Compliance Links:	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.20 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1) (a)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. b. The Chief Executive Officer is authorised to arrange payments from the Municipal Fund and Trust Fund, and transfers to and from Reserve Accounts as necessary. c. No creditor payments of any kind may be made from a Reserve Account. Reserve Accounts are permitted to have funds transferred to and from the Municipal Fund only. d. No payments whatsoever are permitted to be made in cash, except from Petty Cash. e. Creditor payments are to be certified by the person ordering and/or receiving the goods, or services, prior to actual payment being made. f. Cheques are to be signed and electronic funds transfers authorised by two persons, at least one of whom must be the Chief Executive Officer, except that if the Chief Executive Officer is unavailable, then it shall be the Chief Financial Officer and another person authorised by the Chief Executive Officer. g. All payments are to be reported to the following Council meeting as having been paid during the month. h. Contravention of this Delegation of Authority will be considered serious misconduct and may result in disciplinary action.
Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
	Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.21 Nominate an Employee to be a Designated Employee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s3.57 Definition of a Designated Employee
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to designate an employee to be a Designated Employee.
Council Conditions on this Delegation:	
Compliance Links:	Local Government Act 1995
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.22 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. The Chief Executive Officer may write off minor amounts up to \$500.00 in the following circumstances: <ul style="list-style-type: none"> • interest and charges on rates (not rates) – where as a result of daily interest calculations, it is clear that the rates were intended to be paid in full, but either an error occurred, or the payment was received by mail after the calculation was made. • sundry debtors – where the debtor can no longer be traced, or recovery is deemed unlikely. b. This delegation is not authority for the write-off of rates, but may be applied to rate interest and charges, administrative charges or sundry debtors considered unrecoverable or where it would be an inefficient use of resources to pursue the amount. c. Should additional information come to hand, a debt previously written-off under this delegation or by authority of Council may be reinstated, and recovery pursued. d. The Chief Executive Officer to report to Council any debts written off.
Compliance Links:	Collection of Rates Debts – refer Delegations: 1.1.26 Agreement as to Payment of Rates and Service Charges 1.1.28 Recovery of Rates or Service Charges 1.1.29 Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.30 Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Shire of Menzies – Register of Delegations November 2021

Delegation Register
Shire of Menzies

1. Local Government Act 1995 Delegations

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.23 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 4.9 Investments. b. 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. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] e. Liquidity: <ul style="list-style-type: none"> • at least 50% of total investment portfolio must be liquefiable within 30 days: • cash flow report to be monitored at least weekly to ensure cash funds are available to meet commitments. • generally, investments should not exceed 3 months to ensure liquidity, subject to investment rates available, and the likelihood of funds being required. f. Authorised Investments: <ul style="list-style-type: none"> • Institutions and minimum credit rating (Standard & Poor's) approved/required are:

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> ➤ All banks within the meaning of the Banking Act 1959. A-1 (Short) to A (Long) (A minimum of 50% of total investments must remain with a Bank) ➤ Commonwealth Government A-1 to AA ➤ State Government A-1 to AA ➤ Other Financial Institutions A-1 (Short) to A (Long) • Maximum term of any investment is 1 year • Cash / Bank Deposits / Securities: <ul style="list-style-type: none"> ➤ At Call/Short-Dated deposits with a bank within the meaning of the Banking Act 1959 of the Commonwealth or a bank established by or under a law of a State or Territory of the Commonwealth. ➤ Bills of exchange that have been accepted or endorsed by a bank. ➤ Certificates of deposit and term deposits issued by a bank whether negotiable, convertible or not. • Restrictions: <ul style="list-style-type: none"> ➤ Organisations with which deposits are placed must have a long-term credit rating of A (or equivalent or higher) as assessed by a recognised Ratings Agency. ➤ All securities other than those guaranteed by the Commonwealth or a State Government must have a short-term domestic credit rating of A1 (or equivalent or higher) as assessed by a recognised Ratings Agency.
--	--

Compliance Links:	Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy 4.9 - Investments
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.24 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.

Compliance Links:	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.25 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 4.12 – Financial Hardship. b. Agreements must be in writing and, subject to the Council Policy 4.12 – Financial Hardship, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Compliance Links:	Council Policy 4.12 – Financial Hardship
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
Version Control:	
1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.26 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Council Conditions on this Delegation:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.27 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 4.12 – Financial Hardship.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 [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)].
Council Conditions on this Delegation:	a. Decisions under this delegation must comply with Council Policy 4.12- Financial Hardship.
Compliance Links:	Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy 4.12 – Financial Hardship
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
---	---

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.64(1) 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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"> i. lease the land, or ii. 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 [s.6.71]. 2. 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)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy 4.12 – Financial Hardship b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Compliance Links:	Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Council Policy 4.2 Financial Hardship
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.30 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 who made the objection [s.6.76(5)].
Council Conditions on this Delegation:	a. 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.
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
---	---

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.31 Renewal or Extension of Contracts during a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and contracts formed through a public tender.
Council Conditions on this Delegation:	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> It is exercised at the sole discretion of the Local Government; It is in the best interests of the Local Government; It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; It has potential to promote local and/or regional economic benefits. <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$50,000 or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</p>

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

	e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.
	f. The CEO cannot sub-delegate this authority.

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 4.2 - Purchasing and Tender Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

1.1.32 Procurement of Goods or Services required to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> 1. Determine that goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1. Local Government Act 1995 Delegations

Compliance Links:	Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy 4.2 - Purchasing and Tender Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

1.2 Local Law Delegations to the CEO

1.2.1 Local Laws

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<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:	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Menzies.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Menzies: <ul style="list-style-type: none"> • Activities in Thoroughfares and Public Places Local Law 2007 • Bush Fire Brigades Local Law 2015 (06/09/2019) • Urban Environment and Nuisance Local Law 2007 • Activities in Throughfare and Public Places Amendment Local Law 2013 • Dogs Local Law 2007 • Menzies Cemetery Bylaws • Kookynie Cemetery By-laws adoption • Health By-laws • Health By-laws Series A adoption • Health By-Laws Series A revised adoption • Comet Vale Cemetery - Local Laws
Council Conditions on this Delegation:	
Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <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 person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	This delegation does not apply to applications for residential buildings with a floor area of 60m ² or less. Such applications are to be referred to Council for determination.

Compliance Links:

[Building Act 2011](#)

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

	<p>s.119 Building and demolition permits – application for review by SAT</p> <p>s.23 Time for deciding application for building or demolition permit</p> <p>s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <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 person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	
Compliance Links:	<i>Building Act 2011</i> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011 — Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>

Shire of Menzies – Register of Delegations November 2021

Delegation Register
Shire of Menzies

2. Building Act 2011 Delegations

Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012
-----------------	--

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. 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].
Council Conditions on this Delegation:	

Compliance Links:	<i>Building Act 2011</i> 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.121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)]. <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.

Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> Building work Demolition work An existing building or incidental structure [s.110(1)]. 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]. 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 regarding non-compliance with a building order [s.118(3)]. 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>.
Council Conditions on this Delegation:	
Compliance Links:	<i>Building Act 2011:</i> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

	Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	
Compliance Links:	<i>Building Act 2011 - s.146 Confidentiality</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.7 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Council Conditions on this Delegation:	
Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012
Version Control:	
1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 compliant 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 structural 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)].
Council Conditions on this Delegation:	
Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012
Version Control:	
1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Compliance Links:	
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 Building Regulation 70(1) and (1A). <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 Building Regulation 70(2). <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>
Council Conditions on this Delegation:	

Compliance Links:	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

2. Building Act 2011 Delegations

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Shire President and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government 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) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> 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
Delegate:	President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Decisions under s.17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. The Fire and Emergency Services Authority and surrounding shires will be advised, prior to a decision being made. c. Should the President or Chief BFCO be unavailable or hold joint office - the deputy to that position, or - the Chief Executive Officer as Chief BFCO, only, may act in that office in relation to this matter. d. If not holding joint office, the Chief Executive Officer is to be advised in order that notification to other FCOs, Shires and the community may be arranged as quickly as possible.

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> 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 <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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 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)]. 7. The Fire and Emergency Services Authority and surrounding shires will be advised, prior to a decision being made.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

	<p>8. Should the President or Chief BFCO be unavailable or hold joint office - the deputy to that position, or - the Chief Executive Officer as Chief BFCO, only, may act in that office in relation to this matter.</p> <p>9. If not holding joint office, the Chief Executive Officer is to be advised in order that notification to other FCOs, Shires and the community may be arranged as quickly as possible.</p>
--	---

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land 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 <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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"> Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 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)]. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 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)]. 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].

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

	<p>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].</p> <p>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)].</p> <p>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)].</p> <p>9. Authority to recover the cost of measures taken by the Shire 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)].</p> <p>10. The Fire and Emergency Services Authority and surrounding shires will be advised, prior to a decision being made.</p> <p>11. Should the President or Chief BFCO be unavailable or hold joint office - the deputy to that position, or - the Chief Executive Officer as Chief BFCO, only, may act in that office in relation to this matter.</p> <p>12. If not holding joint office, the Chief Executive Officer is to be advised in order that notification to other FCOs, Shires and the community may be arranged as quickly as possible.</p>
--	--

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 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"> a person operating a bee smoker device during a prescribed period [r.39CA(5)]. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. a person using explosives [r.39D(2)]. a person using fireworks [r.39E(3)] 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]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer, or an authorised CALM Act officer.</i>

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> 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 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)]. 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)]. 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)].

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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: <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 [s.33(5)].

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the 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 issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)] 3. 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)].
Council Conditions on this Delegation:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. 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)]. 2. 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)].
Council Conditions on this Delegation:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred because of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Council Conditions on this Delegation:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .

Compliance Links:	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Council Conditions on this Delegation:	

Compliance Links:	<i>Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .

Compliance Links:	Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who may not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

4.1.4 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	
2	

Delegation Register

Shire of Menzies

4.1.5 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	
2	

Delegation Register

Shire of Menzies

4.1.6 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	<p>a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i>.</p> <p>b. The CEO may waive the registration fee for a maximum of 12 months where a cat is rescued from impoundment by a new owner.</p>

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	
2	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 \$250 [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)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. 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 ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. 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

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

	section 31, 32 or 33A and had not been claimed [s.17(6)]
Council Conditions on this Delegation:	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. The CEO may waive the registration fee for a maximum of 12 months where a dog is rescued from impoundment by a new owner.</p>
Express Power to Sub-Delegate:	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

Compliance Links:	<p><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.3 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the <<insert LG name>> Dogs Local Law.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.4 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.6 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

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

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 revoke 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"> i. 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)]. 4. Authority to consider application [s.33H(5)]
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
Version Control:	
1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

5. Dog Act 1974 Delegations

5.1.8 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer Contract Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Contract Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 Food Act 2008 [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)].
Council Conditions on this Delegation:	a. 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 Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Contract Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
Council Conditions on this Delegation:	a. 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: <ul style="list-style-type: none"> Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 WA Priority Classification System Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) 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)].
Council Conditions on this Delegation:	<p>a. 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:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
Version Control:	
1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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 Food Act 2008 [s.125].
Council Conditions on this Delegation:	a. 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 Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

6. Food Act 2008 Delegations

6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer Contract Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	a. 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 Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

7. Graffiti Vandalism Act 2016 Delegations

7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

7. Graffiti Vandalism Act 2016 Delegations

7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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"> i. 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 ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

7. Graffiti Vandalism Act 2016 Delegations

7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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)].
Council Conditions on this Delegation:	a. Subject to exercising Powers of Entry.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

7. Graffiti Vandalism Act 2016 Delegations

7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

8. Public Health Act 2016 Delegations

8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. 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 Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

8. Public Health Act 2016 Delegations

8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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 [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)].
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

8. Public Health Act 2016 Delegations

8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. 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]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers
--------------------------	--

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

8. Public Health Act 2016 Delegations

	<p>s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

8. Public Health Act 2016 Delegations

8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. 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].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<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. 3. Give a written direction to the person whose duty it is to execute 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.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

9.2 Local Planning Scheme – Council to CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Shire of Menzies Town Planning Scheme No 1;
Express Power or Duty Delegated:	The CEO is delegated authority to determine development applications that fully comply with all requirements of the Act and Regulations, and the Town Planning Scheme.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>The Chief Executive Officer is delegated authority to determine planning and development applications in the following circumstances –</p> <p>a) All “P” uses as per the Planning Scheme Zoning Table,</p> <p>b) All “IP” uses as per the Planning Scheme Zoning Table, where i) The proposed development is on land having – • existing development, and • the proposed development is a use consistent with the existing development having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development</p> <p>c) “AA” uses as per the Planning Scheme Zoning Table, where:</p> <ul style="list-style-type: none"> ➤ The proposed development is a use previously approved by Council on that land and the conditions imposed at that time (if any) are to be re-imposed without reduction, or ➤ The proposed development is on land having: <ul style="list-style-type: none"> • existing development, or • common boundary with land having an existing development and both: <ul style="list-style-type: none"> a) the proposed development is a use consistent with the existing development having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development, and b) the proposed development is adjoining the existing development ➤ “SA” uses as per the Planning Scheme Zoning Table where: <ul style="list-style-type: none"> • The proposed development is a use previously approved by Council on that land and the conditions imposed at that time (if any) are to be re-imposed without reduction, or • The proposed development is on land having:

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

	<p>a) existing development, and both – • the proposed development is a use consistent with the existing development, having similar or more stringent conditions, all of which will apply to the proposed development, in addition to any extra conditions specific to the proposed development, and</p> <p>b) the proposed development is adjoining the existing development.</p> <p>The Chief Executive Officer is delegated authority to commence advertising of any proposal submitted to Council for approval at a time considered appropriate.</p> <p>Notwithstanding compliance in all other respects with clause 1 of this delegation, where advertising of a proposal is required the proposed development is not to be approved by the Chief Executive Officer unless the submissions are solely in support of a proposed development, and all submissions received in response to advertising of the proposed development are to be referred to Council for determination.</p> <p>The Chief Executive Officer is delegated authority to issue notices in accordance with the Planning and Development Act 2005 s.214 (2), (3), and (5), and shall report each such instance to the next following Council meeting.</p>
Council Conditions on this Delegation:	See above

Compliance Links:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
2	
3	

Delegation Register

Shire of Menzies

10 Statutory Authorisations and Delegations to Local Government from State Government Entities

The matters described in this Part are from the State Government to Local Government, and as such require no ratification or decision making by the Shire of Menzies. They are a record of such delegations only.

10.1 Environmental Protection Act 1986

10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 232. 20-Dec-2013
Page: 6282 [Pdf](#) - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

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

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

10.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 71. 16-May-2014
Page: 1548 [Pdf](#) - 2Mb

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Delegation Register

Shire of Menzies

10.2 Planning and Development Act 2005

10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

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

Dated the 2nd day of June 2016



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

Delegation Register

Shire of Menzies

SCHEDULE

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

Column 1	Column 2	Column 3
The power to sign as owner in respect of Crown land that is:	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Busselton City of Dardanup City of Denmark Shire of Denison Shire of Donington Shire of Dorset Shire of Bridgetown-Greenbushes Shire of Broomehill Shires of Bruce Shire of Bunbury/Tamblingup Shire of Brunswick Rock City of Burnaby Shire of Buzzards Town of Cambridge City of Cassino Shire of Capal Shire of Carnarvon Shire of Carmanah Shire of Chapman Valley Shire of Chitling Shire of Christmas Island Town of Coleraine City of Cockburn Shire of Cooba (Koolang) Islands Shire of Collie Shire of Coolgardie Shire of Cooroo Shire of Corral Town of Cottesloe Shire of Cranbrook Shire of Culterring Shire of Cue Shire of Dundurn Shire of Dundas Shire of Dunderburg Shire of Dunsborough Shire of Durbin Shire of Edenmark Shire of Enderby/West Wimmerley Shire of Esplanade Coast-Bunbury Shire of Exmouth Shire of Eyre/Dumbleyung Shire of Fanning Town of East Fremantle Shire of East Perth Shire of Esperance Shire of Euromundi City of Flemington City of Gosker/Gossettville</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land. Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgment of or consent to the commencement of or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>
<p>a reserve managed by the local government pursuant to section 46 of the Land Administration Act 1997 and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</p> <p>the land is a road of which the local government has the care, control and management under section 55(2) of the Land Administration Act 1997 and where there is no balcony or other structure proposed to be constructed over the road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road;</p>		
In respect of development applications (being made under or referred to in:		
(i)	section 99(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);	
(ii)	section 103(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);	
(iii)	section 115 of the Planning and Development Act 2005 in respect of development within a planning control area (as that term is defined in that Act);	
(iv)	section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);	
(v)	section 162 of the Planning and Development Act 2005 in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);	
(vi)	section 163 of the Planning and Development Act 2005 in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the Heritage of Western Australia Act 1990, or of which such a place forms part;	
(vii)	section 171A of the Planning and Development Act 2005 in respect of a prescribed development application (as that term is defined in that section of that Act).	
	<p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goswells Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalbarri City of Kalbarri-Boulder Shire of Kalbarri Shire of Kellerberrin Shire of Kent Shire of Koorup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Manjimup City of Manjimup Shire of</p>	

Delegation Register

Shire of Menzies

Shire of Nannup
Shire of Narembea
Shire of Naremgin
Town of Merriquin
City of Newcastle
Shire of Ngawyja
Shire of Northam
Shire of Northampton
Shire of Nungah
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tarengo
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandaring
City of Warburton
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wilkeby
Shire of Williams
Shire of Wiluna
Shire of Woodan-Ballidu
Shire of Woodmillers
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yalgoo
Shire of York


HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd
..... day of June 2016

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

10.2.2 Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

GUIDANCE NOTE:

This delegation must be read in conjunction with amendments Gazetted on Tuesday, 18 December 2018 No.193 – please see inserted below.

PL403

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport

Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the conditions set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Suan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - Category 1 road means that frontage access is not allowed (control of access);
 - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS, or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements
Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.planning.wa.gov.au/1212.asp>)
- (2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's DC Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads. (<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)
- (3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. (<http://www.planning.wa.gov.au/publications/1197.asp>)
- (4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.planning.wa.gov.au/publications/1182.asp>)
- (5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's DC Policy 5.4 *Advertising on Reserved Land*. (<http://www.planning.wa.gov.au/publications/825.asp>)

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

4. For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

Interpretation

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m² "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
 - (a) a Minister of the Crown in right of the State;

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

- (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
- (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- “regional road” means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2017/02 Powers of Local Governments and Department of Transport
Metropolitan Region Scheme

Certain typographical errors were recorded in the Instrument of Delegation, made under the *Planning and Development Act 2005*, and published on 30 May 2017 from page 2738 to 2743 of the *Government Gazette*.

The errors are corrected as follows—

1. On page 2739, the text of Resolution C is deleted and replaced with the following words—
“TO REVOKE its delegation of powers and functions to local governments and the Department of Transport as detailed in the notice entitled “DEL 2015/02 Powers of local governments and Department of Transport (MRS)” published in the *Government Gazette* on 18 December 2015, to give effect to this delegation.”

AMENDMENT TO DELEGATION 2017/02 GOVERNMENT GAZETTE, Tuesday, 18 December 2019, No.193

GUIDANCE NOTE:

The below gazettal amends the above delegation and the two must be read in conjunction.

PL402

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DoT

Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

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

Resolution under section 16 of the Act (delegation)

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

2. Amendment to Section A

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.

2. Clause 3 is deleted.

3. Amendments to Section B

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.

2. Clause 5 is deleted.

3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

Delegation Register

Shire of Menzies

10.2.3 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

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

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

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - i. a type of development; and/or
 - ii. land within an area,

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

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

10.3 Main Roads Act 1930

10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION
RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS**

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

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

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

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

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

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

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

Page 1 of 2

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

Dated:

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe,
perform and be bound by the above conditions.

THE COMMON SEAL of

[Insert name of Local Government]

Was hereunto affixed pursuant to a
resolution of the Council in the
presence of:

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

Page 2 of 2

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

10.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

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

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

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

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

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

Shire of Menzies – Register of Delegations November 2021

Delegation Register
Shire of Menzies

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
WAS AFFIXED BY)
)
)
COMMISSIONER OF MAIN ROADS)
FOR THE TIME BEING IN THE PRESENCE OF:)

Signature of Witness

Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be
bound by the above conditions.

THE COMMON SEAL OF THE)
.....)
WAS AFFIXED PURSUANT TO A RESOLUTION)
OF THE COUNCIL IN THE PRESENCE OF)

Chief Executive Officer

Witness

Delegation Register

Shire of Menzies

10.4 Road Traffic (Vehicles) Act 2012

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

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

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

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

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

CONDITIONS

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

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies



Government of Western Australia
Department of Transport

Driver and Vehicle Services

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 31st day of September 2017

[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](https://transport.wa.gov.au)

Extracted online on 15 March 2021

Delegation Register

Shire of Menzies

11 Authorisations and Appointments by the Council

11.1.1 Authorisations and Appointments by Council

The following Authorisations or appointments of Authorised Persons are made by the Council of the Shire of Menzies.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s5.120	CEO	In the absence of the CEO designating another employee to be the Complaints Officer, the CEO is, by default.	This effectively relates to Division 4 Complaints under the Code of Conduct.
Local Government Act 1995, Reg 11 (3) Local Government (Model Code of Conduct) Regulations 2021 and Shire of Menzies Model Code of Conduct for Council Members, Committee Members and Candidates for Election (2021)	CEO	Council has authorised the CEO to receive complaints and withdrawals of complaints.	This effectively relates to Division 3 Complaints under the Code of Conduct.
Building Regulations 2012: r.70 Approved officers and authorised officers	CEO	Appointed an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).	
Animal Welfare Act 2002 s33(2)(a)(v)	CEO	Appointed as a General Inspector.	If a request is made by the CEO of the relevant Department. To be reviewed every financial year.
Bush Fires Act 1954 s59(1), (3); s59A(2)	CEO	Only the CEO may institute legal proceedings. Only the CEO or the Shire President may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958	

Shire of Menzies – Register of Delegations November 2021

Delegation Register

Shire of Menzies

Fines, Penalties and Infringement Notices Enforcement Act 1994 s13(2)	CEO	Appointed and authorised as a Prosecuting Officer for the purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1954.	Authorised to lodge and withdraw matters which have been registered with Fines Enforcement Registry. FER are notified of appointments by the City (see s13)
Litter Act 1979 26(1)(c)	All Council members and all employees – as of right, by virtue of Act.	Appointed and authorised as an authorised officer for the purposes of the Litter Act 1979.	Shall be issued with a certificate of appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him/her under this Act, which he shall, on reasonable demands, be produced.
Litter Act 1979 s30(4a)	CEO Shire President	CEO is authorised to withdraw infringement notices. If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.	

Delegation Register
Shire of Menzies

Shire of Menzies – Register of Delegations November 2021

12.2.2	CEO leave replacement
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM 504
DATE OF REPORT	01 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This item requests Council to approve a leave relief replacement for the Chief Executive Officer (CEO) as Acting CEO for the leave period.

BACKGROUND:

The CEO has approved leave from 24 December 2021 to 07 January 2022 inclusive which comprises eight (8) working days.

COMMENT:

Policy 5.1 requires Council approval for CEO leave that exceeds one (1) week.

As the Shire has no nominated DCEO or Council approved officer for CEO leave replacement, Council will need to appoint an Acting CEO for the period of leave.

Council policy 5.1, under the Model Standards, was adopted 27 May 2021. This allows any employee to be appointed as Acting CEO provided Council deems them to be suitably qualified and experienced.

Appointments by Council to act as Chief Executive Officer will have delegations in accordance with the Council resolution.

Officers acting in the role of Chief Executive Officer, for periods longer than 5 working days, will be eligible to be paid higher duties for the period of acting.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act (1995).

POLICY IMPLICATIONS:

Policy 5.1 Acting Chief Executive Officer.

FINANCIAL IMPLICATIONS:

The amount for the acting period has not been budgeted but can be absorbed within staffing budgets.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.3 Provide a positive and safe workplace.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Appoints Pascoe Durtanovich as Acting Chief Executive Officer, deemed to be suitably qualified and experienced person, for the period of the Chief Executive Officer's leave, 24 December 2021 to 07 January 2022 inclusive, with full delegations of the position; and
2. Delegates the President to negotiate a salary package to be paid to Pascoe Durtanovich while acting as Chief Executive Officer within the SAT Band 4 range.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12.2.3	Fleet Replacement - Backhoe
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM 505
DATE OF REPORT	11 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil.
ATTACHMENT	Nil

SUMMARY:

To request Council endorsement for a replacement strategy for the Komatsu Backhoe.

BACKGROUND:

The Komatsu Backhoe is due for trade-in in accordance with the fleet replacement policy.

Rather than purchasing a new backhoe, the Works Manager would prefer to purchase a 5 tonne mini excavator with rubber tracks, quick hitch, batter bucket, GP bucket, rock bucket and ripper. This machine is much better suited to the type of work which the Shire undertakes.

A simple one for one replacement would lose the advantage of having forks on the backhoe. However, as part of the proposal the purchase of a diesel powered, pneumatic tyred forklift capable of loading 2.5 tonnes with a lift of at least 4 metres, would be included.

The cost of a mini excavator and forklift is well below the cost of a new backhoe. The Shire has a loader capable of doing any loading of soils.

It is also proposed that we do not trade in the old backhoe, but house it in a small shed at Kookynie Waste Facility.

At present, whenever the Shire needs to push up waste at Kookynie the backhoe has to be taken from the depot to Kookynie, carry out 15 minutes work, then return to the Menzies depot. Pushing up waste is becoming more and more frequent as drillers and others use the Kookynie facility for bulk waste. If the backhoe is on site then the waste truck driver can push up waste each time they visit the site.

As the backhoe is in good condition and the trade in value is circa \$38,000 to \$47,000 it is more economical to retain it.

COMMENT:

A new, like for like backhoe, is approximately \$217,000 (inc GST) which would make a total cost to Council of \$170,000 if a best value trade-in was received.

The most expensive preferred specification mini excavator on the market is \$117,000 (inc GST). The most expensive preferred specification forklift on the market is \$42,000 (inc GST).

The total capital cost for the most expensive option is \$159,000 which is less than the current fleet replacement strategy. The preferred models, subject to procurement, would be circa \$135,000.

CONSULTATION:

Garth Marland, Works Manager.

STATUTORY AUTHORITY:

Local Government Act 1995.

POLICY IMPLICATIONS:

Policy 12.1 Plant Replacement Program

FINANCIAL IMPLICATIONS:

Following the preferred strategy and obtaining the preferred models would result in a capital savings of \$35,000. There would be a corresponding increase in operational costs through maintaining three (3) pieces of equipment instead of one (1).

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

1.2 A healthy and safe community.

1.2.1 Support provision of emergency and essential services.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Authorises the purchase of a mini excavator and forklift through capital account PA160 which has an approved budget of \$180,000; and
2. Authorises retention of the Komatsu Backhoe for works within the Kookynie town.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12.2.4	Strategic Resource Plan 2022-2037
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM506
DATE OF REPORT	02 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. Shire of Menzies - Strategic Resource Plan 2022-2037 Draft V 1 [12.2.4.1 - 63 pages]

SUMMARY:

To adopt the Shire of Menzies Draft Strategic Resource Plan 2022 - 2037, incorporating the Asset Management Plan and Long-Term Financial Plan.

BACKGROUND:

The *Local Government Act 1995* s5.56 requires Councils to plan for the future of the district. Part of these plans include informing strategies such as the Asset Management Plan and Long-Term Financial Plan.

COMMENT:

The Strategic Resource Plan brings together the updated Asset Management Plan and links it to the financial forecast of the Long-Term Financial Plan. This provides a 15-year projection of Council's capital expenditure, documenting Council's ability to finance its future assets requirements and meet the costs of maintaining and renewing its assets into the future.

The Strategic Resource Plan guides the actions for the coming years to formulate the Corporate Business Plan and achieve the objectives in the Community Strategic Plan. Major projects over this time are expected to be funded by grant funding, reserve funds or operating revenues.

CONSULTATION:

Moore Australia, Consultants.

STATUTORY AUTHORITY:

Local Government Act 1995 s5.56

Local Government (Administration) Regulations 1996 s19DA(3)(c)

POLICY IMPLICATIONS:

As part of the Integrated Planning Framework, the Strategic Resource Plan will guide Council's future budget decision making processes.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopts the Shire of Menzies Strategic Resource Plan 2022 - 2037, incorporating the Asset Management Plan and Long-Term Financial Plan.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--



Shire of Menzies

Draft Strategic Resource Plan 2022 - 2037

Contents

1.0	Foreword	3
2.0	Key Information	4
3.0	Executive Summary	5
4.0	Community Profile, Vision and Objective	6
5.0	Long Term Financial Planning Overview	7
6.0	Asset Management Planning Overview	10
7.0	Scenario Modelling	14
8.0	Strategic Planning and Policies	15
9.0	Risk Management	16
10.0	Assumptions, Risks, Uncertainties and Sensitivity	17
11.0	Monitoring and Performance	22
12.0	Improvement Plan	23

Shire of Menzies
124 Shenton Street
Menzies, WA, 64360
(08) 9024 2041
admin@menzies.wa.gov.au

www.menzies.wa.gov.au

1.0 Foreword

We are pleased to present the Shire of Menzies Draft Strategic Resource Plan for 2022 - 2037.

This Plan is part of the Shire's ongoing commitment to an integrated approach to planning for the District's future. Despite the current uncertain times, it provides the Council and the community with a picture of the Shire's long term financial and asset management circumstances and assists us to meet our strategic outcomes and objectives, both during and beyond the COVID-19 Pandemic.

The Shire will encounter many challenges and opportunities over the next 15 years. Changes in population levels and demographics bring with them changing community needs and expectations. The Council will require a clear understanding of its capacity to meet these service expectations as it maintains a strong focus on sound financial management.

Council welcomes community participation in the planning process as we develop the strategic direction for a promising future for our district. We invite members of the community to contact a Councillor or Senior Council staff member if they have any questions.

The Shire of Menzies's Strategic Resource Plan is an important planning tool as we strive to achieve the strategies set out in the Shire of Menzies Strategic Community Plan 2021 - 2031.

This Plan will be used with the Corporate Business Plan and Workforce Plan to achieve our goals and drive the Shire in achieving its vision of "An inclusive and welcoming community, celebrating our heritage and place".

The Shire has recently devoted significant resources to improving its strategic planning. This work continues as we constantly seek to improve our systems and service delivery.

Greg Dwyer

President

Brian Joiner

Chief Executive Officer

***Our Vision:
An inclusive and welcoming community,
celebrating our heritage and place***



2.0 Key Information

ASSUMPTIONS



1.5%
Inflation Rate



Stable
Population



Stable
Levels of Service



Stable
Operations



Balanced
Annual Budget



2.5%
(CPI 1.5%)
Rates



1.5%
(CPI 1.5%)
Employee Costs

STATISTICS ^{1/2}



7
Elected
Members



23
Employees



232
Electors



130
Dwellings



730km
Distance from
Perth



124,110km²
Area



490
Population

FINANCIAL INFORMATION³

\$3,512,250
Rates Revenue

\$220,054
Fees and Charges

\$6,993,959
Operating Revenue

\$5,664,362
Operating Expenditure

\$145,228,283
Net Assets

\$12,303,243
Cash Backed Reserves

\$0
Long Term Borrowings

¹WALGA Online Local Government Directory
2019/20, Shire of Menzies

²Australian Bureau of Statistics Menzies
(S) (LGA55390) 2016 Census of
Population and Housing, viewed
25 September 2019

³Shire of Menzies 2020-21 Draft Annual
Financial Statements

3.0 Executive Summary

The following information provides a brief summary of the Draft Strategic Resource Plan 2022 - 2037, this should be read in conjunction with the underlying assumptions detailed in this Plan.

3.1 Planning for a Sustainable and Stable Future

The Shire of Menzies is planning for a positive and stable future, despite the current uncertainty arising from COVID-19. The Shire seeks to maintain, and where possible, improve service levels into the future while ensuring a healthy financial position.

Long term maintenance and renewal of the Shire's infrastructure remains a significant challenge and requires external funding to ensure the economic and social benefits of the Shire's infrastructure to the broader region and Western Australia are not impacted.

3.2 Significant Issues

The continued provision of community infrastructure remains one of the key priorities and major expenditure items for the Shire.

Road maintenance and road renewal remain a high priority for the Shire due to the strategic economic benefit the road network provides to the district and broader region.

Adequate maintenance, renewal and upgrading of the road network remains highly dependent on the receipt of external grants and contributions.

Due to the current world-wide COVID-19 pandemic, and the subsequent restrictions put in place by the Federal and State Governments, the economic forecast has an increased level of uncertainty.

Rate revenue is forecast to increase at 2.5% per year for the duration of the Plan. These increases are to assist in the long term financial stability of the Shire and to increase the level of services to the community where possible. These increases will be reviewed annually when setting future budgets and once the impacts of the COVID-19 Pandemic are more apparent.

3.3 Forecast Capital Projects

A capital works program has been planned over the term of the Plan with a mixture of new/upgrade assets and asset renewals aimed at ensuring the continued provision of high quality community infrastructure to residents of the Shire. External funding is required to undertake these works.

Project by Asset Class	2022 - 2037 Amount (\$)
Infrastructure – Roads	
RTR Road Renewals	7,659,420
RTR Road Renewals - Tjuntjuntjara Access Rd	2,850,000
RRG Road Renewals	12,685,035
Road Renewals	27,500,000
Infrastructure - Roads Total	50,694,455
Infrastructure - Footpaths	
Footpaths Menzies Townsite	200,000
Footpaths Renewals	975,000
Infrastructure - Footpaths Total	1,175,000
Infrastructure - Other	
Infrastructure – Other renewals	975,000
Bores To Support Road Works	100,000
Banners And Signage	15,000
Community BBQ Areas	30,000
Recreation outdoor cover	150,000
Mercer St Caravan Park Infrastructure	200,000
Niagara Dam Capital Works	100,000
Tourism Infrastructure	30,000
Menzies Refuse Site New Hole	55,000
Kookynie Refuse Site New Hole	15,000
Infrastructure - Other Total	1,670,000
Plant and Equipment	
Plant replacement program	7,500,000
Administration Communications Equipment	20,000
Software And Systems	50,000
Plant and Equipment Total	7,570,000
Buildings	
Building renewals	1,430,000
Buildings Total	1,430,000
Grand Total	62,539,455

4.0 Community Profile, Vision and Objective

4.1 Location

The Shire of Menzies covers 124,110 square kilometres in the Eastern Goldfields of Western Australia, 730kms north east of Perth. The Shire's administration centre is in the mining and pastoral townsite of Menzies.

The current community is serviced by ancillary medical services, a local school offering pre-primary to Year 7 and distance education for high school, community halls and meeting rooms, and recreational facilities. Vital tourist accommodation is provided by a caravan park and two hotels.

4.2 Heritage

Menzies, like many towns in Western Australia was born in and boomed during the gold rush days of the 1890's and was the administration centre of the North Coolgardie Goldfields. There were some twenty small towns in this area: Davyhurst, Mulline, Mt Ida, Kookynie, Niagara, Yarri, Yerilla and Edjudina to name a few.

From around 1905 the gold mining industry experienced a downturn and most of these towns literally disappeared. Menzies has survived but is just a shadow of its former self, and the pub at Kookynie is the only reminder of a once thriving community.

4.3 People

The following statistics reflect the Shire's population in comparison to the population of the state of Western Australia.

Population	2011		2016
Shire of Menzies	400	↑	490
WA	2.35m	↑	2.47m

The chart to the right reflects the percentage of the estimated resident population within each age grouping for the Shire of Menzies (represented by the gold (2011) and green (2016) lines) and Western Australia (represented by the grey (2011) and blue (2016) dotted lines). In comparison to the Western Australia demographic in 2016, the Shire has a lower proportion of younger residents in the 0-14 and over 65 age ranges. The number of people aged from 15 - 64 years is higher than the State average, mainly due to the high level of mining activity in the region and associated employment.

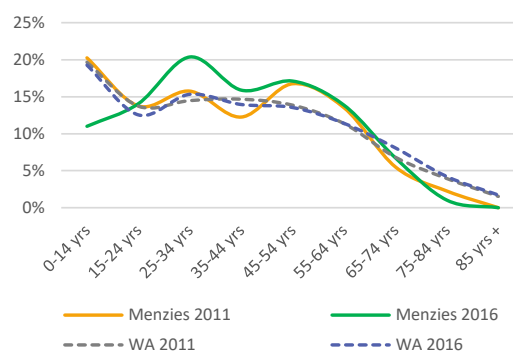
4.4 Vision

The Shire's strategic vision: **An inclusive and welcoming community, celebrating our heritage and place**

4.5 Strategic Objectives

The following key themes are identified in the Shire's Strategic Community Plan 2021 - 2031 and considered within the Strategic Resource Plan:

- **Our Community:** A vibrant and inclusive community
- **Local Economy:** A prosperous local economy
- **Our Environment:** Enhance and maintain our built infrastructure and natural environment
- **Leadership:** Responsible management and good governance, leading an empowered community

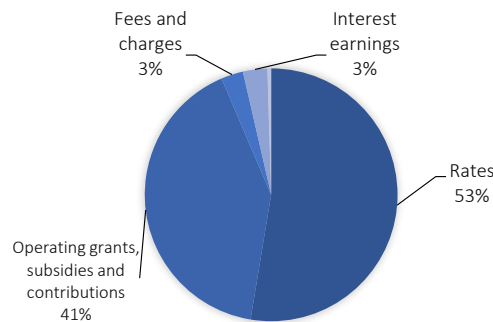


5.0 Long Term Financial Planning Overview

5.1 Forecast Revenue

Rates are expected to generate \$3.65m in 2022-23, increasing at 2.5% per annum to \$5.15m in 2036-37 and comprise 53% of operating revenue over the term of the Plan. The Shire is reliant on receiving more than \$50.90m over the next 15 years in untied operating grants, subsidies and contributions to maintain the current level of operations and services. Non operating grants are expected to remain relatively stable for road renewal.

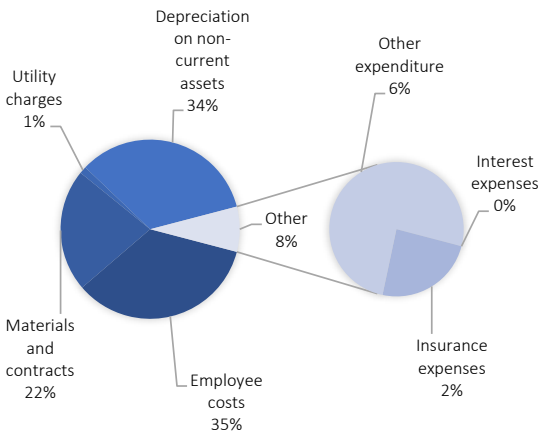
5.2 Revenue Composition Year 1 to 15



5.3 Forecast Expenditure

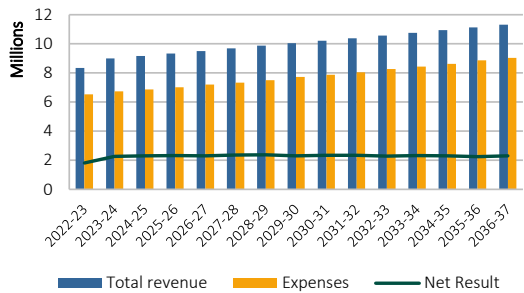
Expenditure is forecast to increase in line with inflation with the exception of depreciation expense which is impacted by the addition of assets over the term of the Plan.

5.3.1 Expenditure Composition Year 1 to 15



5.4 Net Result

The chart below reflects in the columns the steady increase in operating revenue and expenditure forecast over the 15 years, with the green line reflecting the net result.



A positive net result over the long term indicates net asset values will increase faster than depreciation expenses erode asset values. This may be masked by continuous revaluation of assets. Improved asset funding or changes to expected useful life of assets as they are better understood may impact the net result.

5.5 Depreciation Expense

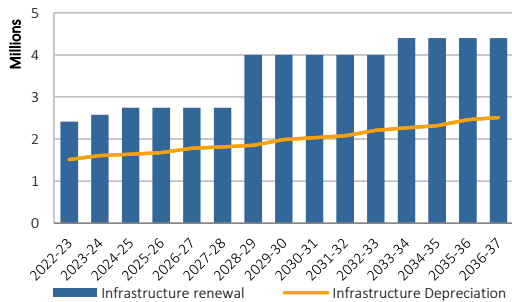
Ideally, the average asset renewal should be in line with depreciation expense over the long term, to ensure the value of assets is maintained. On average, the Shire is planning to renew its infrastructure assets at a slightly higher level than they are depreciating over the term of the Plan.

Where the planned asset renewals are lower than depreciation, the written down value of these assets will decrease over time as depreciation erodes the value of the assets. Revaluation of assets in line with inflation may mask a real decrease in value where planned asset renewals are lower than depreciation.

5.0 Long Term Financial Planning Overview (Continued)

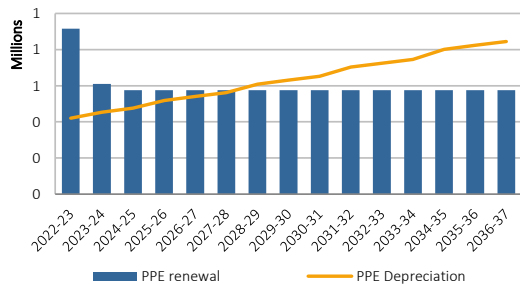
5.5.1 Infrastructure Depreciation Expense -V- Asset Renewal Expenditure

Depreciation expense increases throughout the Plan from \$1.93m in year 1 to \$3.35m in year 15 as assets are revalued and renewed. Depreciation of infrastructure over the 15 years is \$29.73m, shown by the gold line in the chart below. The planned level of infrastructure asset renewal expenditure at \$53.54m (reflected by the blue columns) is over the term of the Plan above the level of depreciation.



Further review of asset useful lives for infrastructure assets may be required as changes occur in the construction techniques of road pavements occur and traffic loads vary. Planned property, plant and equipment asset renewals of \$9.00m (reflected by the blue columns) over the 15 years is less than the depreciation expense of \$9.50m (reflected by the gold line) over the same period as shown in the chart below.

5.5.2 Property, Plant and Equipment Depreciation Expense -V- Asset Renewal Expenditure



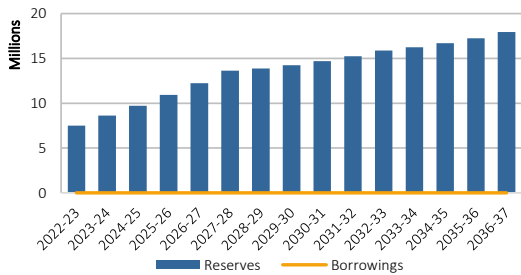
Further improvements in asset management data and the estimation of depreciation expense along with the future renewal of long lived assets, such as buildings, may result in a closer alignment between asset renewals and depreciation expense.

5.6 Maintenance Expenditure

The current maintenance expenditure allocated in the annual operating budget is expected to continue at current levels, with inflationary increases occurring each year.

5.7 Forecast Borrowings and Cash Reserves

In general, the finances of the Shire are expected to remain stable over the long term. Reserves will be utilised to save for major forecast asset renewals and then utilised to fund asset renewals resulting in the variations in reserve levels as shown in the chart below.



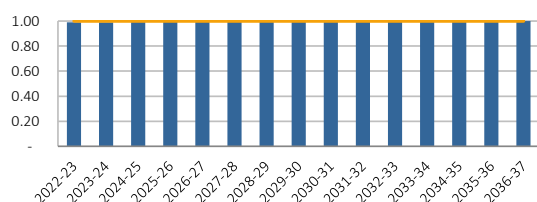
Borrowings are nil for the term of the Plan, this is part of the strategy to allow flexibility to respond to sudden or unexpected expenditure requirements. This strategy also provides scope to leverage off future grant funding opportunities when, and if, they become available. The strategy also includes the use of cash backed reserves to save for significant future asset renewal spikes.

5.0 Long Term Financial Planning Overview (Continued)

5.8 Forecast Operating Ratios 2022 - 2037

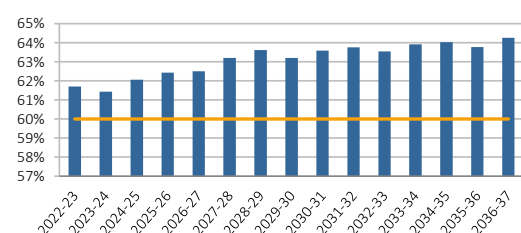
Monitoring the Shire's financial rigidity and financial position along with its asset management performance is undertaken by preparing and monitoring various statutory ratios. The gold line reflects the Department of Local Government, Sport and Cultural Industries' (the Department) minimum target level of the ratio.

5.8.1 Current Ratio



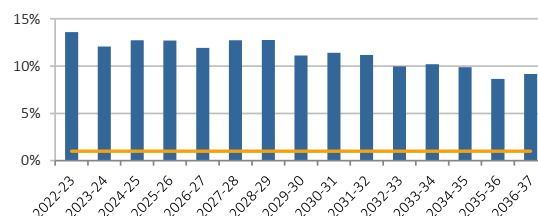
As expected for a Shire with a forecast balanced funding surplus position and current lease liabilities, the ratio is less than 1.0 until the lease liability is extinguished. The trend is not considered to indicate a threat to the Shire's long term financial position.

5.8.2 Own Source Revenue Coverage Ratio



The ratio remains above the target indicating the Shire's reducing reliance on grants and contributions.

5.8.3 Operating Surplus Ratio



The ratio above highlights that rates increases above CPI are required to maintain a healthy level of the operating surplus ratio.

5.8.4 Debt Service Cover Ratio

The Shire has no existing borrowings.

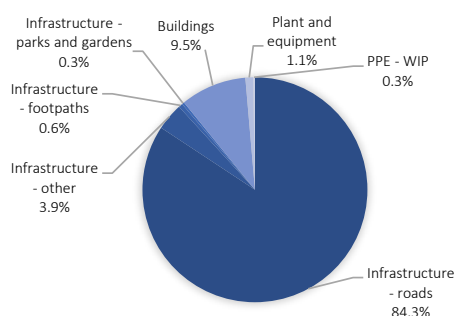
An explanation of all ratios is provided at Section 11.1.

6.0 Asset Management Planning Overview

6.1 Key Asset Information

The Shire controls an asset network with a written down value of \$129.83m¹, of which roads infrastructure constitutes the largest component values as reflected in the chart below.

6.1.1 Written Down Value by Asset Class¹



6.2 Asset Management Policy

The purpose of an asset management policy is to:

- Provide a framework for the sustainable management of the Shire's asset portfolio;
- Ensure an organisation wide and inclusive approach is taken to asset management; and
- Ensure adequate provision is made for the maintenance and replacement of assets in accordance with the assessed levels of service.

The asset management policy is intended to provide clear direction in relation to the Council's expectations for the sustainable management of its assets and applies to Elected Members, Employees and Contractors/Consultants engaged by the Shire.

6.3 Asset Management Strategy

Developing an asset management strategy is a planned process of continuous improvement across all its components. Key improvements for each class of asset are discussed at the end of each section in Appendix A.

When planning for the future renewal of Shire assets, a condition-based estimation of remaining useful life was applied (where possible) as it was viewed as the most appropriate methodology. Where condition information was unavailable, an age based estimation of remaining useful life was applied.

Modelling was undertaken to determine the long term funding required for asset maintenance and renewal.

By adjusting the estimated useful life of assets, the balance between the risk of loss of asset service and the financial costs of asset renewal and maintenance was determined.

Detailed long term planning is required for the renewal of building assets due to the scale of expenditure in relation to these assets and the likelihood of usage/design upgrades when renewal occurs. Unfortunately, planning for the renewal of long lived assets carries with it a high level of uncertainty. This is due to the vagary associated with the allocation of future external contributions and the potential for a sudden and unexpected change in grant funding.

It is important to note, capital works identified in this Plan funded by external contributions may be postponed or reduced in scale should external funding not eventuate. Postponing asset renewal past forecast estimated useful life and an optimum intervention point increases the risk associated with sudden unexpected asset failure bringing with it the potential for a loss of service.

Recognising a proportion of assets have been constructed with the assistance of external financial contributions, the Shire seeks to, within its financial capacity, maintain these assets into the future. A strategy of alignment of estimated asset useful lives with the forecast financial capacity aims to ensure the long term affordability of Shire assets. By focusing resources and efforts on a small number of key critical assets, the Shire has achieved its targeted asset management outcomes, integrated with financial planning within its forecast financial capacity based on an annual rate increase of 2.5% (CPI of 1.5% + 1%).

6.4 Level of Service

The level of service for roads, at its most basic, is reflected in the speed and weight ratings across the road network. As a measure, the lengths of sealed and unsealed road for each speed and weight rating is viewed as the most appropriate indicator of the level of service of the road network and will continue to be monitored into the future.

Level of service measures are defined for most asset classes within Appendix A.

¹ 2020-21 Draft Annual Financial Report - Shire of Menzies

6.0 Asset Management Planning Overview (Continued)

6.5 Financial Management Strategy for Assets

Based on the 2020-21 Draft Annual Financial Statements and 2021-22 Annual Budget, a financial baseline was determined for operating revenue and expenditure. Modifications to this baseline were made over the 15 year term to predict forecast changes in operating revenue and expenditure.

Impacts of the COVID-19 Pandemic have created a large amount of uncertainty. Should the need arise for additional funding to meet the impacts of COVID-19 these will be drawn from Reserve. Structuring operational revenues and expenditure to ensure adequate provision for asset renewal into the future is a cornerstone of the Shire's overall financial strategy. To achieve this strategy, rate increases marginally higher than the consumer price index (CPI) are forecast to occur combined with the maintenance of operating expenditure in line with the CPI forecast.

Forecast planned asset renewals for the term of the Plan, along with the forecast required asset renewals to maintain services in the future are shown as columns in the chart below with the values in the table on the right. Forecast asset renewals requirements are arrived at based on current estimates of replacement cost and remaining useful life of each asset, assessed from the asset's condition or age. The Shire is planning for renewal of all assets at the end of their useful life, except for buildings. Buildings are to be maintained so they may be used beyond their standard useful life. Further useful life information is required for road assets to better determine the remaining useful life of road assets.

The annual budget cycle and resource limitations result in differences between the planned and required renewal expenditure, referred to as an asset renewal funding surplus/(deficit). The asset renewal funding surplus/(deficit) representing the difference between the planned and required asset renewals is represented by the line in the chart below with values provided in the table to the right.

6.6 Forecast Planned and Required Asset Renewals

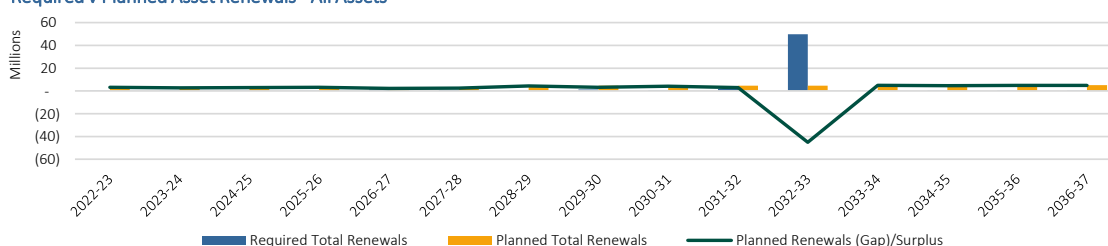
Year	Planned Asset Renewal \$	Required Asset Renewal \$	Asset Renewal Surplus/ (Deficit) \$
2022-23	3,326,297	79,418	3,246,879
2023-24	3,186,297	539,474	2,646,823
2024-25	3,321,297	304,719	3,016,578
2025-26	3,321,297	125,890	3,195,407
2026-27	3,321,297	1,175,657	2,145,640
2027-28	3,321,297	841,518	2,479,779
2028-29	4,571,297	151,195	4,420,102
2029-30	4,571,297	1,365,264	3,206,033
2030-31	4,571,297	460,216	4,111,081
2031-32	4,571,297	1,747,844	2,823,453
2032-33	4,571,297	49,689,410	(45,118,113)
2033-34	4,971,297	88,167	4,883,130
2034-35	4,971,297	389,579	4,581,718
2035-36	4,971,297	130,671	4,840,626
2036-37	4,971,297	252,580	4,718,717
Total	62,539,455	57,341,602	5,197,853

A number of assumptions and estimates have been utilised in arriving at these values and actual events may vary significantly from those provided.

The required asset renewal spike in 2032-33 is a result of road data reflecting a requirement to re-sheet 540.7 km of the unsealed road network in the single year at a future cost of \$46.69m. This renewal is planned to be undertaken through the term of the Plan rather than in one year, resulting in planned renewals being higher than required over the 15 years. Further review and update of this asset information should address this theoretical renewal requirement.

As assets approach their initial estimated asset renewal, the timing and need for renewal will be re-assessed and may well vary enabling the reallocation of limited resources between asset classes and between years using cash backed reserves.

Required v Planned Asset Renewals - All Assets

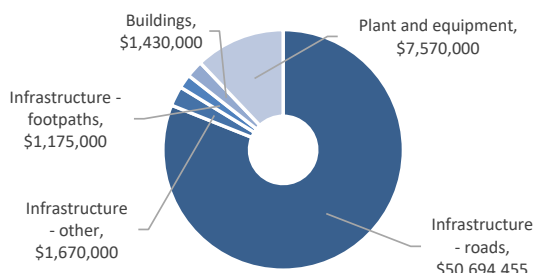


6.0 Asset Management Planning Overview (Continued)

6.7 Planned Asset Expenditure

Renewal asset expenditure of \$62.54m has been planned as per the previous table. No new, upgrade or expansion of asset are planned.

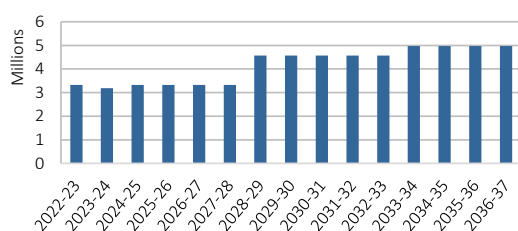
6.7.1 Planned Capital Expenditure 2022 - 2037



6.8 Planned Asset Renewal

Planned asset renewal expenditure has been determined by allocating the expected funds available for capital expenditure.

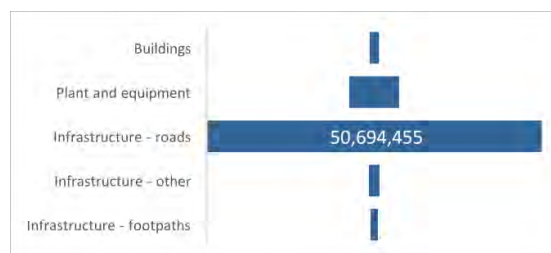
6.8.1 Planned Asset Renewal Expenditure



Allocation of these funds between the various asset classes was undertaken to best match the required asset renewal expenditure. The timing and level of planned asset renewal expenditure for each asset class is summarised in the chart below.

6.8.2 Planned Asset Renewal Expenditure by Class

Planned asset renewals by asset class over the 15 years of the Plan reflected in the chart above shows the major renewal spend relates to roads and plant and equipment.



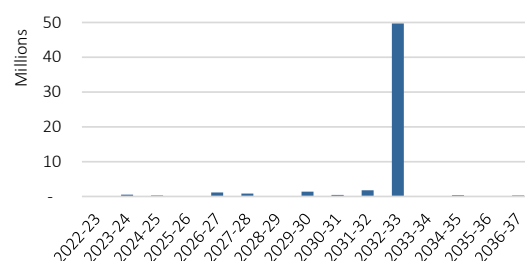
Shire of Menzies Draft Strategic Resource Plan 2022 - 2037

6.9 Required Renewal Expenditure

Required asset renewal expenditure for the road network has been estimated based on road conditions and forecast estimated standard useful lives. For other asset classes, forecast asset renewals have been based on the age of the assets and their estimated remaining useful life (determined during recent revaluations) combined with current replacement costs.

Required asset renewal expenditure has been estimated based on forecast renewal costs and timings. Total asset renewals of \$57.34m are forecast to be required over the 15 years of the Plan based on existing asset data.

6.9.1 Required Asset Renewal Expenditure



As discussed at 6.6 the spike in 2032-33 is a result of the asset data indicating a need to re-sheet a significant portion of the sheeted roads in one year based on a recent road valuation. This is not considered to be a reasonable expectation and the Shire is not planning to undertake the renewal of these assets in line with the valuations timing.

6.9.2 Required Asset Renewal Expenditure by Asset Class



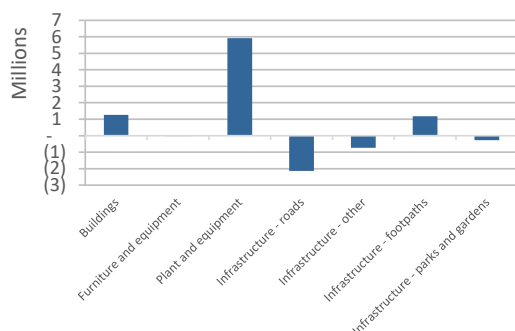
Renewal of roads dominate the forecast required asset renewals.

Page 12

6.0 Asset Management Planning Overview (Continued)

6.10 Asset Renewal Funding Surplus/(Gap)

Differences between the forecast planned and required asset renewals for each asset class over the 15 years of the Plan exist as shown in the chart below.



These differences in planned asset expenditure are not considered to be of long term significance provided the Shire undertakes the planned renewals and asset maintenance. Further analysis and revision of asset valuation information and associated underlying assumptions and estimates is required to confirm true required asset renewal expenditure. Required renewal expenditure for road assets will also be heavily influenced by future road usage and maintenance.

Standard useful life estimates used within the infrastructure valuations were not considered to be appropriate or relevant for the Shire of Menzies and were modified to align to historical asset lives and renewal cycles. This is discussed further in Section 7.1

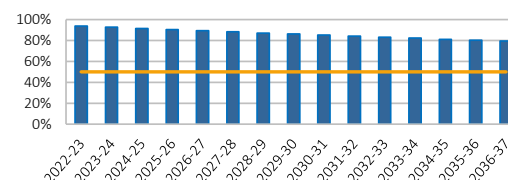
6.11 Upgrade/New Expenditure

No significant upgrades to infrastructure are planned to occur over the next 15 years. Where funds are available after undertaking essential renewal works, funds will be utilised for improvement and new works. Detailed annual planning will be undertaken for asset upgrade/new expenditure prior to each project.

Asset expenditure for upgrade/new assets are not modelled over the 15 years of the Plan.

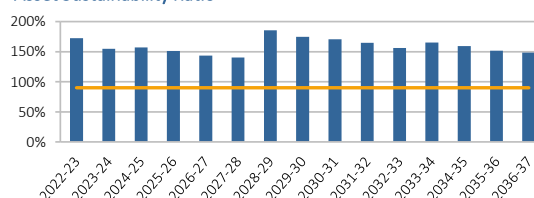
6.12 Forecast Asset Ratios 2022 - 2037

Asset Consumption Ratio



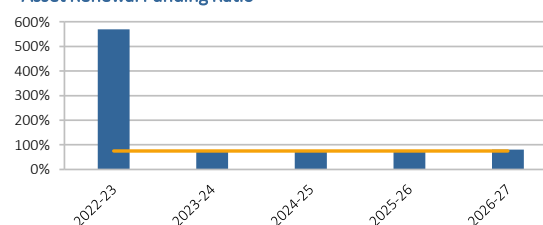
The asset consumption ratio is above the target range and remains so throughout the term of the Plan, with assets being renewed at adequate levels to maintain the average age of assets.

Asset Sustainability Ratio



The ratio highlights how asset renewal expenditure relative to depreciation fluctuates as expected. The ratio average is above the guideline level and indicates the Shire is generally renewing assets above with their forecast depreciation expense due to the average useful life of assets exceeding the 15 years of the Plan and road asset depreciation requiring further review.

Asset Renewal Funding Ratio



The ratio whilst above the target in 2022-23, falls to meet the target ratio from 2023-24 onwards, with planned asset renewal expenditure being below required asset renewal expenditure as set out in this Plan. Further improvements in forecasting the remaining useful lives of assets may result in an improvement in this ratio. No concerns currently exist in relation to the ratio being below the target due to the lack of confidence in the required asset renewal forecast data as discussed at Section 6.10.

7.0 Scenario Modelling

7.1 Scenario Modelling

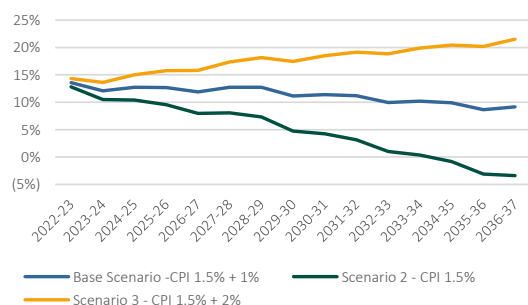
Scenarios were developed to test the financial impact of increased levels of operating funding from rates. To ascertain the effect of changes to funding levels, modelling of various scenarios was undertaken.

A base scenario was developed with rates yield of 2.5% (1% above inflation of 1.5%) for the term of the Plan. Two alternative scenarios were also developed from this base, with different rates increases, as shown in the table below. All other assumptions remained the same across the three scenarios.

Scenario	Rates Increase above	
	CPI (1.5%)	Total Increase
Base Scenario	1%	2.5%
Scenario 2	0%	1.5%
Scenario 3	2%	3.5%

The base scenario was selected as the most appropriate and has been used for the Plan. The base scenario includes levels of rate revenue and fees and charges to ensure the current levels of service are maintained.

7.1.1 Scenario Comparison – Operating Surplus Ratio



The chart above shows the impact of the same change in total rates yield on the Shire's Operating Surplus Ratio (other assumptions remaining the same). The base scenario was selected as it maintains existing operating surplus levels.

7.1.2 Estimated Surplus (Deficit) June 30 Carried Forward

The cumulative impact of the changes in rates along with fees and charges results in the surplus (deficit) shown in the table below.

	Base Scenario	Estimated Surplus/(Deficit)	
		Scenario 2 CPI 1.5% \$	Scenario 3 CPI 1.5%+ 2% \$
2022/23	0	(35,565)	35,564
2023/24	0	(108,184)	109,537
2024/25	0	(219,257)	224,918
2025/26	0	(370,294)	384,868
2026/27	0	(562,852)	592,715
2027/28	0	(798,535)	851,963
2028/29	0	(1,078,996)	1,166,299
2029/30	0	(1,405,938)	1,539,603
2030/31	0	(1,781,115)	1,975,955
2031/32	0	(2,206,335)	2,479,644
2032/33	0	(2,683,459)	3,055,177
2033/34	0	(3,214,403)	3,707,293
2034/35	0	(3,801,140)	4,440,967
2035/36	0	(4,445,704)	5,261,425
2036/37	0	(5,150,187)	6,174,151

8.0 Strategic Planning and Policies

8.1 Linkage with Other Plans

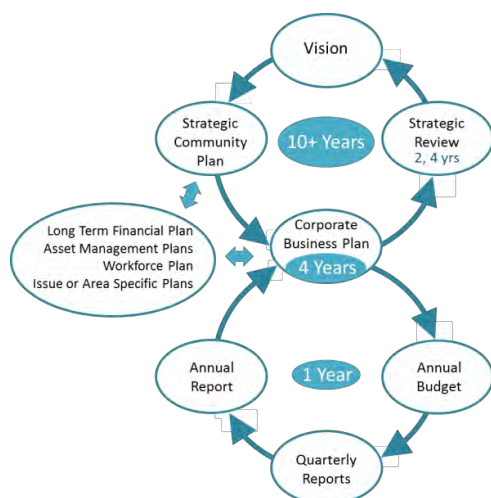
The Strategic Resource Plan is one component of a number of integrated strategic planning practices the Shire has developed. Combining asset management planning and long term financial planning into one document, the Strategic Resource Plan considers, and influences, workforce planning along with other key strategic plans. This Strategic Resource Plan has been prepared to achieve compliance with the *Local Government (Administration) Regulations 1996*.

Development of the Plan has also been influenced by the Department's Integrated Planning Framework and Guidelines.

8.2 Strategic Documents Linkage

This Plan includes, and influences, other strategic planning activities as a mechanism to action the strategies contained in the Shire's Strategic Community Plan, as illustrated in the diagram below.

Diagram: Integrated Planning and Reporting Cycle²



8.3 Strategic Community Plan 2021 - 2031

The Strategic Community Plan has been prepared to cover a minimum period of 10 years and set out the community's vision, aspirations and objectives for the Shire. To achieve the vision, a series of priorities, objectives and strategies were developed. Many strategies may be required to achieve a single objective and many objectives needed to achieve a single priority.

Individual strategies all require actions involving extra human, physical and financial resources. Achieving the Shire's strategic priorities requires careful operational planning and prioritisation. This planning process is formalised as a Corporate Business Plan which operates on a rolling four-year basis.

8.4 Corporate Business Plan

The Corporate Business Plan contains details of the actions and resources (human, asset and financial) to achieve each strategy and acts as an organisational guide for the Council and management.

The financial capacity and asset management practices to support the Corporate Business Plan are set out in the Strategic Resource Plan for the period. This planning provides an assurance the actions contained in the Corporate Business Plan can be adequately resourced over the next four years and highlights the long term consequences of the application of resources to undertake various projects.

8.5 Workforce and Other Strategic Plans

The Workforce Plan and other strategic plans integrate with the Strategic Resource Plan through the workforce requirement for assets and financial resources along with the requirements for a workforce to manage the Shire's assets and financial resources. As far as possible, these requirements are met in the Plan.

The Shire's Workforce Plan has been considered in the development of this Strategic Resource Plan. No financial impacts are expected from the Workforce Plan with employee costs forecast not to rise above forecast inflation of 1.5%.

² Department of Local Government, Sport and Cultural Industries, Integrated Planning and Reporting: Framework and Guidelines, September 2016

9.0 Risk Management

9.1 Risk Management

The Shire provides a diverse range of services and facilities to the general public which exposes it to risks. As part of the implementation of Integrated Planning and Reporting, the Shire intends to formalise its risk based management practices to improve the management of identified risks.

The Shire has a practice of conducting a regular review of insurance levels of assets by the Chief Executive Officer to ensure the level is adequate. The Shire's insurer is LGIS.

The Financial Management Regulations require the investment of surplus funds (including cash reserves) to be in term deposits held by authorised deposit taking institutions or Treasury bonds.

The Shire seeks to engage experienced and qualified personnel in areas of high risk and provides them with appropriate ongoing training and equipment to ensure they are able to undertake their roles with minimal risk to the community and the Shire.

9.2 Certainty of Assumptions

Included in the Plan is a detailed analysis of the assumptions used as part of the planning process and the level of risk associated with each assumption.

The impact of the assumptions applied to issues identified as carrying a high risk have been separately disclosed, as has the sensitivity of movements in these assumptions on the financial forecasts set out in this Plan.

9.3 Sensitivity Analysis

Where an assessment has been made that a high level of uncertainty applies to the assumptions, sensitivity analysis has been used to help quantify the potential financial impact of a change in the assumption.

Assumptions with a high level of uncertainty and a higher dollar value present the greatest risk that a movement will result in unexpected and detrimental consequences. The details of this analysis are shown adjacent to each assumption on the following pages.

10.0 Assumptions, Risks, Uncertainties and Sensitivity

10.1 Revenue – Assumptions, Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
District Growth in Population: The number of residents in the Shire is expected to remain stable.	Low	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Rates Level Increase: Annual rates have been based on an increase in the total rate yield of 2.5% for the term of the Plan, being 1% above forecast inflation rate.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Operating Grants and Contributions: Increases in line with inflation forecast.	High	The road maintenance program and general operations of the Shire are dependent on levels of Federal Financial Assistance Grants. Changes in the levels of these grants would impact directly on the Shire's ability to meet projected service levels.	High	± \$30,513 to the value of operating grants and contributions per 1% movement in the value in the first year of the Plan.
Non-operating Grants and Contributions: Remain in line with funding requirements identified for various capital works.	High	The forecast capital works program is highly dependent on Government grants and contributions. Changes in these levels would impact directly on the amount spent on capital projects and ultimately impact on service levels.	High	± \$259,661 to the value of non-operating grants and contributions per 1% movement in the value over the life of the Plan.
Fees and Charges: Increases in line with inflation forecast.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Interest Earnings: Interest earning of an average rate of 1.5% per annum.	Low	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Other Revenue: Increases in line with inflation.	Low	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.
Profit on Asset Disposal: Profit on asset disposal results from a misallocation of depreciation over the life of the asset. As the level of depreciation is considered appropriate no profit on asset disposals has been included.	Low	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.

10.0 Assumptions, Risks, Uncertainties and Sensitivity (Continued)

10.2 Expenditure – Assumptions, Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
Employee Costs: Increased annually by forecast inflation.	Medium	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.
Materials and Contracts: Increased annually by forecast inflation.	High	The road preservation program and general operations of the Shire are dependent on levels of Federal Financial Assistance Grants. Changes in the levels of these grants would impact directly on the Shire's ability to meet projected service levels.	High	± \$256,754 to the value of materials and contracts per 1% movement in the value over the life of the Plan.
Depreciation: Depreciation has been calculated using an average depreciation rate based on the estimated useful lives on individual assets.	Low	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.
Insurance: Base year increased in line with inflation.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Other Expenditure: Base year increased in line with inflation.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Loss on Asset Disposal: A loss on asset disposal results from a misallocation of depreciation over the life of the asset. As the level of depreciation is considered appropriate in the Plan no loss on asset disposals has been included in the Plan.	Low	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.

10.0 Assumptions, Risks, Uncertainties and Sensitivity (Continued)

10.3 Assets – Assumptions, Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
Revaluations: In line with annual inflation.	Low	The revaluation of assets may result in changes in asset ratio analysis and depreciations leading to a change in the net result. The revaluation of assets will have no impact on Cashflows.	High	±\$184,967 to the value of property, plant and equipment per 1% movement in the value over the life of the Plan. ±\$1,826,750 to the value of infrastructure assets per 1% movement in the value over the life of the Plan.
Impairment of Assets: No impairment of assets has been assumed over the life of the Plan. Impairment of assets usually occurs due to unplanned or unforeseen events such as natural disasters.	High	A widespread major impairment event may result in a requirement for high levels of expenditure to maintain service levels.	Medium	Unable to be quantified.
Infrastructure Assets: Expenditure has been based on historical levels escalated by inflation.	High	The capital works program is highly dependent on Government grants and contributions. Changes in these levels would impact directly on the amount spent on capital projects and ultimately on service levels.	High	±\$259,661 to the value of infrastructure assets per 1% movement in the capital grants received over the life of the Plan.
Property, Plant and Equipment: Building expenditure is in accordance with the 10 Year Capital Plan, and plant expenditure is based on the Plant Replacement Program.	Medium	Not assessed as high financial risk as the frequency of capital grants for buildings is not as pervasive as roadwork's and plant and equipment replacement is not influenced by external grant funds.	Medium	Not assessed as high level of uncertainty.

10.0 Assumptions, Risks, Uncertainties and Sensitivity (Continued)

10.4 Liabilities – Assumptions, Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
Borrowings: New borrowings to be considered for capital works where required. No new borrowings are considered as part of this Plan.	Low	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.
Employee Entitlements: It has been assumed the Shire will be in a position to meet its obligations in relation to employee entitlements.	Medium	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.

10.5 Equity Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
Cash Backed Reserves: It has been assumed the Shire will invest cash reserves in term deposits with banking institutions and these funds will be available for use during the term of the Plan.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
Revaluation Surplus: Increasing in line with inflation based revaluation.	Low	The revaluation of assets to their fair value may result in changes in asset ratio analysis and depreciation leading to a change in the net result. The revaluations of assets will have no impact on Cashflows.	High	±\$184,967 to the value of property, plant and equipment per 1% movement in the value over the life of the Plan. ±\$1,826,750 to the value of infrastructure assets per 1% movement in the value over the life of the Plan.

10.0 Assumptions, Risks, Uncertainties and Sensitivity (Continued)

10.6 Other – Assumptions, Risks, Uncertainties and Sensitivity

Disclosure/Assumption	Assessed Financial Risk	Impact of High Financial Risk Assumptions	Level of Uncertainty	Financial Impact and Sensitivity for Assumption with High Level of Uncertainty/Risk
Ownership of Strategic Assets: The Shire has not planned for the ownership of any strategic assets to be transferred to another party over the term of the Plan.	High	Any significant changes to the ownership of strategic assets would require an amendment to this Plan and, depending on the circumstance, be subject to community consultation.	Low	Not assessed as high level of uncertainty.
Inflators: Forecast inflation at 1% per annum.	Medium	Not assessed as high financial risk.	High	± \$1,245,521 to operating revenue per 1% movement in the inflators over the life of the Plan. ± \$1,160,462 to operating expenditure per 1% movement in the inflators over the life of the Plan.
Commercial Activities: The Shire has no plans to undertake a significant commercial activity during the period of the Plan.	Medium	Not assessed as high financial risk.	Low	Not assessed as high level of uncertainty.
General Economic Forecasts for State: The economic forecast for the State is closely linked to the success of the mining industry. Demands for minerals is forecast to remain stable in the short term with a corresponding stability of the state economy.	Medium	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.
General Economic Forecasts for Region: Historically, the region's economy is heavily dependent on mining, and this remains the assumption for the term of this Plan.	Low	Not assessed as high financial risk.	Medium	Not assessed as high level of uncertainty.

11.0 Monitoring and Performance

11.1 Monitoring

The Plan will be the subject of a desktop review each year to consider changing circumstances, with a full revision scheduled every two years in line with the review of the Strategic Community Plan.

Monitoring the Shire's financial rigidity and financial position along with its asset management performance is undertaken by preparing and monitoring various statutory ratios.

11.2 Ratio Targets

A series of performance indicators, in the form of financial ratios set out in the table below, have been used to assess the financial performance of the Shire.

To maintain comparability across the industry, these ratios and their respective target ranges, have been derived from the Department's Long Term Financial Planning guidelines and *Regulation 50 of Local Government (Financial Management) Regulation 1996*.

The Department's Advisory Standard also provides target levels for each of the ratios.

Ratio	Calculation	Indication	Minimum target
Current Ratio	$\frac{\text{current assets minus restricted assets}}{\text{current liabilities minus liabilities associated with restricted assets minus current liabilities associated with long term borrowings}}$	A measure of the Shire's immediate liquidity and the capacity to meet short term financial obligations from unrestricted current assets.	1.
Operating Surplus Ratio	$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue}}$	A measure of the extent to which own source revenues raised cover operational expenses.	1%
Own Source Revenue Coverage Ratio	$\frac{\text{own source operating revenue}}{\text{operating expense}}$	A measure of the extent of the Shire's ability to cover costs using only discretionary revenue.	40%
Debt Service Coverage Ratio	$\frac{\text{Annual operating surplus before interest and depreciation}}{\text{principal and interest}}$	A measure of the extent of the Shire's capacity to generate sufficient cash to cover debt payments.	3
Asset Consumption Ratio	$\frac{\text{depreciated replacement cost of assets}}{\text{current replacement cost of depreciation assets}}$	A measure of the aged condition of the Shire's physical assets.	50%
Asset Sustainability Ratio	$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation expense}}$	A measure of the extent to which assets managed by the Shire are being replaced as they reach the end of their useful lives.	90%
Asset Renewal Funding Ratio	$\frac{\text{NPV of planned capital renewals over 10 years}}{\text{NPV of required capital expenditure over 10 years}}$	The Shire's financial capacity to fund asset renewal to support existing service levels. (This ratio is based on the ten years forecast expenditure and as such is only able to be calculated of the first five years of the Plan).	75%

12.0 Improvement Plan

12.1 Strategic Resource Improvement Plan

All strategic plans require continuous development in order to improve the quality of planning. The following asset management areas are suggested as worthy of focus in the future.

Road Asset data: Road asset data requires review to better reflect the estimated remaining life of each unsealed road sector.

Hierarchy: A hierarchy exists for road assets and should be further developed for other asset classes.

Level of Service: Level of service measures were defined within the previous Asset Management Plan. No systems are currently in place to record and report against these levels of service.

Risk Management: Risk management is used as a decision making tool to define and treat risks facing the Shire when seeking to meet its defined objectives. The Shire is in the very early stages of utilising risk techniques. As risk management is developed, a greater understanding of risks will be formalised.

Operation and Maintenance: The Shire does not have a current documented Operation and Maintenance Strategy.

Renewal and Replacement: A key component of understanding long term asset funding requirements is determination of the extent and timing of likely costs to refurbish or replace an asset in future in order to maintain a consistent level of service to the community. Constant review and improvement to these forecasts is likely to result in improved planning outcomes.

New, Upgrade and Disposal: The Shire does not have a current documented Capital Investment Plan to address future asset demands or Asset Disposal Plan (other than the disposal of plant and equipment).

Standard Useful Life Estimates: Improvements in road asset records should enable better estimation of standard useful lives of road assets components based on the method of construction used.

There are a number of improvement actions as per the Asset Management Improvement Plan, some key improvement actions resulting from this Strategic Resourcing Plan are to:

- Report levels of service for key assets;
- Improve the accuracy of future financial forecasts through improved forecasting of operational, maintenance, renewal, new and upgrade costs; and
- Maintain formal asset maintenance and renewal programs for all assets.

List of Appendices

Appendix A1 – Critical Assets.....	2
Appendix A2 – Infrastructure - Roads.....	3
Appendix A3 – Infrastructure - Footpaths	9
Appendix A4 – Buildings	11
Appendix A5 – Infrastructure - Other	14
Appendix A6 – Plant and Equipment	16
Appendix A7 – Estimated Asset Life and Residual Value	19
Appendix B1 – Forecast Financial Statements	20
Appendix B2 – Forecast Statement of Comprehensive Income by Nature or Type 2022 – 2037	22
Appendix B3 – Forecast Statement of Comprehensive Income by Program 2022 – 2037.....	23
Appendix B4 – Forecast Statement of Financial Position 2022 – 2037	24
Appendix B5 – Forecast Statement of Changes in Equity 2022 – 2037	25
Appendix B6 – Forecast Statement of Cashflows 2022 – 2037.....	26
Appendix B7 – Forecast Statement of Funding 2022 – 2037.....	27
Appendix B8 – Forecast Statement of Net Current Asset Composition 2022 – 2037	28
Appendix B9 – Forecast Statement of Fixed Asset Movements 2022 – 2037.....	29
Appendix B10 – Forecast Statement of Capital Funding 2022 – 2037.....	30
Appendix B11 – Forecast Ratios 2022 – 2037.....	31
Appendix B12 – Asset Renewals 2022 – 2037	32
Appendix B13 – Forecast Significant Accounting Policies	33
Appendix C1 – Glossary	37
Other Matters.....	40

Appendix A1 – Critical Assets

1.1 Description

Along with regional and local distributor roads, a number of other assets have been nominated as critical to the Shire providing services to the community. These assets will be prioritised when allocating annual funding to help ensure they are maintained to an acceptable condition.

A list of these assets (excluding roads) is provided below along with their relevant estimated current replacement cost.

Asset	Current Replacement Cost (\$)
Shire Depot	333,696
Shire Administration Centre	1,601,831
Heavy Plant	1,587,543
Total	3,523,070

Maintenance requirements for these assets will be identified annually and prioritised through the Annual Budget cycle.

Road assets are discussed further in Appendix A2 with regional and local distributor roads being given funding prioritisation over other road assets as required.

Appendix A2 – Infrastructure - Roads

2.1 Significant Matters

The continued provision of the road network remains one of the key priorities for the Shire. Continued planning for future road infrastructure renewals, influenced by condition based estimation of the remaining useful life, is essential to reducing the risk of sudden unexpected road failure. Regional and local distributor roads, due to their strategic importance, will be given funding prioritisation over other road assets.

2.2 Road Inventory

The Shire of Menzies has a road network servicing an area of 124,110¹ square kilometres.

Road assets within this Plan include the following components:

- Subgrade;
- Pavement; and
- Seal.

Road asset information is recorded within a road inventory database by an external consultant and was extracted in November 2018, this forms the basis of the measurements and current replacement cost estimates. This information has been updated by management subsequent to the valuation. Verification of the accuracy of the valuation data is not within the scope of this Plan and has not been undertaken.

Utilising the dimension data held in the Shire's road asset database along with standard unit rates, the current replacement cost provided in the road infrastructure inventory system, has been estimated by management below.

Road Assets	Length (km)	Current Replacement Cost (\$)
Rural	4,555.44	133,360,360
Urban	13.10	703,026
Grand Total	4,568.54	134,063,386

The following table detail the components, segregated by the type of seal.

Infrastructure Roads Assets	Length (m)	Current Replacement Cost (\$)
Structural Asphaltic Concrete		
Subgrade Structure	135	10,206
Pavement Structure	135	13,073
Surface Structure	135	12,395
Thin Surfaced Flexible		
Subgrade Structure	66,825	5,033,846
Pavement Structure	66,825	6,374,687
Surface Structure	66,825	4,740,853
Unsealed		
Pavement Structure	471,097	6,497,469
Subgrade Structure	471,097	27,495,978
Unsealed - High Use		
Pavement Structure	719,148	33,132,761
Subgrade Structure	719,148	37,542,554
Unsealed - Low Use		
Pavement Structure	265,640	3,744,505
Subgrade Structure	265,640	9,833,616
Infrastructure Roads Total		134,063,386

¹ Australian Bureau of Statistics Menzies (S) (LGA55390) 2016 Census of Population and Housing, viewed 25 September 2019

Appendix A2 – Infrastructure - Roads (Continued)

2.3 Financial Summary

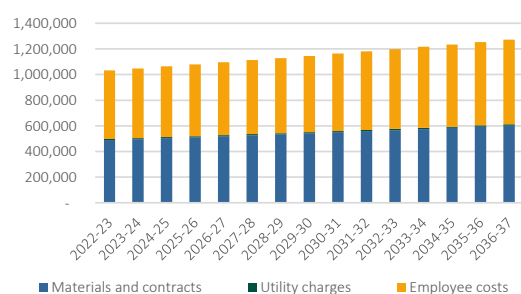
Financial impacts of managing the Shire road assets are broken down into maintenance, new and renewal expenditure, each of which is examined separately as follows.

2.3.1 Maintenance Expenditure

Road maintenance expenditure includes maintenance of associated infrastructure such as drainage and footpaths. Road maintenance expenditure is primarily related to the grading of unsealed roads and associated drainage clearing within the district along with a low level of reactionary minor repair works. As far as possible the road maintenance program is scheduled annually, based on staff knowledge of road conditions and expected traffic volumes.

Road maintenance expenditure is forecast to increase in line with inflation.

2.3.2 Maintenance Expenditure by Nature and Type



2.3.3 New Expenditure

Road safety related projects will be prioritised where issues are identified. External grant funding would be essential to achieve any safety upgrades.

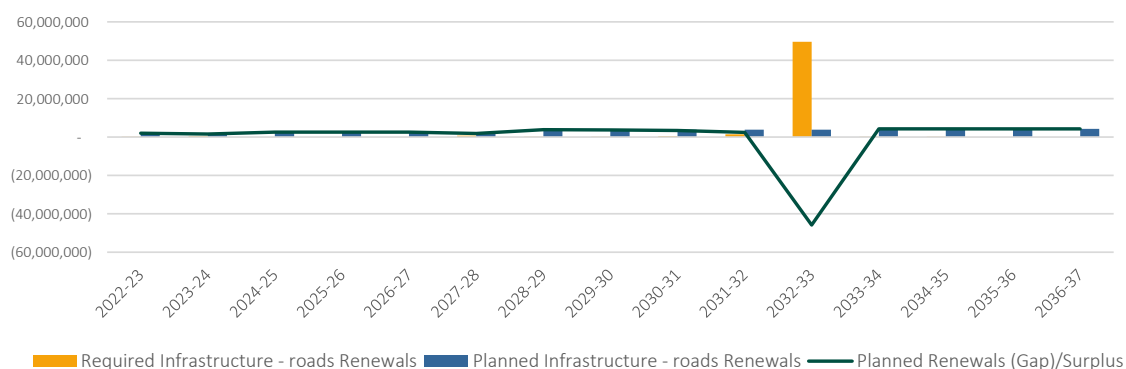
2.3.4 Renewal Expenditure

Road works are prioritised based on staff knowledge of the conditions of roads and expected usage patterns and this is conducted during the budget process. All planned works are funded through a combination of internal funds and external grants.

In the chart below, planned road expenditure is shown as blue columns, with required road renewals as the gold columns. The green line shows the difference between the two expenditure levels. Planned road renewal over the term totals \$50.69m. Required road renewal is calculated at \$52.83m for the term, overall there is a \$2.14m renewal deficit for the Shire's road assets.

The chart is dominated by the \$49.67m required renewals in 2032-33 which largely relates to the unsealed road pavements (\$46.97m). This renewal is planned to be undertaken through the term of the Plan rather than in one year, resulting in planned renewals being higher than required over the 15 years. Further review and update of this asset information should address this theoretical renewal requirement.

Required v Planned Asset Renewals



Appendix A2 – Infrastructure - Roads (Continued)

2.4 Forecast Planned and Required Road Renewal Expenditure

The level and extent of the renewal surplus is dependent on the accuracy of unit cost estimates and remaining useful life estimates for each road component. An improvement in this information will result in improved planning outcomes and enable the scheduling of works to minimise the negative impact of renewal spikes.

One of the largest impacts on road component lives is the volume and weight of traffic traversing a road length. Where this exceeds the roads construction capabilities sudden unexpected road failure may occur. Whilst road renewals may be forecast based on the age and condition of the asset, expected traffic volumes and weights are an important factor and difficult to forecast within Western Australian rural areas.

The values represented in the chart on the previous page are detailed in the table below.

	Required Roads Renewals \$	Planned Roads Renewals \$	Roads Renewal Funding (Gap)/Surplus \$
2022-23	2,368	2,046,297	2,043,929
2023-24	413,826	2,046,297	1,632,471
2024-25	0	2,596,297	2,596,297
2025-26	0	2,596,297	2,596,297
2026-27	0	2,596,297	2,596,297
2027-28	730,792	2,596,297	1,865,505
2028-29	44,234	3,846,297	3,802,063
2029-30	95,139	3,846,297	3,751,158
2030-31	460,216	3,846,297	3,386,081
2031-32	1,376,445	3,846,297	2,469,852
2032-33	49,669,398	3,846,297	(45,823,101)
2033-34	22,362	4,246,297	4,223,935
2034-35	18,795	4,246,297	4,227,502
2035-36	0	4,246,297	4,246,297
2036-37	0	4,246,297	4,246,297
Total	52,833,575	50,694,455	(2,139,120)

Asset preservation for the road network remains a key priority for the Council and ensuring appropriate funds are available to renew the road network when required is a key consideration of all planning.

2.5 Level of Service

Level of service measures have not been routinely recorded or reported on. Detailed performance measures and performance targets for road construction and maintenance have been developed through the review of the previously identified road level of service indicators and are shown in the following tables.

Speed and weight ratings of the road network are considered the best overall indicator of the level of service of the road network as a whole.

Appendix A2 – Infrastructure - Roads (Continued)

2.6 Road Construction

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Gravel Road Construction			
Condition	Gravel roads are constructed to a high standard.	Customer complaints.	One complaint per road per year.
Safety	To ensure that all roads are being constructed in a safe manner and road is made safe and signed correctly when unmanned.	Customer complaints.	One per road.
		Number of damage/injury claims.	0 claims.
Cost Effectiveness	Efficient capital works program.	Projects completed within the timeframe and on budget.	100% completed within timeframe and on budget.
Bitumen Road Construction			
Condition	Bitumen roads are constructed to a high standard.	Customer complaints.	One complaint per road per year.
Safety	To ensure that all roads are being constructed in a safe manner and road is made safe and signed correctly when unmanned.	Customer complaints.	One per road.
		Number of damage/injury claims.	0 claims.
Cost Effectiveness	Efficient capital works program.	Projects completed within the timeframe and on budget.	100% completed within timeframe and on budget.

Appendix A2 – Infrastructure - Roads (Continued)

2.7 Road Maintenance

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Gravel Road Maintenance			
Condition	Gravel roads are maintained to a high standard and on a regular basis. Drainage is also assessed in order to minimise the risk of flooding and damage.	Customer complaints.	One complaint per road per year.
		Routine road inspection.	One complaint per year with managers.
Function	To ensure that all gravel roads are maintained in order to provide a useable and safe transport network for users in all weather conditions.	Customer complaints.	One complaint per road per year.
	To ensure that any maintenance issues that arise are dealt with promptly.	Within 2 working days of notification.	95% addressed.
Safety	To provide a gravel road network that is free of hazards.	Hazard removed within 2 hours of notification.	95% addressed.
Cost Effectiveness	Efficient roads maintenance program.	Maintenance program completed within timeframe and on budget.	100% completed within timeframe and on budget.
Bitumen Road Maintenance/Drainage			
Condition	Bitumen roads are maintained to a high standard and on a regular basis. Drainage is also to be assessed and drains cleaned in order to minimise the risk of flooding and damage.	Customer complaints.	One complaint per road per year.
		Routine road inspection.	Two per year with managers.
Function	To ensure that all bituminised roads are maintained in order to provide a useable and safe transport network for users in all weather conditions.	Customer complaints.	One complaint per road per year.
	To ensure that any maintenance issues that arise are dealt with promptly.	Within 2 working days of notification.	95% addressed.
Safety	To provide a bituminised road network that is free of hazards.	Hazard removed within 2 hours of notification.	95% addressed.
Cost Effectiveness	Efficient roads maintenance program.	Maintenance program completed within timeframe and on budget.	100% completed within timeframe and on budget.

Appendix A2 – Infrastructure - Roads (Continued)

2.8 Risk Management

An assessment of risks associated with the delivery from road assets has identified the following risks and treatment strategies.

Risk	Consequence	Risk Rating	Risk Treatment
Asset condition decreases due to flood damage.	Desired level of service not maintained.	Medium	Ensure adequate drainage in road design and maintenance to mitigate risk of flood damage.
Climate change.	Likelihood of severe storm damage increases.	Medium	Consider climate change when managing assets.
Significant unforeseen increases in maintenance or renewal costs.	Desired level of service not maintained.	Medium	Monitor costs and adjust long-term plans accordingly.
Asset condition decreases due to inadequate renewal program.	Desired level of service not maintained.	Medium	Determine maintenance priorities based on lifecycle cost.
Sudden significant changes in population.	Sudden increase in level of service requirements.	Medium	Monitor population trends and industry developments in the region.
Asset condition decreases due to inadequate maintenance program.	Desired level of service not maintained.	Low	Determine maintenance priorities based risk assessment and lifecycle cost.
Traffic incident attributable to sub-standard road conditions or road layout.	Liability risk.	Low	Ensure road network is maintained in compliance with applicable standards.
Health and safety incident whilst working on assets causing fatality or serious injury.	Prosecution risk.	Low	Ensure Council has compliant Health and Safety policy. Ensure staff and contractors are trained in policy and all procedures are complied with.
Trip incident attributable to sub-standard footpath conditions.	Liability risk.	Low	Footpath network is maintained in compliance with applicable standards and inspected annually.

2.9 Improvement

Monitoring and reporting of the key performance measures is important to help ensure levels of service are maintained.

Continued improvement in the knowledge of the road network (including road conditions) and forecasting of road renewal timing and costs is essential for managing the road network. As renewal timing and cost forecasting improves, opportunities for efficiency gains may be identified and included within future plans.

Monitoring of actual renewal costs against estimated renewal costs will improve the accuracy of future unit cost estimates. Routine monitoring of traffic volumes and road conditions will further improve the ability of the Shire to forecast future road renewal priorities.

Appendix A3 – Infrastructure - Footpaths

3.1 Significant Matters

The Shire provides a network of footpaths for pedestrians and other users and has developed a basic footpath asset inventory and is developing and implementing an annual assessment process for related infrastructure. A footpath program has been identified to be established and implemented in the future.

3.2 Inventory

Given the limited length of footpaths in the district no detailed asset inventory is maintained. The current replacement cost is \$109,291.

3.3 Financial Summary

The financial impact of managing the Shire footpaths is broken down into maintenance, new and renewal expenditure each of which is examined separately.

3.3.1 Maintenance Expenditure

Routine maintenance expenditure is currently forecast based on historical data and staff experience and is considered during the annual budget process. It is comprised of materials and contracts.

3.3.2 New Asset Expenditure

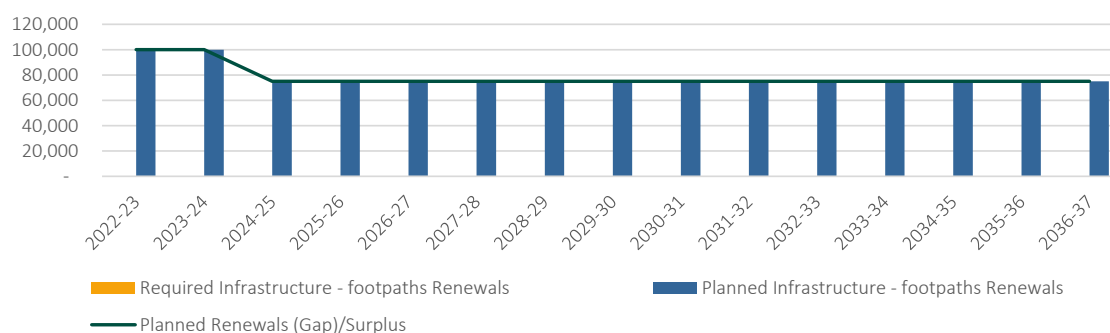
No new footpath asset expenditure is planned. External grant funding would be essential to achieve any upgrades.

3.3.3 Renewal Expenditure

Footpath renewal works are prioritised using staff knowledge of the conditions of the footpaths, current usage levels at the time of preparing the annual budget. Based on the previous valuation assessment, footpath renewals are not required within the next 15 years.

In the chart below, forecast planned footpaths expenditure is shown by the blue columns, with required footpaths renewals as the gold columns. The green line indicates the difference between the two expenditure levels. Planned footpaths renewal over the term totals \$1,175,000. Required footpaths renewal is not calculated, overall there is a \$1,175,000 renewal surplus for the Shire's footpaths assets.

Required v Planned Asset Renewals



Appendix A3 – Infrastructure - Footpaths (Continued)

3.4 Levels of Service

Levels of service have not been previously monitored. Detailed performance measures and performance targets for footpaths are defined in the table below.

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Condition	Footpaths are maintained to a reasonable standard and on a regular basis.	Customer complaints. Routine footpath inspection.	Two complaints per year. Two per year with managers.
Function	To ensure that all footpaths are maintained in order to provide a useable and safe footpaths network for users.	Customer complaints.	Two complaints per year.
	To ensure that any maintenance issues that arise are dealt with promptly.	Within 2 working days of notification.	95% addressed.
Safety	To provide a footpath network that is free of hazards.	Hazard removed within 2 hours of notification.	95% addressed.
Cost Effectiveness	Efficient footpath maintenance program.	Maintenance program completed within timeframe and on budget.	100% completed within timeframe and on budget.

3.5 Risk Management

An assessment of risks associated with holding furniture and equipment items has identified the following risks and the treatment strategy for each risk.

Risk	Consequence	Risk Rating	Risk Treatment Plan
Climate Change.	Likelihood of severe storm damage increases.	Medium	Consider climate change when managing assets.
Significant unforeseen increases in maintenance or renewal costs.	Desired level of service not maintained.	Medium	Monitor costs and adjust long-term plans accordingly.
Asset condition decreases due to inadequate renewal program.	Desired level of service not maintained.	Medium	Determine maintenance priorities based on lifecycle cost.
Sudden significant changes in population.	Sudden increase in level of service requirements.	Medium	Monitor population trends and industry developments in the region.
Asset condition decreases due to inadequate maintenance program.	Desired level of service not maintained.	Low	Determine maintenance priorities based risk assessment and lifecycle cost.
Traffic incident attributable to sub-standard road conditions or road layout.	Liability risk.	Low	Footpath network is maintained in compliance with applicable standards.
Health and safety incident whilst working on assets causing fatality or serious injury.	Prosecution risk.	Low	Ensure Council has compliant H&S policy. Ensure staff and contractors are trained in policy and all procedures are complied with.

3.6 Improvement Plan

Allocating resources to improving asset management planning for footpaths is not currently viewed as a priority as the associated risks are able to be managed through annual operational planning.

Appendix A4 – Buildings

4.1 Significant Matters

The Shire controls building assets which are vital to the provision of administrative and recreational facilities to the community.

The long life and high cost of renewing buildings results in significant spikes in future funding requirements as a building reaches a stage in its lifecycle when it can no longer provide the desired level of service. New design criteria usually result in buildings being constructed to a different standard on renewal which often results in the need for additional funding. Planning for adequate future funding of building renewals is one of the most significant long-term challenges for the Shire as it seeks to preserve assets for future generations.

4.2 Inventory

Land and buildings were valued by independent professional valuers in June 2020, based on an inspection undertaken. The replacement costs of major buildings contained within the valuation report is shown in the table to the right. A building inventory is maintained within the Shire's financial management system.

4.2.1 Composition of Estimated Current Replacement Cost of Building Assets

Buildings	Current Replacement Cost (\$)
Community	693,043
Depot and Administration	2,031,146
Historic Buildings	1,282,346
Other Housing	511,937
Recreation and Tourism	309,246
Staff Housing	1,500,050
Buildings Total	6,327,769

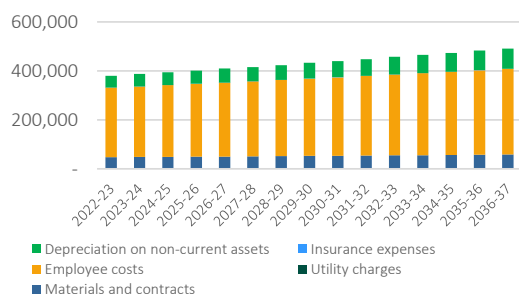
Appendix A4 – Buildings (Continued)

4.3 Financial Summary

The financial impacts of managing the Shire building assets has been broken down into maintenance, new and renewal expenditure, each of which is examined separately.

4.3.1 Maintenance Expenditure by Program

Routine maintenance expenditure is forecast to increase in line with inflation. A detailed building maintenance plan has been developed to help ensure buildings are maintained at a level to maximise their useful life and minimise the need to renew entire building structures.



4.3.2 New/Upgrade Asset Expenditure

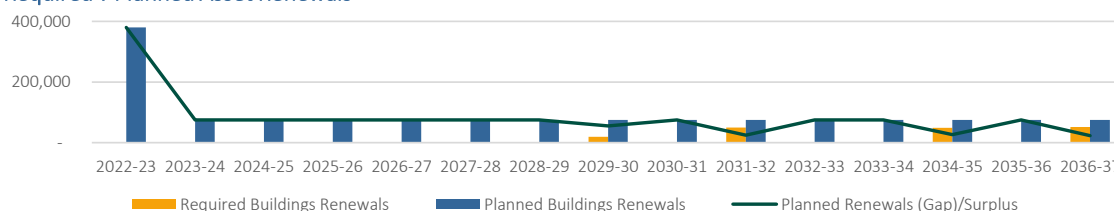
No additional items are forecast to be required over the life of this Plan.

4.3.3 Renewal Expenditure

Using the estimated remaining useful life and the 'reinstatement with new' values provided in the independent valuation report, the timing and extent of future required property renewals has been forecast (adjusted for inflation). Whilst the valuation indicates the required renewal timings given the forecast level of planned maintenance building assets are expected to last well beyond the indicated renewal timings.

Maintaining borrowing capacity or funds in an appropriate reserve is important to ensure funds are available in future years when buildings are required to be renewed due to the high level of expenditure in renewing building assets.

Required v Planned Asset Renewals



4.3.4 Forecast Planned and Required Building Renewal Expenditure

The table below details the required building renewal as per the latest building valuations.

	Required Building Renewals \$	Planned Building Renewals \$	Building Renewal Funding (Deficit)/Surplus \$
2022-23	0	380,000	380,000
2023-24	0	75,000	75,000
2024-25	0	75,000	75,000
2025-26	0	75,000	75,000
2026-27	0	75,000	75,000
2027-28	0	75,000	75,000
2028-29	0	75,000	75,000
2029-30	19,515	75,000	55,485
2030-31	0	75,000	75,000
2031-32	50,150	75,000	24,850
2032-33	0	75,000	75,000
2033-34	0	75,000	75,000
2034-35	48,841	75,000	26,159
2035-36	0	75,000	75,000
2036-37	51,937	75,000	23,063
Total	170,443	1,430,000	1,259,557

Appendix A4 – Buildings (Continued)

4.4 Level of Service

Detailed performance measures and performance targets for buildings are defined in the table below.

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Condition	The building's meets the expectations of the community.	Customer complaints.	One per year per building.
Function	To provide the communities with a facility that can be utilised for the purpose it was designed for.	Customer complaints.	One per year per building.
Safety	The building is safe and suitable for its intended use.	Number of injury claims	0 claims.

4.5 Risk Management

An assessment of risks associated with maintaining an inventory of building assets has identified the following risks and the treatment strategy for each risk.

Risk	Consequence	Risk Rating	Risk Treatment Plan
Public Liability incident attributable to sub-standard property conditions or property layout.	Liability Risk.	Medium	Ensure property assets are maintained in compliance with applicable standards.
Climate Change.	Likelihood of severe storm damage increases.	Medium	Consider climate change impacts when designing and managing assets.
Significant unforeseen increases in maintenance or renewal costs.	Desired level of service not maintained.	Medium	Monitor costs and adjust long-term plans accordingly.
Asset condition decreases due to inadequate renewal program.	Desired level of service not maintained.	Medium	Determine maintenance priorities based risk and on lifecycle cost.
Asset condition decreases due to inadequate maintenance program.	Desired level of service not maintained.	Low	Determine maintenance priorities based risk assessment and lifecycle cost.
Sudden significant increase in population.	Sudden increase in level of service requirements.	Low	Monitor population trends and industry developments in the region.
Health and safety incident whilst working on assets causing fatality or serious injury.	Prosecution risk.	Low	Ensure council has compliant Health and Safety policy. Ensure staff and contractors are trained in policy and all procedures are complied with.

4.6 Improvement

Improving asset management planning for buildings is not currently viewed as a priority, as risks are able to be managed through annual planning and improvements are limited by funding availability. Demand for building assets is expected to remain relatively stable into the future.

Enhanced monitoring and reporting of the key performance measures is important to help ensure the adequate maintenance of the Shire's building assets.

Appendix A5 – Infrastructure - Other

5.1 Significant Matters

The Shire provides a range of other infrastructure for residents and visitors including the following:

- Transport Infrastructure;
- Water Catchment;
- Community Infrastructure;
- Sporting Infrastructure;
- Tourism Infrastructure
- Signage; and
- Refuse Site.

The nature of these assets is one of changing requirements due to both community expectations and climatic conditions and will require further analysis to fully consider future funding requirements.

5.2 Inventory

The Shire's Other Infrastructure assets current replacement cost at the time of valuation at 30 June 2020 was \$3.79m.

5.2.1 Composition of Estimated Current Replacement Cost of Other Infrastructure Assets

Infrastructure - Other Assets	Current Replacement Cost (\$)
Transport Infrastructure	\$1,652,955
Water Catchment	\$41,033
Community Infrastructure	\$271,229
Sporting Infrastructure	\$358,772
Tourism Infrastructure	\$1,035,602
Signage	\$36,775
Refuse Site	\$391,895
Infrastructure – Other Assets Total	\$3,788,261

5.3 Financial Summary

The financial impact of managing the Shire's other infrastructure assets is broken down into maintenance, new and renewal expenditure, each of which is examined separately.

5.3.1 Maintenance Expenditure

Other infrastructure assets maintenance expenditure is forecast to increase in line with inflation.

5.3.2 New Expenditure

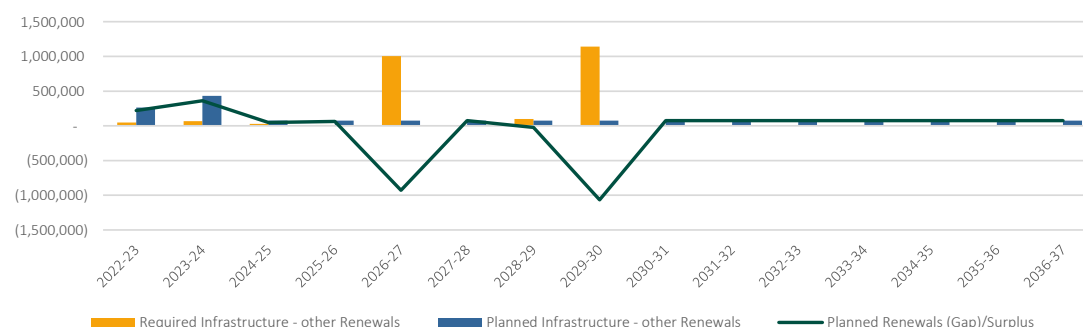
No additional items are forecast to be required over the life of this Plan.

5.3.3 Renewal Expenditure

Required other infrastructure asset renewals over the next 15 years have been forecast. Minor asset renewals will be determined and funded within the annual budget cycle. Renewal of other infrastructure assets will be considered on a case by case basis at the time the asset is viewed as requiring renewal.

In the chart below, planned expenditure is shown as the orange columns, with forecast required renewals shown as the blue columns. The grey line shows the variation between the two levels.

Required v Planned Asset Renewals



Appendix A5 – Infrastructure - Other (Continued)

5.4 Level of Service

Detailed performance measures and performance targets for Infrastructure –Other Assets are defined in the table below.

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Condition	Well maintained community facilities.	Customer complaints.	Under 5 per year
	Community satisfaction with asset.	Community survey.	90% satisfaction
Function	Fit for purpose.	Customer complaints.	Under 5 per year
	Community importance with asset.	Customer survey.	90% satisfaction
Safety	To ensure that any maintenance issues or hazards are dealt with promptly.	Issue or hazard is dealt with within one working day of notification. If hazard is serious to be addressed within 2 hours of notification.	95% addressed

5.5 Improvement

The improvement of asset management planning for Infrastructure – Other assets is not currently viewed as a priority as risks are able to be managed through annual operational planning.

Appendix A6 – Plant and Equipment

6.1 Significant Matters

The Shire has a large plant and equipment portfolio which includes items such as graders, tractors, prime movers and passenger vehicles. It also owns an extensive listing of furniture and equipment, such as office furniture, IT and communication equipment, to support operations.

A 15 year plant replacement program is updated on an annual basis as part of the Shire's annual budget process. Heavy plant is considered a critical asset, given the part it plays in responding to any natural emergency within the Shire.

6.2 Inventory

The table below separates the Shire's plant and equipment into the major asset types and shows the current replacement cost as per the Shire's internally produced plant replacement program. A register of plant and equipment is maintained within the financial reporting system.

6.2.1 Composition of Estimated Current Replacement Cost of Plant, Furniture and Equipment Assets

Asset	Current Replacement Cost \$
Heavy Plant	1,587,543
Light Vehicles	36,179
Sundry	12,762
Vehicles	419,257
Furniture and Equipment	75,187
Total	2,130,928

6.3 Financial Summary

The financial impacts of managing the Shire plant and equipment assets is broken down into maintenance, new and renewal expenditure, each of which is examined separately.

Maintenance is undertaken in accordance with manufacturers' guidelines and is provided for within the annual budget and this Plan. No significant changes to maintenance or operating expenditure are forecast.

6.3.1 New Expenditure

The current fleet of plant and equipment is forecast to maintain the requirements of the Shire and no additional items are forecast to be required over the life of this Plan.

6.3.2 Renewal Expenditure

The Shire does not have a replacement/renewal or maintenance program for furniture and equipment. Furniture and equipment purchases are considered on an annual basis as part of the Shire's annual budget allocations and are not planned in detail.

The plant replacement program is updated annually and is expected to remain fully funded by annual allocations to the Plant Replacement Cash Reserve.

The Plan has annual allocations for plant replacement expenditure based on the adopted program. In the chart following at 6.3.3, planned expenditure is shown as the blue columns with required renewals shown as the gold columns. The green line shows the variation between the two expenditure levels.

Appendix A6 – Plant and Equipment (Continued)

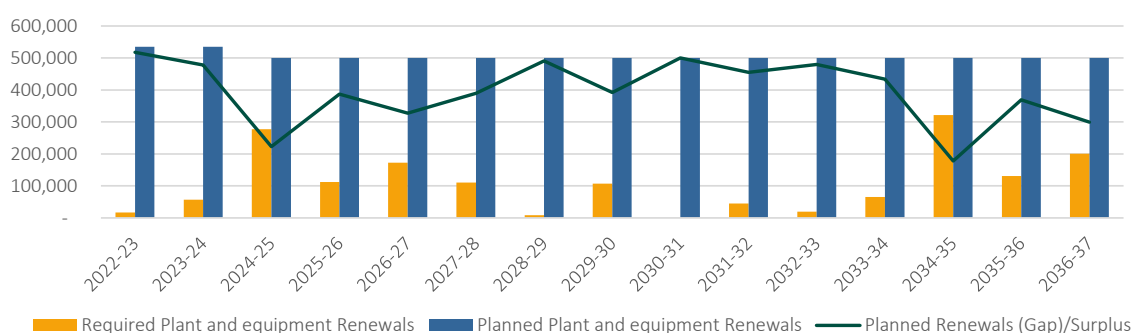
6.3.3 Forecast Planned and Required Plant and Equipment Renewal Expenditure

The chart reflects a lack of correlation between the Plant Replacement Program and the estimated useful life of plant and equipment provided by the valuers as the plant replacement program has been modified to available financial resources. Over the term of the Plan, planned asset renewals at \$7.57m are above the required asset renewals of \$5.92m.

6.3.4 Plant Disposals

This Plan incorporates the Shire's 15 year Plant Replacement Program. The Plant Replacement Program outlines the purchase, disposal and funding elements for plant and equipment.

Required v Planned Asset Renewals



Appendix A6 – Plant and Equipment (Continued)

6.4 Level of Service

Level of service measures were defined within the Shire's previously adopted Asset Management Plan.

Detailed performance measures and performance targets for plant and equipment replacement and maintenance are defined in the following table.

Key Performance Measure	Level of Service	Performance Measure Process	Performance Target
Fleet Management			
Function	To ensure Council employees are able to meet Council requirements.	Council plant and equipment is serviceable for all Council programs.	90% satisfaction.
	To ensure that Councils Capital Works Program is completed.	Capital Works Program completed on time and within budget.	100% completed and within budget.
	To ensure that any maintenance requirements are carried out.	Maintenance schedule adhered to.	100% completed and on time.
Compliance	All vehicles and plant are operated as they have been designed to do and in a safe manner.	Number of complaints/number of fines.	Two per year.

6.5 Risk Management

An assessment of risks associated with holding plant and equipment items has identified the following risks and the treatment strategy for each risk.

Risk Details	Consequence	Risk Rating	Treatment Strategy
Inadequate funding for renewal and maintenance resulting in deterioration of plant and equipment and an increase in maintenance and operating costs.	Desired level of service not maintained.	High	Ensure funding for renewals included within the plant replacement program and budgets.
Existing plant and equipment assets do not comply with regulations.	Prosecution risk.	High	Regular scheduled inspection and maintenance on all plant and equipment. Ensure safety systems in line with regulations.

6.6 Improvement Plan

Improving asset management planning for plant and equipment is not currently viewed as a priority as risks are able to be managed through annual operational planning. Demand for plant and equipment assets is expected to remain relatively stable into the future.

Appendix A7 – Estimated Asset Life and Residual Value

The table below lists the estimated useful life and residual value of assets to sub-class level. These values were used to calculate the planned renewal and depreciation of an asset.

Asset Class	Asset Sub-Class	Pavement Type	Estimated Useful Life	Materials Remaining in-situ
Infrastructure - Roads	Pavement Structure	Thin Surfaced Flexible	80	
Infrastructure - Roads	Pavement Structure	Unsealed - High Use	80	
Infrastructure - Roads	Pavement Structure	Thin Surfaced Flexible	35	
Infrastructure - Roads	Pavement Structure	Unsealed	80	
Infrastructure - Roads	Pavement Structure	Unsealed - High Use	25	
Infrastructure - Roads	Pavement Structure	Unsealed - Low Use	35	
Infrastructure - Roads	Pavement Structure	Unsealed	15	
Infrastructure - Roads	Pavement Structure	Structural Asphaltic Concrete	15	
Infrastructure - Roads	Subgrade Structure	Structural Asphaltic Concrete	100	100%
Infrastructure - Roads	Subgrade Structure	Thin Surfaced Flexible	100	100%
Infrastructure - Roads	Subgrade Structure	Unsealed - High Use	100	100%
Infrastructure - Roads	Subgrade Structure	Unsealed - Low Use	100	100%
Infrastructure - Roads	Subgrade Structure	Unsealed	100	100%
Infrastructure - Roads	Surface Structure	Structural Asphaltic Concrete	15	
Infrastructure - Roads	Surface Structure	Thin Surfaced Flexible	15	
Infrastructure - Roads	Surface Structure	Unsealed - High Use	15	
Infrastructure - Roads	Surface Structure	Unsealed - Low Use	15	
Infrastructure - Roads	Surface Structure	Unsealed	15	

Asset Class	Asset Sub-Class	Estimated Useful Life	Estimated Residual Value %
Buildings	Administration	50	
Buildings	Caravan Park	50	
Buildings	Community	50	
Buildings	Depot	50	
Buildings	Historic	50	
Buildings	Other Housing	50	
Buildings	Shelter	50	
Buildings	Staff Housing	50	
Buildings	Toilets	50	
Furniture and equipment		20	
Infrastructure - footpaths		50	
Infrastructure - other		50	
Infrastructure - parks and gardens		50	
Land - freehold land		100	100%
Plant and equipment		10	60%

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B1 – Forecast Financial Statements

Financial Statements

The following forecast financial statements have been prepared and are included at the end of the Plan.

These forecast statements have been prepared within a framework which accords with the Australian Accounting Standards.

The statements have been prepared based on a number of forecasts and estimates, and readers should ensure they have read and understood the reliance section under Other Matters at the end of the document.

Statements of Comprehensive Income

Often referred to as the operating statement, it shows the revenues and expenses over the periods classified by two methods (by Program and Nature or Type) to disclose a net result.

Statement of Financial Position

More commonly referred to as the Balance Sheet, this statement discloses the forecast changes in the balance of assets and liability accounts over the periods.

Statement of Changes in Equity

This statement discloses the changes in equity over the forecast period. It shows the impact of operations on net assets and the movement in cash backed and revaluation reserves.

Statement of Cashflows

Represents the forecast cash inflows and outflows and discloses the changes to the balance of cash over the period.

Statement of Funding

A statement combining operating and capital revenues and expenses and discloses the opening and closing net current forecast surplus (deficit) funding position for each year.

Statement of Net Current Asset Composition

A statement showing how the closing estimated surplus/deficit has been calculated.

Statement of Fixed Asset Movements

A summary of the impact of the Plan on the value of fixed assets over the period. It discloses the movements in the net value of property, plant, and equipment and infrastructure.

Statement of Fixed Asset Funding

A summary of the capital expenditure by asset class and the source of funding for each class.

Forecast Ratios

The forecast ratios required by the regulations and discussed earlier under monitoring and performance.

Nature or Type

A number of statements in the Plan are disclosed using nature or type descriptors of revenue and expenditure (for example Rates and Employee Costs). This classification is in accordance with Schedule 1 of the Local Government (Financial Management) Regulation 1996.

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 20

Appendix B1 – Forecast Financial Statements (Continued)

Service Programs

The Shire provides a wide variety of services to the community in order to achieve its vision and objectives. The following service program descriptions as per the *Local Government (Financial Management) Regulations 1996* are used in the Plan to represent these services, however not all services listed may be provided by the Shire of Menzies.

Objectives	Services	Objectives	Services
Governance	Members of Council Governance – general	Recreation and culture	Public halls, civic centre Swimming areas Other recreation and sport Television and radio re-broadcasting Libraries Other culture
General purpose funding	Rates Other general purpose funding	Transport	Streets, roads, bridges, depots - Construction (not capitalised) - Maintenance Road plant purchase (if not capitalised) Parking facilities Traffic control Aerodromes Water transport facilities
Law, order, public safety	Fire prevention Animal control Other law, order, public safety	Economic services	Rural services Tourism and area promotion Building control Sale yards and markets Plant nursery Other economic services
Health	Maternal and infant health Preventative services - Immunisation - Meat inspection - Administration and inspection - Pest control - Other Other health	Other property and services	Private works Public works overheads Plant operation Salaries and wages Unclassified Town Planning Schemes
Education and welfare	Pre-school Other education Care of families and children Aged and disabled - Senior citizens centres - Meals on wheels Other welfare		
Housing	Staff housing Other housing		
Community amenities	Sanitation - Household refuse - Other Sewerage Urban stormwater drainage Protection of environment Town planning and regional development Other community amenities		

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 21

Appendix B2 – Forecast Statement of Comprehensive Income by Nature or Type 2022 – 2037

	2018-19	2019-20	2020-21	Base	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Revenues																			
Rates	3,123,507	3,352,627	3,512,250	3,556,470	3,645,382	3,736,517	3,829,930	3,925,678	4,023,820	4,124,415	4,227,525	4,333,213	4,441,543	4,552,582	4,666,397	4,783,057	4,902,633	5,025,199	5,150,829
Operating grants, subsidies and contributions	2,938,278	2,690,890	3,073,846	1,646,099	3,051,253	3,097,022	3,143,477	3,190,629	3,238,488	3,287,066	3,336,372	3,386,418	3,437,215	3,488,772	3,541,104	3,594,221	3,648,134	3,702,856	3,758,398
Fees and charges	398,736	257,335	215,257	207,265	210,381	213,540	216,747	220,000	223,304	226,655	230,054	233,505	237,006	240,562	244,171	247,832	251,553	255,328	259,159
Interest earnings	337,268	252,350	133,258	112,500	141,591	149,925	172,654	194,607	218,522	244,478	272,549	277,823	284,890	293,828	304,723	317,662	324,742	333,892	345,204
Other revenue	28,364	98,911	14,980	35,135	35,664	36,200	36,744	37,296	37,857	38,425	39,002	39,587	40,181	40,786	41,399	42,021	42,652	43,292	43,942
	6,826,153	6,652,113	6,949,591	5,557,469	7,084,271	7,233,204	7,399,552	7,568,210	7,741,991	7,921,039	8,105,502	8,270,546	8,440,835	8,616,530	8,797,794	8,984,793	9,169,714	9,360,567	9,557,532
Expenses																			
Employee costs	(1,687,899)	(1,966,860)	(1,454,431)	(2,374,097)	(2,409,715)	(2,445,860)	(2,482,545)	(2,519,788)	(2,557,590)	(2,595,951)	(2,634,884)	(2,674,406)	(2,714,524)	(2,755,240)	(2,796,568)	(2,838,514)	(2,881,086)	(2,924,303)	(2,968,169)
Materials and contracts	(1,817,759)	(1,867,224)	(1,463,236)	(1,516,338)	(1,539,093)	(1,562,180)	(1,585,610)	(1,609,396)	(1,633,545)	(1,658,054)	(1,682,914)	(1,708,159)	(1,733,771)	(1,759,780)	(1,786,174)	(1,812,966)	(1,840,169)	(1,867,772)	(1,895,784)
Utility charges	(89,726)	(93,809)	(79,869)	(88,150)	(89,474)	(90,814)	(92,173)	(93,556)	(94,961)	(96,387)	(97,831)	(99,300)	(100,787)	(102,298)	(103,833)	(105,390)	(106,972)	(108,578)	(110,207)
Depreciation on non-current assets	(2,013,495)	(2,242,127)	(2,119,220)	(2,032,027)	(1,931,926)	(2,060,019)	(2,114,366)	(2,197,686)	(2,318,366)	(2,370,890)	(2,462,559)	(2,616,851)	(2,682,867)	(2,778,656)	(2,929,546)	(3,010,866)	(3,118,596)	(3,283,764)	(3,354,098)
Interest expenses	0	(529)	0	(112)	(82)	(57)	(32)	(6)	0	0	0	0	0	0	0	0	0	0	0
Insurance expenses	(137,988)	(122,358)	(127,474)	(135,382)	(137,412)	(139,475)	(141,568)	(143,690)	(145,845)	(148,031)	(150,253)	(152,505)	(154,793)	(157,116)	(159,471)	(161,864)	(164,291)	(166,758)	(169,261)
Other expenditure	(301,063)	(278,405)	(362,506)	(422,601)	(428,940)	(435,374)	(441,904)	(448,533)	(455,262)	(462,090)	(469,020)	(476,054)	(483,195)	(490,444)	(497,799)	(505,266)	(512,845)	(520,537)	(528,344)
	(6,047,930)	(6,571,312)	(5,606,736)	(6,568,707)	(6,536,642)	(6,733,779)	(6,858,198)	(7,012,655)	(7,205,569)	(7,331,403)	(7,497,461)	(7,727,275)	(7,869,937)	(8,043,534)	(8,273,391)	(8,434,866)	(8,623,959)	(8,871,712)	(9,025,863)
	778,223	80,801	1,342,855	(1,011,238)	547,629	499,425	541,354	555,555	536,422	589,636	608,041	543,271	570,898	572,996	524,403	549,927	545,755	488,855	531,669
Non-operating grants, subsidies and contributions	1,279,246	3,564,550	1,454,745	3,485,806	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Loss on revaluation	(18,922)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Profit on asset disposals	18,401	1,417	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Loss on asset disposal	(23,859)	(35,329)	0	(2,140)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NET RESULT	2,033,089	3,611,439	2,797,600	2,472,428	1,812,036	2,263,832	2,305,761	2,319,962	2,300,829	2,354,043	2,372,448	2,307,678	2,335,305	2,337,403	2,288,810	2,314,334	2,310,162	2,253,262	2,296,076
Other comprehensive income	639,667	1,883,862	0	0	656,452	5,453,664	75,637	1,108,294	5,832,811	0	757,904	6,779,748	0	784,949	6,855,484	389,809	920,402	7,454,028	0
TOTAL COMPREHENSIVE INCOME	2,672,756	5,495,301	2,797,600	2,472,428	2,468,488	7,717,496	2,381,398	3,428,256	8,133,640	2,354,043	3,130,352	9,087,426	2,335,305	3,122,352	9,144,294	2,704,143	3,230,564	9,707,290	2,296,076

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B3 – Forecast Statement of Comprehensive Income by Program 2022 – 2037

	2018-19	2019-20	2020-21	Base	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Revenue																			
Governance	7,676	6,634	24,285	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
General purpose funding	5,147,821	5,558,933	6,414,091	5,054,856	6,578,170	6,719,508	6,878,147	7,038,981	7,204,820	7,375,809	7,552,094	7,708,837	7,870,701	8,037,842	8,210,424	8,388,612	8,564,587	8,746,362	8,934,113
Law, order, public safety	6,554	10,686	18,116	14,650	10,811	10,974	11,139	11,307	11,477	11,650	11,826	12,004	12,185	12,368	12,554	12,743	12,935	13,129	13,326
Health	676	450	0	300	305	310	315	320	325	330	335	340	345	350	355	360	365	370	376
Housing	91,051	88,687	50,459	37,880	38,449	39,026	39,612	40,206	40,809	41,421	42,042	42,673	43,313	43,963	44,622	45,291	45,971	46,661	47,361
Community amenities	17,997	27,964	17,277	25,885	26,274	26,668	27,069	27,475	27,887	28,304	28,728	29,159	29,596	30,040	30,491	30,948	31,413	31,884	32,362
Recreation and culture	4,703	16,730	0	700	713	726	739	752	765	778	791	804	817	830	843	856	870	884	898
Transport	1,120,410	643,435	182,985	182,613	185,353	188,133	190,955	193,819	196,726	199,677	202,672	205,712	208,798	211,929	215,108	218,334	221,609	224,933	228,307
Economic services	396,793	246,923	223,577	212,150	215,334	218,564	221,842	225,170	228,549	231,978	235,456	238,986	242,569	246,209	249,904	253,654	257,460	261,322	265,241
Other property and services	32,472	51,671	18,801	28,435	28,862	29,295	29,734	30,180	30,633	31,092	31,558	32,031	32,511	32,999	33,493	33,995	34,504	35,022	35,548
	6,826,153	6,652,113	6,949,591	5,557,469	7,084,271	7,233,204	7,399,552	7,568,210	7,741,991	7,921,039	8,105,502	8,270,546	8,440,835	8,616,530	8,797,794	8,984,793	9,169,714	9,360,567	9,557,532
Expenses excluding finance costs																			
Governance	(813,644)	(881,861)	(970,094)	(1,018,987)	(1,034,272)	(1,049,784)	(1,065,526)	(1,081,511)	(1,097,737)	(1,114,202)	(1,130,914)	(1,147,877)	(1,165,091)	(1,182,573)	(1,200,312)	(1,218,311)	(1,236,587)	(1,255,135)	(1,273,956)
General purpose funding	(165,567)	(264,419)	(296,959)	(412,189)	(388,373)	(419,198)	(431,019)	(437,484)	(444,048)	(450,708)	(457,467)	(464,328)	(471,291)	(478,363)	(485,539)	(492,824)	(500,216)	(507,718)	(515,333)
Law, order, public safety	(98,801)	(110,478)	(102,992)	(135,187)	(136,927)	(139,201)	(141,340)	(143,577)	(145,926)	(148,155)	(150,499)	(153,015)	(155,368)	(157,821)	(160,430)	(162,919)	(165,501)	(168,246)	(170,817)
Health	(92,394)	(38,541)	(32,194)	(42,592)	(43,231)	(43,879)	(44,537)	(45,206)	(45,885)	(46,573)	(47,271)	(47,980)	(48,700)	(49,429)	(50,170)	(50,922)	(51,686)	(52,462)	(53,248)
Housing	(141,944)	(194,735)	(150,457)	(204,818)	(201,935)	(209,481)	(213,690)	(219,247)	(226,534)	(230,745)	(236,766)	(245,668)	(250,573)	(256,865)	(265,696)	(271,386)	(278,310)	(287,884)	(293,164)
Community amenities	(243,779)	(379,856)	(293,371)	(375,724)	(380,487)	(386,859)	(392,815)	(399,055)	(405,630)	(411,832)	(418,382)	(425,445)	(432,006)	(438,857)	(446,172)	(453,114)	(460,332)	(468,031)	(475,197)
Recreation and culture	(744,806)	(805,794)	(754,867)	(854,772)	(861,137)	(878,962)	(893,309)	(909,260)	(927,243)	(942,031)	(958,938)	(979,129)	(995,138)	(1,012,811)	(1,033,407)	(1,050,756)	(1,069,616)	(1,091,518)	(1,108,936)
Transport	(2,317,032)	(2,318,875)	(1,908,450)	(2,259,243)	(2,216,251)	(2,307,849)	(2,356,270)	(2,421,997)	(2,509,971)	(2,558,071)	(2,629,477)	(2,738,012)	(2,794,839)	(2,869,464)	(2,976,805)	(3,043,463)	(3,125,950)	(3,242,543)	(3,303,589)
Economic services	(1,216,727)	(921,397)	(887,150)	(1,262,109)	(1,270,856)	(1,297,655)	(1,318,947)	(1,342,759)	(1,369,748)	(1,391,680)	(1,416,927)	(1,447,336)	(1,471,136)	(1,497,536)	(1,528,517)	(1,554,361)	(1,582,558)	(1,615,534)	(1,641,414)
Other property and services	(213,236)	(654,827)	(210,201)	(2,974)	(3,091)	(854)	(713)	(12,553)	(32,847)	(37,406)	(50,820)	(78,485)	(85,795)	(99,815)	(126,343)	(136,810)	(153,203)	(182,641)	(190,209)
	(6,047,930)	(6,570,783)	(5,606,735)	(6,568,595)	(6,536,560)	(6,733,722)	(6,858,166)	(7,012,649)	(7,205,569)	(7,331,403)	(7,497,461)	(7,727,275)	(7,869,937)	(8,043,534)	(8,273,391)	(8,434,866)	(8,623,959)	(8,871,712)	(9,025,863)
Finance costs																			
Other property and services	0	(529)	0	(112)	(82)	(57)	(32)	(6)	0	0	0	0	0	0	0	0	0	0	0
	0	(529)	0	(112)	(82)	(57)	(32)	(6)	0	0	0	0	0	0	0	0	0	0	0
Non operating grants, subsidies and contributions																			
General purpose funding	0	0	489,788	1,531,180	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Recreation and culture	47,301	20,242	10,328	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Transport	1,121,945	3,423,720	954,628	1,954,626	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Economic services	110,000	120,588	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1,279,246	3,564,550	1,454,744	3,485,806	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Profit/(loss) on disposal of assets																			
Transport	2,942	(33,912)	0	(2,140)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	(5,458)	(33,912)	0	(2,140)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NET RESULT	2,033,089	3,611,439	2,797,600	2,472,428	1,812,036	2,263,832	2,305,761	2,319,962	2,300,829	2,354,043	2,372,448	2,307,678	2,335,305	2,337,403	2,288,810	2,314,334	2,310,162	2,253,262	2,296,076
Other comprehensive income	639,667	1,883,862	0	0	656,452	5,453,664	75,637	1,108,294	5,832,811	0	757,904	6,779,748	0	784,949	6,855,484	389,809	920,402	7,454,028	0
TOTAL COMPREHENSIVE INCOME	2,672,756	5,495,301	2,797,600	2,472,428	2,468,488	7,717,496	2,381,398	3,428,256	8,133,640	2,354,043	3,130,352	9,087,426	2,335,305	3,122,352	9,144,294	2,704,143	3,230,564	9,707,290	2,296,076

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B4 – Forecast Statement of Financial Position 2022 – 2037

	2019	2020	2021	Base	30 June 23	30 June 24	30 June 25	30 June 26	30 June 27	30 June 28	30 June 29	30 June 30	30 June 31	30 June 32	30 June 33	30 June 34	30 June 35	30 June 36	30 June 37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
CURRENT ASSETS																			
Unrestricted cash and cash equivalents	2,132,836	1,045,696	3,536,404	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276
Restricted cash and cash equivalent	8,500,931	11,856,155	12,302,101	7,076,280	7,492,892	8,629,368	9,727,095	10,922,695	12,220,593	13,624,229	13,887,939	14,241,171	14,688,046	15,232,808	15,879,867	16,233,770	16,691,231	17,256,960	17,935,837
Trade and other receivables	728,510	673,083	361,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465
Inventories	10,706	13,623	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092
Other assets	0	17,642	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358
TOTAL CURRENT ASSETS	11,372,983	13,606,199	16,221,420	7,177,471	7,594,083	8,730,559	9,828,286	11,023,886	12,321,784	13,725,420	13,989,130	14,342,362	14,789,237	15,333,999	15,981,058	16,334,961	16,792,422	17,358,151	18,037,028
NON-CURRENT ASSETS																			
Property plant and equipment	9,380,577	10,565,699	10,683,086	15,280,682	16,431,867	16,587,960	16,687,553	17,464,155	17,499,032	17,512,409	18,236,537	18,181,261	18,104,485	18,761,385	18,611,836	18,440,787	19,014,470	18,766,343	18,496,716
Infrastructure	117,269,232	118,875,551	118,597,032	125,513,450	126,413,088	132,836,937	134,019,912	135,475,215	142,276,080	143,213,110	145,355,624	154,145,094	156,110,300	158,030,990	166,677,774	169,199,063	171,398,483	180,788,171	182,674,997
TOTAL NON-CURRENT ASSETS	126,649,809	129,447,590	129,280,118	140,794,132	142,844,955	149,424,897	150,707,465	152,939,370	159,775,112	160,725,519	163,592,161	172,326,355	174,214,785	176,792,375	185,289,610	187,639,850	190,412,953	199,554,514	201,171,713
TOTAL ASSETS	138,022,792	143,053,789	145,501,538	147,971,603	150,439,038	158,155,456	160,535,751	163,963,256	172,096,896	174,450,939	177,581,291	186,668,717	189,004,022	192,126,374	201,270,668	203,974,811	207,205,375	216,912,665	219,208,741
CURRENT LIABILITIES																			
Trade and other payables	880,763	392,694	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191	101,191
Lease liabilities	0	3,985	3,985	1,622	1,078	1,103	751	0	0	0	0	0	0	0	0	0	0	0	0
Provisions	140,097	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107	197,107
TOTAL CURRENT LIABILITIES	1,020,860	593,786	302,283	299,920	299,376	299,401	299,049	298,298	298,298	298,298	298,298	298,298	298,298	298,298	298,298	298,298	298,298	298,298	298,298
NON-CURRENT LIABILITIES																			
Contract liabilities	0	0	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321	26,321
Lease liabilities	0	2,363	2,363	2,363	1,854	751	0	0	0	0	0	0	0	0	0	0	0	0	0
Provisions	81,268	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675	41,675
TOTAL NON-CURRENT LIABILITIES	81,268	44,038	70,359	70,359	69,850	68,747	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996	67,996
TOTAL LIABILITIES	1,102,128	637,824	372,642	370,279	369,226	368,148	367,045	366,294	366,294	366,294	366,294	366,294	366,294	366,294	366,294	366,294	366,294	366,294	366,294
NET ASSETS	136,920,664	142,415,965	145,128,896	147,601,324	150,069,812	157,787,308	160,168,706	163,596,962	171,730,602	174,084,645	177,214,997	186,302,423	188,637,728	191,760,080	200,904,374	203,608,517	206,839,081	216,546,371	218,842,447
EQUITY																			
Retained surplus	17,138,002	18,733,641	19,657,517	27,355,766	28,751,190	29,878,546	31,086,580	32,210,942	33,213,873	34,164,280	36,273,018	38,227,464	40,115,894	41,908,535	43,550,286	45,510,717	47,363,418	49,050,951	50,668,150
Reserves - cash backed	8,497,246	11,856,155	12,302,101	7,076,280	7,492,892	8,629,368	9,727,095	10,922,695	12,220,593	13,624,229	13,887,939	14,241,171	14,688,046	15,232,808	15,879,867	16,233,770	16,691,231	17,256,960	17,935,837
Asset revaluation surplus	111,285,416	111,826,169	113,169,278	113,169,278	113,825,730	119,279,394	119,355,031	120,463,325	126,296,136	126,296,136	127,054,040	133,833,788	133,833,788	134,618,737	141,474,221	141,864,030	142,784,432	150,238,460	150,238,460
TOTAL EQUITY	136,920,664	142,415,965	145,128,896	147,601,324	150,069,812	157,787,308	160,168,706	163,596,962	171,730,602	174,084,645	177,214,997	186,302,423	188,637,728	191,760,080	200,904,374	203,608,517	206,839,081	216,546,371	218,842,447

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B5 – Forecast Statement of Changes in Equity 2022 – 2037

	2019	2020	2021	Base	30 June 23	30 June 24	30 June 25	30 June 26	30 June 27	30 June 28	30 June 29	30 June 30	30 June 31	30 June 32	30 June 33	30 June 34	30 June 35	30 June 36	30 June 37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
RETAINED SURPLUS																			
Opening balance	15,104,913	18,481,111	17,305,863	19,657,517	27,355,766	28,751,190	29,878,546	31,086,580	32,210,942	33,213,873	34,164,280	36,273,018	38,227,464	40,115,894	41,908,535	43,550,286	45,510,717	47,363,418	49,050,951
Net result	2,033,089	3,611,439	2,797,600	2,472,428	1,812,036	2,263,832	2,305,761	2,319,962	2,300,829	2,354,043	2,372,448	2,307,678	2,335,305	2,337,403	2,288,810	2,314,334	2,310,162	2,253,262	2,296,076
Amount transferred (to)/from reserves		(3,358,909)	(445,946)	5,225,821	(416,612)	(1,136,476)	(1,097,727)	(1,195,600)	(1,297,898)	(1,403,636)	(263,710)	(353,232)	(446,875)	(544,762)	(647,059)	(353,903)	(457,461)	(565,729)	(678,877)
Closing balance	17,138,002	18,733,641	19,657,517	27,355,766	28,751,190	29,878,546	31,086,580	32,210,942	33,213,873	34,164,280	36,273,018	38,227,464	40,115,894	41,908,535	43,550,286	45,510,717	47,363,418	49,050,951	50,668,150
RESERVES - CASH/INVESTMENT BACKED																			
Opening balance	8,497,246	8,497,246	11,856,155	12,302,101	7,076,280	7,492,892	8,629,368	9,727,095	10,922,695	12,220,593	13,624,229	13,887,939	14,241,171	14,688,046	15,232,808	15,879,867	16,233,770	16,691,231	17,256,960
Amount transferred to/(from) retained surplus	0	3,358,909	445,946	(5,225,821)	416,612	1,136,476	1,097,727	1,195,600	1,297,898	1,403,636	263,710	353,232	446,875	544,762	647,059	353,903	457,461	565,729	678,877
Closing balance	8,497,246	11,856,155	12,302,101	7,076,280	7,492,892	8,629,368	9,727,095	10,922,695	12,220,593	13,624,229	13,887,939	14,241,171	14,688,046	15,232,808	15,879,867	16,233,770	16,691,231	17,256,960	17,935,837
ASSET REVALUATION SURPLUS																			
Opening balance	111,285,416	111,826,169	113,169,278	113,169,278	113,169,278	113,825,730	119,279,394	119,355,031	120,463,325	126,296,136	126,296,136	127,054,040	133,833,788	133,833,788	134,618,737	141,474,221	141,864,030	142,784,432	150,238,460
Total other comprehensive income	0	0	0	0	656,452	5,453,664	75,637	1,108,294	5,832,811	0	757,904	6,779,748	0	784,949	6,855,484	389,809	920,402	7,454,028	0
Closing balance	111,285,416	111,826,169	113,169,278	113,169,278	113,825,730	119,279,394	119,355,031	120,463,325	126,296,136	126,296,136	127,054,040	133,833,788	133,833,788	134,618,737	141,474,221	141,864,030	142,784,432	150,238,460	150,238,460
TOTAL EQUITY	136,920,664	142,415,965	145,128,896	147,601,324	150,069,812	157,787,308	160,168,706	163,596,962	171,730,602	174,084,645	177,214,997	186,302,423	188,637,728	191,760,080	200,904,374	203,608,517	206,839,081	216,546,371	218,842,447

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B6 – Forecast Statement of Cashflows 2022 – 2037

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Cash flows from operating activities															
Receipts															
Rates	3,645,382	3,736,517	3,829,930	3,925,678	4,023,820	4,124,415	4,227,525	4,333,213	4,441,543	4,552,582	4,666,397	4,783,057	4,902,633	5,025,199	5,150,829
Operating grants, subsidies and contributions	3,051,253	3,097,022	3,143,477	3,190,629	3,238,488	3,287,066	3,336,372	3,386,418	3,437,215	3,488,772	3,541,104	3,594,221	3,648,134	3,702,856	3,758,398
Fees and charges	210,381	213,540	216,747	220,000	223,304	226,655	230,054	233,505	237,006	240,562	244,171	247,832	251,553	255,328	259,159
Interest earnings	141,591	149,925	172,654	194,607	218,522	244,478	272,549	277,823	284,890	293,828	304,723	317,662	324,742	333,892	345,204
Other revenue	35,664	36,200	36,744	37,296	37,857	38,425	39,002	39,587	40,181	40,786	41,399	42,021	42,652	43,292	43,942
	7,084,271	7,233,204	7,399,552	7,568,210	7,741,991	7,921,039	8,105,502	8,270,546	8,440,835	8,616,530	8,797,794	8,984,793	9,169,714	9,360,567	9,557,532
Payments															
Employee costs	(2,409,715)	(2,445,860)	(2,482,545)	(2,519,788)	(2,557,590)	(2,595,951)	(2,634,884)	(2,674,406)	(2,714,524)	(2,755,240)	(2,796,568)	(2,838,514)	(2,881,086)	(2,924,303)	(2,968,169)
Materials and contracts	(1,539,093)	(1,562,180)	(1,585,610)	(1,609,396)	(1,633,545)	(1,658,054)	(1,682,914)	(1,708,159)	(1,733,771)	(1,759,780)	(1,786,174)	(1,812,966)	(1,840,169)	(1,867,772)	(1,895,784)
Utility charges	(89,474)	(90,814)	(92,173)	(93,556)	(94,961)	(96,387)	(97,831)	(99,300)	(100,787)	(102,298)	(103,833)	(105,390)	(106,972)	(108,578)	(110,207)
Interest expenses	(82)	(57)	(32)	(6)	0	0	0	0	0	0	0	0	0	0	0
Insurance expenses	(137,412)	(139,475)	(141,568)	(143,690)	(145,845)	(148,031)	(150,253)	(152,505)	(154,793)	(157,116)	(159,471)	(161,864)	(164,291)	(166,758)	(169,261)
Other expenditure	(428,940)	(435,374)	(441,904)	(448,533)	(455,262)	(462,090)	(469,020)	(476,054)	(483,195)	(490,444)	(497,799)	(505,266)	(512,845)	(520,537)	(528,344)
	(4,604,716)	(4,673,760)	(4,743,832)	(4,814,969)	(4,887,203)	(4,960,513)	(5,034,902)	(5,110,424)	(5,187,070)	(5,264,878)	(5,343,845)	(5,424,000)	(5,505,363)	(5,587,948)	(5,671,765)
Net cash provided by (used in) operating activities	2,479,555	2,559,444	2,655,720	2,753,241	2,854,788	2,960,526	3,070,600	3,160,122	3,253,765	3,351,652	3,453,949	3,560,793	3,664,351	3,772,619	3,885,767
Cash flows from investing activities															
Payments for purchase of property, plant & equipment	(915,000)	(610,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)
Payments for construction of infrastructure	(2,411,297)	(2,576,297)	(2,746,297)	(2,746,297)	(2,746,297)	(2,746,297)	(3,996,297)	(3,996,297)	(3,996,297)	(3,996,297)	(3,996,297)	(4,396,297)	(4,396,297)	(4,396,297)	(4,396,297)
Proceeds from non-operating grants, subsidies and contributions	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Net cash provided by (used in) investing activities	(2,061,890)	(1,421,890)	(1,556,890)	(1,556,890)	(1,556,890)	(1,556,890)	(2,806,890)	(2,806,890)	(2,806,890)	(2,806,890)	(2,806,890)	(3,206,890)	(3,206,890)	(3,206,890)	(3,206,890)
Cash flows from financing activities															
Repayment of leases	(1,053)	(1,078)	(1,103)	(751)	0	0	0	0	0	0	0	0	0	0	0
Net cash provided by (used in) financing activities	(1,053)	(1,078)	(1,103)	(751)	0	0	0	0	0	0	0	0	0	0	0
Net increase (decrease) in cash held	416,612	1,136,476	1,097,727	1,195,600	1,297,898	1,403,636	263,710	353,232	446,875	544,762	647,059	353,903	457,461	565,729	678,877
Cash at beginning of year	7,079,556	7,496,168	8,632,644	9,730,371	10,925,971	12,223,869	13,627,505	13,891,215	14,244,447	14,691,322	15,236,084	15,883,143	16,237,046	16,694,507	17,260,236
Cash and cash equivalents at the end of year	7,496,168	8,632,644	9,730,371	10,925,971	12,223,869	13,627,505	13,891,215	14,244,447	14,691,322	15,236,084	15,883,143	16,237,046	16,694,507	17,260,236	17,939,113
Reconciliation of net cash provided by operating activities to net result															
Net result	1,812,036	2,263,832	2,305,761	2,319,962	2,300,829	2,354,043	2,372,448	2,307,678	2,335,305	2,337,403	2,288,810	2,314,334	2,310,162	2,253,262	2,296,076
Depreciation	1,931,926	2,060,019	2,114,366	2,197,686	2,318,366	2,370,890	2,462,559	2,616,851	2,682,867	2,778,656	2,929,546	3,010,866	3,118,596	3,283,764	3,354,098
Grants/contributions for the development of assets	(1,264,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)	(1,764,407)
Net cash from operating activities	2,479,555	2,559,444	2,655,720	2,753,241	2,854,788	2,960,526	3,070,600	3,160,122	3,253,765	3,351,652	3,453,949	3,560,793	3,664,351	3,772,619	3,885,767

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B7 – Forecast Statement of Funding 2022 – 2037

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
FUNDING FROM OPERATIONAL ACTIVITIES															
Revenues															
Rates	3,645,382	3,736,517	3,829,930	3,925,678	4,023,820	4,124,415	4,227,525	4,333,213	4,441,543	4,552,582	4,666,397	4,783,057	4,902,633	5,025,199	5,150,829
Operating grants, subsidies and contributions	3,051,253	3,097,022	3,143,477	3,190,629	3,238,488	3,287,066	3,336,372	3,386,418	3,437,215	3,488,772	3,541,104	3,594,221	3,648,134	3,702,856	3,758,398
Fees and charges	210,381	213,540	216,747	220,000	223,304	226,655	230,054	233,505	237,006	240,562	244,171	247,832	251,553	255,328	259,159
Interest earnings	141,591	149,925	172,654	194,607	218,522	244,478	272,549	277,823	284,890	293,828	304,723	317,662	324,742	333,892	345,204
Other revenue	35,664	36,200	36,744	37,296	37,857	38,425	39,002	39,587	40,181	40,786	41,399	42,021	42,652	43,292	43,942
	7,084,271	7,233,204	7,399,552	7,568,210	7,741,991	7,921,039	8,105,502	8,270,546	8,440,835	8,616,530	8,797,794	8,984,793	9,169,714	9,360,567	9,557,532
Expenses															
Employee costs	(2,409,715)	(2,445,860)	(2,482,545)	(2,519,788)	(2,557,590)	(2,595,951)	(2,634,884)	(2,674,406)	(2,714,524)	(2,755,240)	(2,796,568)	(2,838,514)	(2,881,086)	(2,924,303)	(2,968,169)
Materials and contracts	(1,539,093)	(1,562,180)	(1,585,610)	(1,609,396)	(1,633,545)	(1,658,054)	(1,682,914)	(1,708,159)	(1,733,771)	(1,759,780)	(1,786,174)	(1,812,966)	(1,840,169)	(1,867,772)	(1,895,784)
Utility charges (electricity, gas, water etc.)	(89,474)	(90,814)	(92,173)	(93,556)	(94,961)	(96,387)	(97,831)	(99,300)	(100,787)	(102,298)	(103,833)	(105,390)	(106,972)	(108,578)	(110,207)
Depreciation on non-current assets	(1,931,926)	(2,060,019)	(2,114,366)	(2,197,686)	(2,318,366)	(2,370,890)	(2,462,559)	(2,616,851)	(2,682,867)	(2,778,656)	(2,929,546)	(3,010,866)	(3,118,596)	(3,283,764)	(3,354,098)
Interest expense	(82)	(57)	(32)	(6)	0	0	0	0	0	0	0	0	0	0	0
Insurance expense	(137,412)	(139,475)	(141,568)	(143,690)	(145,845)	(148,031)	(150,253)	(152,505)	(154,793)	(157,116)	(159,471)	(161,864)	(164,291)	(166,758)	(169,261)
Other expenditure	(428,940)	(435,374)	(441,904)	(448,533)	(455,262)	(462,090)	(469,020)	(476,054)	(483,195)	(490,444)	(497,799)	(505,266)	(512,845)	(520,537)	(528,344)
	(6,536,642)	(6,733,779)	(6,858,198)	(7,012,655)	(7,205,569)	(7,331,403)	(7,497,461)	(7,727,275)	(7,869,937)	(8,043,534)	(8,273,391)	(8,434,866)	(8,623,959)	(8,871,712)	(9,025,863)
	547,629	499,425	541,354	555,555	536,422	589,636	608,041	543,271	570,898	572,996	524,403	549,927	545,755	488,855	531,669
Funding position adjustments															
Depreciation on non-current assets	1,931,926	2,060,019	2,114,366	2,197,686	2,318,366	2,370,890	2,462,559	2,616,851	2,682,867	2,778,656	2,929,546	3,010,866	3,118,596	3,283,764	3,354,098
Net profit and losses on disposal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Net funding from operational activities	2,479,555	2,559,444	2,655,720	2,753,241	2,854,788	2,960,526	3,070,600	3,160,122	3,253,765	3,351,652	3,453,949	3,560,793	3,664,351	3,772,619	3,885,767
FUNDING FROM CAPITAL ACTIVITIES															
Inflows															
Non-operating grants, subsidies and contributions	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Outflows															
Purchase of property plant and equipment	(915,000)	(610,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)	(575,000)
Purchase of infrastructure	(2,411,297)	(2,576,297)	(2,746,297)	(2,746,297)	(2,746,297)	(2,746,297)	(3,996,297)	(3,996,297)	(3,996,297)	(3,996,297)	(3,996,297)	(4,396,297)	(4,396,297)	(4,396,297)	(4,396,297)
Net funding from capital activities	(2,061,890)	(1,421,890)	(1,556,890)	(1,556,890)	(1,556,890)	(1,556,890)	(2,806,890)	(2,806,890)	(2,806,890)	(2,806,890)	(2,806,890)	(3,206,890)	(3,206,890)	(3,206,890)	(3,206,890)
FUNDING FROM FINANCING ACTIVITIES															
Inflows															
Transfer from reserves	980,000	275,000	70,000	30,000	0	0	50,000	50,000	0	0	0	0	0	0	0
Outflows															
Transfer to reserves	(1,396,612)	(1,411,476)	(1,167,727)	(1,225,600)	(1,297,898)	(1,403,636)	(313,710)	(403,232)	(446,875)	(544,762)	(647,059)	(353,903)	(457,461)	(565,729)	(678,877)
Principal elements of finance lease payments	(1,053)	(1,078)	(1,103)	(751)	0	0	0	0	0	0	0	0	0	0	0
Net funding from financing activities	(417,665)	(1,137,554)	(1,098,830)	(1,196,351)	(1,297,898)	(1,403,636)	(263,710)	(353,232)	(446,875)	(544,762)	(647,059)	(353,903)	(457,461)	(565,729)	(678,877)
Estimated surplus/deficit July 1 B/Fwd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated surplus/deficit June 30 C/Fwd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Funding available/(to be sourced)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 27

Appendix B8 – Forecast Statement of Net Current Asset Composition 2022 – 2037

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Estimated surplus/deficit July 1 B/Fwd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CURRENT ASSETS															
Unrestricted cash and equivalents	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276	3,276
Restricted cash and cash equivalent	7,492,892	8,629,368	9,727,095	10,922,695	12,220,593	13,624,229	13,887,939	14,241,171	14,688,046	15,232,808	15,879,867	16,233,770	16,691,231	17,256,960	17,935,837
Trade and other receivables	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465	76,465
Inventories	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092	13,092
Other assets	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358	8,358
CURRENT LIABILITIES															
Trade and other payables	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)	(101,191)
Reserves	(7,492,892)	(8,629,368)	(9,727,095)	(10,922,695)	(12,220,593)	(13,624,229)	(13,887,939)	(14,241,171)	(14,688,046)	(15,232,808)	(15,879,867)	(16,233,770)	(16,691,231)	(17,256,960)	(17,935,837)
Estimated surplus/deficit June 30 C/Fwd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 28

Appendix B9 – Forecast Statement of Fixed Asset Movements 2022 – 2037

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
CAPITAL WORKS - INFRASTRUCTURE															
Infrastructure - roads	2,046,297	2,046,297	2,596,297	2,596,297	2,596,297	2,596,297	3,846,297	3,846,297	3,846,297	3,846,297	3,846,297	4,246,297	4,246,297	4,246,297	4,246,297
Infrastructure - other	265,000	430,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - footpaths	100,000	100,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Total capital works - infrastructure	2,411,297	2,576,297	2,746,297	2,746,297	2,746,297	2,746,297	3,996,297	3,996,297	3,996,297	3,996,297	3,996,297	4,396,297	4,396,297	4,396,297	4,396,297
Represented by:															
Additions - renewal	2,411,297	2,576,297	2,746,297	2,746,297	2,746,297	2,746,297	3,996,297	3,996,297	3,996,297	3,996,297	3,996,297	4,396,297	4,396,297	4,396,297	4,396,297
Total Capital Works - Infrastructure	2,411,297	2,576,297	2,746,297	2,746,297	2,746,297	2,746,297	3,996,297	3,996,297	3,996,297	3,996,297	3,996,297	4,396,297	4,396,297	4,396,297	4,396,297
Asset movement reconciliation															
Total capital works infrastructure	2,411,297	2,576,297	2,746,297	2,746,297	2,746,297	2,746,297	3,996,297	3,996,297	3,996,297	3,996,297	3,996,297	4,396,297	4,396,297	4,396,297	4,396,297
Depreciation infrastructure	(1,511,659)	(1,606,112)	(1,638,959)	(1,679,063)	(1,778,243)	(1,809,267)	(1,853,783)	(1,986,575)	(2,031,091)	(2,075,607)	(2,204,997)	(2,264,817)	(2,316,969)	(2,460,637)	(2,509,471)
Revaluation of infrastructure assets (inflation)	0	5,453,664	75,637	388,069	5,832,811	0	0	6,779,748	0	0	6,855,484	389,809	120,092	7,454,028	0
Net movement in infrastructure assets	899,638	6,423,849	1,182,975	1,455,303	6,800,865	937,030	2,142,514	8,789,470	1,965,206	1,920,690	8,646,784	2,521,289	2,199,420	9,389,688	1,886,826
CAPITAL WORKS - PROPERTY, PLANT AND EQUIPMENT															
Buildings	380,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Plant and equipment	535,000	535,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total capital works property, plant and equipment	915,000	610,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
Represented by:															
Additions - renewal	915,000	610,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
Total capital works property, plant and equipment	915,000	610,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
Asset movement reconciliation															
Total capital works property, plant and equipment	915,000	610,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
Depreciation property, plant and equipment	(420,267)	(453,907)	(475,407)	(518,623)	(540,123)	(561,623)	(608,776)	(630,276)	(651,776)	(703,049)	(724,549)	(746,049)	(801,627)	(823,127)	(844,627)
Revaluation of property, plant and equipment (inflation)	656,452	0	0	720,225	0	0	757,904	0	0	784,949	0	0	800,310	0	0
Net movement in property, plant and equipment	1,151,185	156,093	99,593	776,602	34,877	13,377	724,128	(55,276)	(76,776)	656,900	(149,549)	(171,049)	573,683	(248,127)	(269,627)
CAPITAL WORKS - TOTALS															
Capital works															
Total capital works infrastructure	2,411,297	2,576,297	2,746,297	2,746,297	2,746,297	2,746,297	3,996,297	3,996,297	3,996,297	3,996,297	3,996,297	4,396,297	4,396,297	4,396,297	4,396,297
Total capital works property, plant and equipment	915,000	610,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000	575,000
Total capital works	3,326,297	3,186,297	3,321,297	3,321,297	3,321,297	3,321,297	4,571,297	4,571,297	4,571,297	4,571,297	4,571,297	4,971,297	4,971,297	4,971,297	4,971,297
Fixed asset movement															
Net movement in infrastructure assets	899,638	6,423,849	1,182,975	1,455,303	6,800,865	937,030	2,142,514	8,789,470	1,965,206	1,920,690	8,646,784	2,521,289	2,199,420	9,389,688	1,886,826
Net movement in property, plant and equipment	1,151,185	156,093	99,593	776,602	34,877	13,377	724,128	(55,276)	(76,776)	656,900	(149,549)	(171,049)	573,683	(248,127)	(269,627)
Net movement in fixed assets	2,050,823	6,579,942	1,282,568	2,231,905	6,835,742	950,407	2,866,642	8,734,194	1,888,430	2,577,590	8,497,235	2,350,240	2,773,103	9,141,561	1,617,199

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B10 – Forecast Statement of Capital Funding 2022 – 2037

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Capital expenditure															
Infrastructure - roads	2,046,297	2,046,297	2,596,297	2,596,297	2,596,297	2,596,297	3,846,297	3,846,297	3,846,297	3,846,297	3,846,297	4,246,297	4,246,297	4,246,297	4,246,297
Infrastructure - other	265,000	430,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - footpaths	100,000	100,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Buildings	380,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Plant and equipment	535,000	535,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total - Capital expenditure	3,326,297	3,186,297	3,321,297	3,321,297	3,321,297	3,321,297	4,571,297	4,571,297	4,571,297	4,571,297	4,571,297	4,971,297	4,971,297	4,971,297	4,971,297
Funded by:															
Capital grants & contributions															
Infrastructure - roads	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Total - Capital grants & contributions	1,264,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407	1,764,407
Own source funding															
Infrastructure - roads	781,890	281,890	831,890	831,890	831,890	831,890	2,081,890	2,081,890	2,081,890	2,081,890	2,081,890	2,481,890	2,481,890	2,481,890	2,481,890
Infrastructure - other	265,000	430,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - footpaths	100,000	100,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Buildings	380,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Plant and equipment	535,000	535,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Total - Own source funding	2,061,890	1,421,890	1,556,890	1,556,890	1,556,890	1,556,890	2,806,890	2,806,890	2,806,890	2,806,890	2,806,890	3,206,890	3,206,890	3,206,890	3,206,890
Total Capital Funding	3,326,297	3,186,297	3,321,297	3,321,297	3,321,297	3,321,297	4,571,297	4,571,297	4,571,297	4,571,297	4,571,297	4,971,297	4,971,297	4,971,297	4,971,297
Unfunded - capital works															
Total - Unfunded - capital works	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 30

Appendix B11 – Forecast Ratios 2022 – 2037

	Target Range		Average	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37		
LIQUIDITY RATIOS																				
Current ratio	>	1.00	>	1.20	1.00	0.99	0.99	0.99	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		
OPERATING RATIOS																				
Operating surplus ratio	>	1.00%	>	15.00%	11.34%	13.58%	12.07%	12.72%	12.69%	11.91%	12.72%	12.75%	11.12%	11.41%	11.17%	9.98%	10.20%	9.88%	8.64%	9.17%
Own source revenue coverage ratio	>	40.00%	>	60.00%	63.13%	61.70%	61.42%	62.06%	62.42%	62.50%	63.21%	63.61%	63.21%	63.58%	63.75%	63.54%	63.91%	64.03%	63.77%	64.25%
BORROWINGS RATIOS																				
Debt service cover ratio	>	3	>	5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FIXED ASSET RATIOS																				
Asset sustainability ratio	>	90.00%	>	110.00%	159.59%	172.18%	154.67%	157.08%	151.13%	143.26%	140.09%	185.63%	174.69%	170.39%	164.51%	156.04%	165.11%	159.41%	151.39%	148.22%
Asset consumption ratio	>	50.00%	>	60.00%	86.35%	93.84%	92.74%	91.59%	90.39%	89.35%	88.24%	87.15%	86.19%	85.19%	84.11%	83.23%	82.24%	81.19%	80.37%	79.43%
Asset renewal funding ratio	>	75.00%	>	95.00%	175.69%	569.53%	73.63%	76.55%	78.43%	80.34%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Refer to Appendix B13 – Forecast Significant Accounting Policies

Shire of Menzies Draft Strategic Resource Plan 2022 – 2037

Appendix Page 31

Appendix B12 – Asset Renewals 2022 – 2037

Required Asset Renewals

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Class															
Buildings	0	0	0	0	0	0	0	19,515	0	50,150	0	0	48,841	0	51,937
Furniture and equipment	13,916	0	0	0	0	0	0	2,204	0	0	0	0	0	0	0
Plant and equipment	17,244	56,702	277,408	112,596	172,887	110,726	8,933	107,472	0	44,738	20,012	65,805	321,943	130,671	200,643
Infrastructure - roads	2,368	413,826	0	0	0	730,792	44,234	95,139	460,216	1,376,445	49,669,398	22,362	18,795	0	0
Infrastructure - other	45,890	68,946	27,311	13,294	1,002,770	0	98,028	1,140,934	0	0	0	0	0	0	0
Infrastructure - parks and gardens	0	0	0	0	0	0	0	0	0	276,511	0	0	0	0	0
Total	79,418	539,474	304,719	125,890	1,175,657	841,518	151,195	1,365,264	460,216	1,747,844	49,689,410	88,167	389,579	130,671	252,580

Planned Asset Renewals

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Class															
Buildings	380,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Plant and equipment	535,000	535,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Infrastructure - roads	2,046,297	2,046,297	2,596,297	2,596,297	2,596,297	2,596,297	3,846,297	3,846,297	3,846,297	3,846,297	3,846,297	4,246,297	4,246,297	4,246,297	4,246,297
Infrastructure - other	265,000	430,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - footpaths	100,000	100,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Total	3,326,297	3,186,297	3,321,297	3,321,297	3,321,297	3,321,297	4,571,297	4,571,297	4,571,297	4,571,297	4,571,297	4,971,297	4,971,297	4,971,297	4,971,297

Asset Renewal Funding Surplus (Deficit)

	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Asset Class															
Buildings	380,000	75,000	75,000	75,000	75,000	75,000	75,000	55,485	75,000	24,850	75,000	75,000	26,159	75,000	23,063
Furniture and equipment	(13,916)	0	0	0	0	0	0	(2,204)	0	0	0	0	0	0	0
Plant and equipment	517,756	478,298	222,592	387,404	327,113	389,274	491,067	392,528	500,000	455,262	479,988	434,195	178,057	369,329	299,357
Infrastructure - roads	2,043,929	1,632,471	2,596,297	2,596,297	2,596,297	1,865,505	3,802,063	3,751,158	3,386,081	2,469,852	(45,823,101)	4,223,935	4,227,502	4,246,297	4,246,297
Infrastructure - other	219,110	361,054	47,689	61,706	(927,770)	75,000	(23,028)	(1,065,934)	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - footpaths	100,000	100,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000
Infrastructure - parks and gardens	0	0	0	0	0	0	0	0	0	(276,511)	0	0	0	0	0
Total	3,246,879	2,646,823	3,016,578	3,195,407	2,145,640	2,479,779	4,420,102	3,206,033	4,111,081	2,823,453	(45,118,113)	4,883,130	4,581,718	4,840,626	4,718,717

Refer to Appendix B13 – Forecast Significant Accounting Policies

Appendix B13 – Forecast Significant Accounting Policies

Basis of Preparation

The Long Term Financial Plan (the Plan) comprises general purpose financial statements which have been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the Local Government Act 1995 and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases are measured at zero cost rather than at fair value. The exception is 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 to measure any vested improvements at zero cost.

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

Critical Accounting Estimates

The preparation of the Plan in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The Local Government Reporting Entity

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

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

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

Base Year Balances

Balances shown in the Plan as Base Year are as forecast at the time of preparation of the Plan and are based on the current budget and prior year annual financial reporting and may be subject to variation.

Rounding Off Figures

All figures shown in the Plan are rounded to the nearest dollar.

Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation.

Appendix B13 – Forecast Significant Accounting Policies (Continued)

Forecast Fair Value Adjustments

All fair value adjustments relating to re-measurement of financial assets at fair value through profit or loss (if any) and changes on revaluation of non-current assets are impacted upon by external forces and not able to be reliably estimated at the time preparation.

Fair value adjustments relating to the re-measurement of financial assets at fair value through profit or loss will be assessed at the time they occur and have not been estimated within the Plan.

It is anticipated, in all instances, any changes upon revaluation of non-current assets will relate to non-cash transactions and as such have been estimated as an inflation adjustment to Other Comprehensive Income, based on the value of the non-current assets forecasted to be held by the Shire.

Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions.

Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

Goods and Services Tax (GST)

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

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Superannuation

The Council contributes to a number of superannuation funds on behalf of employees. All funds to which the Council contributes are defined contribution plans.

Cash and Cash Equivalents

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

Trade and Other Receivables

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

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

Appendix B13 – Forecast Significant Accounting Policies (Continued)

Inventories

General

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

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

Land held for resale

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

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

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

Fixed Assets

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

Revaluation

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

An effective average depreciation rate for each class of asset has been utilised to estimate the forecast depreciation expense for each year. These are provided in the table below:

Asset Class	Effective average depreciation rate
Buildings	2.00%
Furniture and Equipment	5.00%
Plant and Equipment	4.00%
Infrastructure - Roads	1.08%
Infrastructure - Other	2.00%
Infrastructure - Footpaths	2.00%
Infrastructure - Parks and Gardens	2.00%

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

Appendix B13 – Forecast Significant Accounting Policies (Continued)

Employee Benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Short-Term Employee Benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position.

Other Long-Term Employee Benefits

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Borrowing Costs

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

Trade and Other Payables

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

Provisions

Provisions are recognised when the Shire has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Town's intentions to release for sale.

Appendix C1 – Glossary

Funding Gap

A funding gap exists whenever an entity has insufficient capacity to fund asset renewal and other expenditure necessary to be able to appropriately maintain the range and level of services its existing asset stock was originally designed and intended to deliver. The service capability of the existing asset stock should be determined assuming no additional operating revenue, productivity improvements, or net financial liabilities above levels currently planned or projected. A current funding gap means service levels have already or are currently falling. A projected funding gap if not addressed will result in a future diminution of existing service levels.

Infrastructure Assets

Physical assets that contribute to meeting the needs of organisations or the need for access to major economic and social facilities and services, eg. properties, drainage, footpaths and cycleways. These are typically large, interconnected networks or portfolios of composite assets. The components of these assets may be separately maintained, renewed or replaced individually so that the required level and standard of service from the network of assets is continuously sustained. Generally, the components and hence the assets have long lives. They are fixed in place and often have no separate market value.

Key Performance Indicator

A qualitative or quantitative measure of a service or activity used to compare actual performance against a standard or other target. Performance indicators commonly relate to statutory limits, safety, responsiveness, cost, comfort, asset performance, reliability, efficiency, environmental protection and customer satisfaction.

Level of Service

The defined service quality for a particular activity or service area (ie street lighting) against which service performance can be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environment, acceptability and cost.

Maintenance

All actions necessary for retaining an asset as near as practicable to its original condition, but excluding rehabilitation or renewal. Maintenance occurs on a routine (at least annual) basis.

Planned Maintenance

Repair work that is identified and managed through a maintenance management system (MMS). MMS activities include inspection, assessing the condition against failure/breakdown criteria/experience, prioritising scheduling, actioning the work and reporting what was done to develop a maintenance history and improve maintenance and service delivery performance.

Reactive Maintenance

Unplanned repair work that is carried out in response to service requests and management/supervisory directions.

Significant Maintenance

Maintenance work to repair components or replace sub-components that need to be identified as a specific maintenance item in the maintenance budget.

Unplanned Maintenance

Corrective work required in the short-term to restore an asset to working condition so it can continue to deliver the required service or to maintain its level of security and integrity.

Maintenance Expenditure

Recurrent expenditure, which is periodically or regularly required as part of the anticipated schedule of works required to ensure that the asset achieves its useful life and provides the required level of service. It is expenditure which was anticipated in determining the asset's useful life.

Materiality

The notion of materiality guides the margin of error acceptable, the degree of precision required and the extent of the disclosure required when preparing general purpose financial reports. Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial report or affect the discharge of accountability by the management or governing body of the entity.

Appendix C1 – Glossary (Continued)

Modern Equivalent Asset

Assets that replicate what is in existence with the most cost-effective asset performing the same level of service. It is the most cost efficient, currently available asset which will provide the same stream of services as the existing asset is capable of producing. It allows for technology changes and improvements and efficiencies in production and installation techniques.

Net Present Value (NPV)

The value to the organisation of the cash flows associated with an asset, liability, activity or event calculated using a discount rate to reflect the time value of money. It is the net amount of discounted total cash inflows after deducting the value of the discounted total cash outflows arising from the continued use and subsequent disposal of the asset after deducting the value of the discounted total cash outflows.

Non-Revenue Generating Investments

Investments for the provision of goods and services to sustain or improve services to the community that are not expected to generate any savings or revenue to the Council, for example parks and playgrounds, footpaths, properties and bridges, libraries, etc.

Operations Expenditure

Recurrent expenditure, which is continuously required to provide a service. In common use the term typically includes power, fuel, staff, plant equipment, on-costs and overheads but excludes maintenance and depreciation. Maintenance and depreciation is on the other hand included in operating expenses.

Pavement Management System

A systematic process for measuring and predicting the condition of property pavements and wearing surfaces over time and recommending corrective actions.

Recoverable Amount

The higher of an asset's fair value, less costs to sell and its value in use.

Recurrent Expenditure

Relatively small (immaterial) expenditure or that which has benefits expected to last less than 12 months. Recurrent expenditure includes operations and maintenance expenditure.

Recurrent Funding

Funding to pay for recurrent expenditure.

Remaining Useful Life

The time remaining until an asset ceases to provide the required service level or economic usefulness. Age plus remaining useful life is useful life.

Renewal

Works to upgrade refurbish or replace existing facilities with facilities of equivalent capacity or performance capability.

Residual Value

The estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and in the condition expected at the end of its useful life.

Revenue Generating Investments

Investments for the provision of goods and services to sustain or improve services to the community that are expected to generate some savings or revenue to offset operating costs, eg public halls and theatres, childcare centres, sporting and recreation facilities, tourist information centres, etc.

Risk Management

The application of a formal process to the range of possible values relating to key factors associated with a risk in order to determine the resultant ranges of outcomes and their probability of occurrence.

Section or Segment

A self-contained part or piece of an infrastructure asset.

Service Potential

The total future service capacity of an asset. It is normally determined by reference to the operating capacity and economic life of an asset. A measure of service potential is used in the not-for-profit sector/public sector to value assets, particularly those not producing a cash flow.

Appendix C1 – Glossary (Continued)

Service Potential Remaining

A measure of the future economic benefits remaining in assets. It may be expressed in dollar values (Fair Value) or as a percentage of total anticipated future economic benefits. It is also a measure of the percentage of the asset's potential to provide services that are still available for use in providing services (Depreciated Replacement Cost/Depreciable Amount).

Specific Maintenance

Replacement of higher value components/sub-components of assets that is undertaken on a regular cycle including repainting, building roof replacement, replacement of air conditioning equipment, etc. This work generally falls below the capital/maintenance threshold and needs to be identified in a specific maintenance budget allocation.

Sub-Component

Smaller individual parts that make up a component part.

Useful Life

May be expressed as either:

- (a) The period over which a depreciable asset is expected to be used; or
- (b) The number of production or similar units (ie intervals, cycles) that is expected to be obtained from the asset.

Other Matters

Preparation

This Plan was prepared for the Shire of Menzies by Moore Australia (WA) Pty Ltd.

Reliance

This Plan has been prepared for the exclusive use of the Shire of Menzies and for the purposes specified in our letter of engagement and is not to be used for any other purpose or distributed to any other party without Moore Australia WA’s prior consent. This Plan is supplied in good faith and reflects the knowledge, expertise and experience of the engagement consultant and is based on the information and representations provided by the Shire of Menzies. We accept no responsibility for any loss occasioned by any person acting or refraining from action as a result of reliance on the report, other than the Shire of Menzies.

This Plan contains quantitative and qualitative statements, including projections, estimates, opinions and forecasts concerning the anticipated future performance of Shire of Menzies and the environment in which it operates (‘Forward Looking Statements’).

None of these Forward Looking Statements are or will be representations as to future matters. The Forward Looking Statements are, and will be, based on a large number of assumptions and are, and will be, subject to significant uncertainties and contingencies, many, if not all, of which are outside the control of the Shire of Menzies. Actual future events may vary significantly from the Forward Looking Statements. Recipients should make their own investigations and enquiries regarding assumptions, uncertainties and contingencies which may affect the Shire of Menzies and the impact that a variation in future outcomes may have on the Plan and the Shire of Menzies.

Disclaimer

Liability limited by a scheme approved under Professional Standards Legislation.

The services provided in terms of this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standard Board and, consequently no opinions or conclusions are intended to convey assurance either expressed or implied.

Moore Australia Western Australia, a Perth based partnership of trusts ("the firm"), carries on business separately and independently from other Moore Australia member firms around Australia and Moore Global firms worldwide.

Services provided under this engagement are provided by the Firm and not by any other independent Moore Global member firm. No other independent Moore Australia or Moore Global member has any liability for services provided by other members.

Throughout this document, a reference to Moore Australia refers to Moore Australia (WA) Pty Ltd trading as agent ABN 99 433 544 961, an independent member of Moore Global Network Limited – member in principal cities throughout the world. Moore Australia WA is not a partner or agent of any other Moore Australia or Moore Global member firm.

Document Management

Version	2022 – 2037 V1
Status	Draft
Date	19 October 2021

12.2.5	RFT 06/21 Design and Construct Staff Accommodation
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM521
DATE OF REPORT	09 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. CONFIDENTIAL REDACTED - 920 Menzies Confidential Tender Assessment Report RFT 06-2021 Staff Accommodation DC (Ver 1) [12.2.5.1 - 18 pages]

SUMMARY:

This report provides a recommendation to Council for award of RFT 06/21 for the construction of new staff accommodation.

BACKGROUND:

In FY 2020/21 Council budgeted \$520,000 for the construction of two (2) staff houses with two (2) bedrooms and one (1) bathroom. This did not go to tender, and the project funding was rolled over.

In FY 2021/22 Council budgeted an additional \$238,900 and approved an increase in project scope to include an additional house of the same specification.

A tender was issued on 28 August 2021 with advertisements in both the West Australian and Kalgoorlie Miner. Two (2) responses were received when tenders closed on 28 September 2021.

Both responses were assessed as being compliant and they were submitted by:

- CLPM Pty Ltd.
- Zenacon Pty Ltd.

COMMENT:

Tenders were assessed by a tender assessment panel that comprised:

- Brian Joiner, CEO.
- Shane Hearn, BMO.
- Bruce Lorimer, Consultant.

Each tender was assessed in relation to the following:

- Compliance with the conditions of tendering (compliance criteria);
- Responses provided addressing the qualitative criteria set out in the request for tender (Qualitative Criteria) - 60%; and
- Price (Price Criteria) - 40%.

The Qualitative Criteria used for the tender was:

Qualitative Criteria	Weighting
Relevant Experience	20%
Proposed Offering	20%
Project Program & Practical Completion	20%

The Confidential Tender Assessment Report forms an attachment to this report. A summary of the assessment is provided below:

Tenderer	Assess. Yes / No	Relevant Experience 20%	Proposed Offering 20%	Project Program & Practical Completion 20%	Price 40%	Total Score Out of 5	Rank
CLPM Pty Ltd	Yes	0.77	0.60	0.80	0.00	2.17	3
Zenacon Pty Ltd	Yes	0.80	0.60	0.80	2.00	4.20	1

Based on the assessment the tender assessment panel resolved to recommend to Council that the tender be awarded to Zenacon Pty Ltd.

The tendered prices are over the current budget for the project. Within the original scope that included three (3) houses the shortfall in budget is \$246,508 (Ex GST).

The tender specification requested a price for an option of building four (4) houses. Although exceeding budget, this is a cost-effective method of increasing housing stock through economies of scale.

A report was presented to Council on 28 October 2021 and was subsequently tabled pending a meeting of the Housing & Building Committee.

The Housing & Building Committee met on 08 November 2021 and discussed the recommendation report. The Committee and Officers agreed that the Shire could be better served by using a different method of procurement. This would be tested to see if a better-quality product could be procured and provide better value for money.

CONSULTATION:

Shane Hearn, Building Maintenance Officer.
Bruce Lorimer, Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995

Local Government (Functions and General) Regulations 1996 r.11

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The total budget for the project is \$758,900.

The tendered amount of \$1,005,408 (Ex GST) for three (3) houses results in a shortfall of \$246,508.

The tendered amount of \$1,291,442 (Ex GST) for four (4) houses results in a shortfall of \$532,542.

The Building Reserve has a balance of \$1,994,976 budgeted for the end of FY 2021/22. A transfer from the building reserve would be required to cover the shortfall.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Housing supplied may not meet the expectations of Council.	Medium.	Reactivation of the Housing Committee.
Project costs exceed allocated budget.	Medium.	Negotiation of all variables before execution of contracts.

STRATEGIC IMPLICATIONS:

2.1 An innovative, diverse and prosperous economy.

2.1.2 Continue to work with industry and stakeholders for the economic development of the district.

4.2 An efficient and effective organisation.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER AND COMMITTEE RECOMMENDATION:

That Council:

1. Declines to accept all tenders for RFT 06/21 Design and Construct Staff Accommodation; and
2. Notes the intent to revise the specification and recommence the procurement process.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12.2.6	Reserve 5064 operational management plan
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM515
DATE OF REPORT	16 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To provide Council with information to determine the future plans for Reserve 5064.

BACKGROUND:

The land associated with Dam 2 was excised from Reserve 5064 and is now vested in the Shire of Menzies.

History

In 2017 Council resolved:

COUNCIL RESOLUTION:	No.1209
----------------------------	----------------

Moved: Cr Tucker

Seconded: Cr Lee

That Council endorse the acceptance of the Management Order for Reserve 5064 by the Shire of Menzies with the following conditions:

- 1. The 34.6ha portion of Reserve 5064 (as indicated on attachment 5) is to be excised and transferred to the Shire of Menzies on an "as-is" basis, and includes Dam No. 2, all pipes, pumps and other infrastructure that already exists on the land.*
- 2. All future responsibility for the transferred portion of land (including all associated infrastructure) is passed onto the Shire and the Water Authority is removed as both Responsible Agency and Management Body for the excised portion of the reserve.*
- 3. A 5 metre easement is granted in favour of the Water Corporation to protect the water main located South West of Dam No.2 (as indicated on attachment 5).*
- 4. Water Corporation is to remain as the Responsible Agency and retain Management Order status for the balance of Reserve 5064.*
- 5. All costs associated with the subdivision (including surveying and establishment of the easement) are to be borne by the Shire of Menzies and confirmation of the boundary and areas is required.*

Carried 6/0

In October 2019 a further recommendation was brought to Council:

OFFICERS RECOMMENDATION

That Council advises Water Corporation that it seeks a transfer of asset being the old Menzies Railway Dam from Water Corporation to the Shire of Menzies.

COUNCIL DECISION

COUNCIL RESOLUTION:	No. 1738
----------------------------	-----------------

MOVED: Cr

SECONDED: Cr

Carried /

This item is to lay on the table pending an independent report on the non-potable water requirements for the town of Menzies; the ownership of water in the dam, and a request for Water Corporation to address Council on the town water issues.

The item was not brought back to Council.

22 January 2020 Esperance Surveys advised CEO they were coming to Menzies to conduct the survey.

Quote from Esperance Surveys accepted by CEO on 29 April 2020.

Esperance Surveys was given consent to lodge by DLPH on 18 December 2020. The Reserve has now been vested in the Shire by DLPH.

Previous budgets had funds set aside in anticipation of gaining ownership of the land and, in particular, the old railway dam.

COMMENT:

Reserve 5064 is now vested in the Shire of Menzies. The request by Council in October 2019 does not appear to have been actioned with no further papers coming back to Council.

As ownership of the dam, through the land vesting, has now been passed to the Shire it is now the responsibility of the current Council to determine what to do with the facility.

Officers propose to provide Council with a report detailing the potential uses for the facilities and costs associated with owning the facility.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

N/A

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

Minor costs associated with preparing a report for Council. Future capital and operating expenses will be provided within that report.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk assessment to form part of the report to be provided to Council.		

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council notes a report will be prepared on the use of the old railway dam within R5064 to inform budget discussions for FY 2022/23.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

12.2.7	Policy updates
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM509
DATE OF REPORT	9 November 2021
AUTHOR	Executive Officer, Eve Reitmajer
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	<ol style="list-style-type: none"> 1. Policy 1.15 Public Interest Disclosure (Whistle-blower) [12.2.7.1 - 2 pages] 2. Policy 1.16 Fraud Risk Identification and Prevention [12.2.7.2 - 1 page] 3. Policy 2.3 Annual Stocktake of Assets [12.2.7.3 - 1 page] 4. Policy 2.6 Depreciation of Non-current Assets [12.2.7.4 - 1 page] 5. Policy 4.2 Purchasing and Tenders [12.2.7.5 - 11 pages] 6. Policy 4.14 Contract Management [12.2.7.6 - 1 page] 7. Policy 4.15 Tender Evaluation Policy [12.2.7.7 - 1 page]

SUMMARY:

This item recommends adoption of three new policies and two amended policies.

BACKGROUND:

Shire of Menzies's risk management, internal controls, legislative compliance and financial management processes have been reviewed in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* and Regulation (5)(2)(c) of the *Local Government (Financial Management) Regulations 1996*.

The reviews recommended the introduction of three new policies, being:

- Fraud Prevention Policy;
- Public Interest Disclosure (Whistle-blower) Policy; and
- Contract Management Policy.

Further, it recommended amendments to the existing purchasing and asset management policies to include more detail on tender evaluations; introduction of annual stocktakes on plant and equipment; and to establish the Shire's depreciation rates for plant and equipment and major infrastructure assets.

This has resulted in the introduction of a Tender Evaluation Policy and a Depreciation of Non-current Assets Policy, and amendments to the Purchasing and Tender Policy and Annual Verification of Assets Policy.

COMMENT:

The fraud prevention and whistle blower policies outline the importance and responsibility that all staff in the Shire have in ensuring that fraud is prevented through proper adherence and compliance with existing management controls and that where fraud is suspected that it is promptly reported for investigation.

The contract management policy governs how the Shire should manage its existing procurement contracts. It will be further strengthened by the development of a procedure with guidelines on:

- Processing contract variations for those contracts less than tender threshold and above tender threshold;
- Contract variation, extension and renewal process and approvals;
- Monitoring contract overspends and approval process; and
- Supplier post contract performance assessments.

The Annual Verification of Assets Policy has been amended to include the term stocktake, to clarify the Shire's approach in this matter.

The Depreciation of Non-current Assets Policy sets out the typical estimated useful lives for the different asset classes used by Shire of Menzies in its accounting.

It was considered appropriate at this time to also review the Purchasing and Tender Policy, which has been simplified, and references templates staff are to complete to provide further evidence the Shire is complying with its policies and legislation in terms of sourcing and evaluating quotes.

CONSULTATION:

Brian Joiner, Chief Executive Officer.
Antonio Giometti, Chief Financial Officer.
Independent consultant.

STATUTORY AUTHORITY:

N/A.

POLICY IMPLICATIONS:

Policy 1.15 Public Interest Disclosure (Whistle-blower);
Policy 1.16 Fraud Risk Identification and Prevention;
Policy 2.6 Depreciation of Non-current Assets;
Policy 4.14 Contract Management;
Policy 4.15 Tender Evaluation;

Amended Policy 2.3 Annual Stocktake of Assets; and
Amended Policy 4.2 Purchasing and Tenders

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Implement and maintain risk management strategies through policies, procedures, processes and controls to protect Shire assets	Medium	Implementation of appropriate and effective internal controls to assist in legislative compliance, minimise the risk of fraudulent transactions and embody a culture of integrity

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt:

1. Policy 1.15 Public Interest Disclosure (Whistle-blower);
2. Policy 1.16 Fraud Risk Identification and Prevention;
3. Policy 2.6 Depreciation of Non-current Assets;
4. Policy 4.14 Contract Management;
5. Policy 4.15 Tender Evaluation;
6. Amended Policy 2.3 Annual Stocktake of Assets; and
7. Amended Policy 4.2 Purchasing and Tenders.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--



POLICY – 1.15 – Public Interest Disclosure (Whistle-blower)

Relevant Delegation

N/A

Objective

To encourage employees, elected members, contractors, consultants and members of the public to report unlawful, unethical, or undesirable conduct they genuinely believe has been committed by a person or persons in breach of the Shire of Menzies policies or the law.

To evidence the Shire's commitment to facilitating the disclosure of such information under the *Public Interest Disclosure Act 2003* (PID Act) and ensuring protection for those making such disclosures.

Policy Statement

1. The Shire of Menzies does not tolerate corrupt or other improper conduct including mismanagement of public resources in the exercise of its public functions.
2. The Shire of Menzies is committed to the aims and objectives of the PID Act and to meeting its obligations under that Act.
3. The Shire strongly supports disclosures being made by elected members and employees about corrupt or other improper conduct. The Shire also strongly supports contractors and members of the community making disclosures about corrupt or improper conduct.
4. The Shire of Menzies does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.
5. The Shire of Menzies will take all reasonable steps to protect those who make disclosures from any detrimental action in reprisal for the making of a public interest disclosure.
6. The Shire of Menzies is also committed to responding to the disclosure thoroughly and impartially. It will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.
7. The Shire of Menzies will provide as much information as possible to people considering making a public interest disclosure. A copy of the Shire of Menzies PROCEDURE – Public Interest Disclosure (PID) is available on the Shire website. This procedure outlines how the Shire will meet its obligations under the PID Act. It covers the roles and responsibilities of the Chief Executive Officer, the person designated as the proper authority in accordance with s. 23(1)(a) and s. 5(3)(h) of the PID Act and referred to as the PID Officer, the discloser and the subject of the disclosure.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	November 2022	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 1.16 Fraud Risk Identification and Prevention

Relevant Delegation

N/A

Objective

The best strategy for addressing fraud is to identify and raise awareness of the risks and put in place effective controls to mitigate those risks. The intent of this policy is to promote awareness of fraud risks and good practice approaches to managing them.

Policy Statement

1. Shire of Menzies has a zero tolerance for fraudulent conduct within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the City. Such conduct will be thoroughly investigated and the appropriate reporting, disciplinary, prosecution and recovery actions initiated.
2. The Shire's organisational structure provides clearly defined responsibilities and appropriate segregation of duties and controls within systems, particularly financial and procurement, that inhibits opportunities for fraud to occur.
3. The Shire's Audit and Risk Committee is a proactive committee which regularly reviews the appropriateness and effectiveness of internal control, legislative compliance and risk management.
4. The Shire's Risk Management Framework outline the Shire's commitment and approach to managing risks and all employees are encouraged to develop an understanding and awareness of risk and contribute to the risk management process.
5. The Shire's Purchasing and Tender Policy and the associated procedures are designed in such a way to help prevent fraud occurring and to detect it if it does occur. This includes adequate segregation of duties, financial and compliance reports and appropriate reporting lines and management oversight.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	November 2023	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 2.3 – Annual Stocktake of Assets

Relevant Delegation

N/A

1. Policy Statement

- 1.1. The Chief Executive Officer is to ensure an annual stocktake of Shire Assets is undertaken in conjunction with review of insurances and the principles of Fair Value as required by legislation.
- 1.2. A report being presented to Council with recommendations for write-offs for unserviceable assets, noting disposals not yet effected, and inclusions of assets which may have been donated or otherwise acquired by the Shire.

– End of Policy

COMMENT

Now linked also to insurance review and regulations relating to fair value

Formerly	Policy 3.12 Replaced	
	29 November 2012	
Last Reviewed	30 August 2018	
Next Review Date	February 2021	
Amended	November 2012	
Adopted	30 August 2018	June 2015
Version	1	



POLICY – 2.6 Depreciation of Non-current Assets

Relevant Delegation

N/A

Objective

To provide a framework for how depreciation methods and rates are calculated to Shire of Menzies's non-current assets, which is clear, transparent and consistent, while meeting all statutory obligations.

Policy Statement

In accordance with AASB 116 a non-current asset begins to be depreciated when it becomes available for use. Assets shall be depreciated using the straight-line method and based on the effective useful life less residual value. The effective useful life of an asset is to be reviewed by Management annually.

The current effective useful lives, as recommended by management are:

Asset class	Useful life
Buildings	20 to 50 years
Furniture and equipment	4 to 10 years
Plant and equipment	5 to 15 years
Sealed roads and streets	
formation	not depreciated
pavement	50 years
seal	
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel roads	
formation	not depreciated
pavement	50 years
Footpaths – slab	20 years
Sewerage piping	100 years
Water supply piping and drainage systems	75 years

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	November 2021	
Amended		
Adopted	November 2022	
Version	1	



POLICY – 4.2 – Purchasing and Tenders

Relevant Delegation

N/A

Objective

The Shire of Menzies is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire's strategic and operational objectives.

Policy Statement

1. Objectives

The Shire's purchasing activities will:

- (a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factors;
- (b) Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- (c) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- (d) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- (e) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- (f) Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures;
- (g) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Menzies.
- (h) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire's Risk Management framework;
- (i) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan;
- (j) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

2. Ethics and integrity

The Shire's Codes of Conduct for Elected Members and Employees apply when undertaking purchasing activities and decision making, requiring elected members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

3. Value for money

The Shire will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

Value for money assessment will consider:

- (a) All relevant Total Costs of Ownership (TCO) and benefits including; transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to; holding costs, consumables, deployment, training, maintenance and disposal;
- (b) The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc;
- (c) The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history;
- (d) A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable;
- (e) The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance;
- (f) The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits regarding the supplier's operations, in accordance with this Policy and any other relevant Shire Policy including Local Economic Benefit; and
- (g) Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

4. Purchasing thresholds

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- (a) The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- (b) Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements can be provided by a single supplier.

A category of supply can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

1. Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

2. Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- (a) Exclusive of Goods and Services Tax (GST); and
- (b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- (c) The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- (d) Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].

The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

Purchasing threshold tables

Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1:	<p>Existing Prequalified Supplier Panel or another Contract Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire's supply requirements can be met through the existing contract.</p> <p>If the Shire/Town/City does not have a current contract relevant to the required supply, then a relevant WALGA PSA may be used.</p>
Priority 2:	<p>Local Suppliers Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the District as a first priority, and those permanently located within surrounding Districts as the second priority.</p> <p>If no relevant local supplier is available, then a relevant WALGA PSA may be used.</p>

Priority 3:	<p>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA) Use a relevant WALGA PSA regardless of whether the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ul style="list-style-type: none"> i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. <p>If no relevant WALGA PSA is available, then a relevant State Government CUA may be used.</p>
Priority 4:	<p>Tender Exempt - WA State Government Common Use Arrangement (CUA) Use a relevant CUA regardless of whether the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If no relevant CUA is available, then a Tender Exempt <i>[F&G Reg. 11(2)]</i> arrangement may be used.</p>
Priority 5:	<p>Other Tender Exempt arrangement <i>[F&G Reg. 11(2)]</i> Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers, and will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that is capable of providing the required supply.</p>
Priority 6:	<p><u>Other Suppliers</u> Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.</p>

Purchasing Practice Purchasing Value Thresholds

The Purchasing Value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold (ex GST)	Purchasing Practice
Up to \$5000 (ex GST)	<p>Quotations not required.</p> <p>The purchasing decision is to be evidenced in accordance with the Shire's Record Keeping Plan.</p>

Over \$5000 and up to \$15,000 (ex GST)	<p>Direct purchase from suppliers requiring only two (2) verbal quotations, where possible and practical.</p> <p>The purchasing decision is to be evidenced using the SoM-Pur-01 Recommendation Report Template retained in accordance with the Shire's Record Keeping Plan</p>
Over \$15,000 and up to \$50,000 (ex GST)	<p>Seek at least three (3) written quotations from suitable suppliers.</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods, services or works required; and • Value for Money criteria, not necessarily the lowest quote. <p>The purchasing decision is to be evidenced using the SoM-Pur-02 Recommendation Report Template retained in accordance with the Shire's Record Keeping Plan.</p>
Over \$50,000 and up to \$250,000	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>The purchasing decision is to be based upon assessment of the supplier's response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or works required; and • pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The procurement decision is to be evidenced using the SoM-Pur-03 Evaluation Report template retained in accordance with the Shire's Record Keeping Plan.</p>
Over \$250,000 (ex GST)	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg. 11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed above.</p> <p><u>OR</u></p> <p>Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures.</p> <p>The Tender Exempt or Public Tender purchasing decision is to be based on the supplier's response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assesses all best and sustainable value considerations. <p>The purchasing decision is to be evidenced in the Tender assessment process and retained in accordance with the Shire's Record Keeping Plan.</p>

Emergency Purchases (Within Budget)	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>If there is no existing Panel or contract, then Supplier Order of Priority will apply wherever practicable.</p> <p>However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping Plan.</p>
Emergency Purchases (No budget allocation available)	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the expense being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>
LGIS Services Section 9.58(6)(b) Local Government Act	<p>The suite of LGIS insurances is established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and is provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</p>

5. Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and Functions and General Regulation 11(2)(a); OR
- (c) A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to

research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

6. Inviting tenders though not required to do so

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold.

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures [F&G Reg.13].

7. Expressions of interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process [F&G Reg.21] where the required supply evidences one or more of the following criteria:

- (a) Unable to sufficiently scope or specify the requirement;
- (b) There is significant variability for how the requirement may be met;
- (c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- (d) Subject to a creative element; or
- (e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

8. Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- (a) purchasing value is estimated to be over \$5,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- (d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature must be signed off by the Chief Executive Officer will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

9. Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

10. Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless

- (a) The variation is necessary for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

11. Sustainable procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

Local economic benefit

The Shire promotes economic development through the encouragement of competitive participation in the delivery of goods and services by local suppliers permanently located within its District first, and secondly, those permanently located within its broader region. As much as practicable, the Shire will:

- (a) consider buying practices, procedures and specifications that encourage the inclusion of local businesses and the employment of local residents;
- (b) consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- (c) ensure that procurement plans, and analysis is undertaken prior to develop Requests to understand local business capability and local content availability where components of goods or services may be sourced from within the District for inclusion in selection criteria;

- (d) explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- (e) avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid;
- (f) consider the adoption of Key Performance Indicators (KPIs) within contractual documentation that require successful Contractors to increase the number of employees from the District first; and
- (g) provide adequate and consistent information to local suppliers.

To this extent, a weighted qualitative criterion will be included in the selection criteria for Requests for Quotation and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

The Shire has adopted a Regional Price Preference Policy, which will be applied when undertaking all purchasing activities over \$20,000.

Socially sustainable procurement

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in F&G Reg.11(2)(h)) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

Environmentally sustainable procurement

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- (a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- (b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- (c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

12 Panels of Pre-qualified Suppliers

The Shire will consider creating a Panel of Pre-qualified Suppliers when a range of similar goods and services are required to be purchased on a continuing and regular basis.

If the Shire/Town/City decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

13 Record Keeping

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

In addition, the Shire must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire's relevant to the performance of the contract.

14 Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with; legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive Officer or the Deputy Chief Executive Officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

– End of Policy

COMMENT

- WALGA template utilised.

Formerly	Policy 3.15	
New Policy		
Last Reviewed	30 July 2020	
Next Review Date	July 2022	
Amended	30 July 2020	
Adopted	30 July 2020 13 December 2018	25 June 2015 30 August 2018
Version	3	



POLICY – 4.14 Contract Management

Relevant Delegation

N/A

Objective

To evidence Council's commitment to ensuring procurement contracts, including those obtained via Request for Quote and Request for Tender processes, once awarded, are managed appropriately to ensure the Shire receives value for money, enforce performance against the contract and minimise the exposure to financial and reputational risk.

Policy Statement

1. Contracts are to be proactively managed during their lifecycle to ensure works are carried out as per the specification and in accordance with agreed timelines.
2. A contract management plan will be developed at the time the contract is drafted, then utilised and modified (as required) throughout the management of the contract.
3. When varying a contract for the supply of goods or services, where a contract has been entered into as the result of a publicly invited tender process, then *Local Government (Functions and General) Regulations 1996 r21A* applies.

For any other contract, the contract must not be varied unless:

- a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- b) the variation is a renewal or extension of the term of the contract where the extension or renewal options were included within the original contract.

Contract variations, extensions and renewals must be signed by a person with appropriate delegation and authorisation.

4. Supplier performance assessments are completed post-contract relative to the value, complexity and risks involved. The outcomes of such reviews shall be recorded in the Shire's record keeping system and used to inform corrective actions and guide future contracting decisions.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	November 2022	
Amended		
Adopted	November 2021	
Version	1	



POLICY – 4.15 Tender Evaluation

Relevant Delegation

N/A

Objective

To evidence Council's commitment to identifying tenders that offer the best overall outcome for the Shire of Menzies, while ensuring all legislative and best practice requirements are met.

Policy Statement

1. Open and effective competition is a key element in achieving value for money. All potential suppliers are given the same opportunities to compete for business with the Shire of Menzies.
2. The process for formally evaluating tenders will be run fairly and transparently, with decisions that provide consistency and confidence.
3. All tenders received will be formally assessed, via an evaluation panel of assessors, to determine best value for money.
4. There will be at least two evaluation panel members, preferably three. There is an option for one of these members to be external to the Shire.

The evaluation panel should establish a standard process of measuring value for money (scoring matrix) and assessing suppliers based on qualitative requirements as stated in the RFQ or RFT document.

The tender evaluation must only include factors that are quantifiable and must only be conducted using information that is contained within the tender returns.

All evaluation panel members are required to sign the **SoM-Pur-05 Conflict of interest declaration form**.

5. Decisions are to be formally documented, with all evaluation panel members signing off on the recommendation to award services to a particular supplier, then formally approved.

– End of Policy

COMMENT

Formerly	New Policy	
Last Reviewed		
Next Review Date	February 2022	
Amended		
Adopted	April 2021	
Version	1	

12.2.8	Darlot native title claim WAD 142 of 2018
LOCATION	Shire of Menzies
APPLICANT	External
DOCUMENT REF	NAM507
DATE OF REPORT	09 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	<ol style="list-style-type: none"> 1. CONFIDENTIAL REDACTED - 211108 Draft v 6 MCDNT Darlot WAD 142 of 2018 for circulation 8 November [12.2.8.1 - 80 pages] 2. Darlot s 47 B [12.2.8.2 - 1 page]

SUMMARY:

This paper provides Council with information regarding the Darlot Native Title Determination WAD 142 of 2018.

BACKGROUND:

A native title claim has been filed in relation to the area contained in Attachment 12.2.8.2 of this report.

It is now proposed that the claim be resolved by way of a consent determination. This would be an agreement by the State and the claimant group that native title rights exist in the determination area. The consent determination avoids the need for a full hearing.

Squire Patton Boggs was retained by the Shires of Menzies, Leonora and Laverton in regard to this matter.

COMMENT:

Regarding a specific area, the claimants have satisfied the requirements of section 47B *Native Title Act 1993 (Cth)* in respect of the eastern portion of Lake Ballard (that is, they have proved a connection to the area, sufficient to establish exclusive native title over the area). However, it is not the whole Lake, and does not include the area where the Gormley statues are located. The determination will only cover the salt lake surface of the eastern part of the Lake. The determination will not affect the rights of the surrounding pastoralists, nor the public/tourists' ability to walk around the Lake.

An objection by the Shire would have no affect and the consent determination would still go ahead.

The final minute for signing is expected on 10 December 2021.

CONSULTATION:

Squire Patton Boggs, Legal Advisor.

STATUTORY AUTHORITY:

Native Title Act 1993 (Cth).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

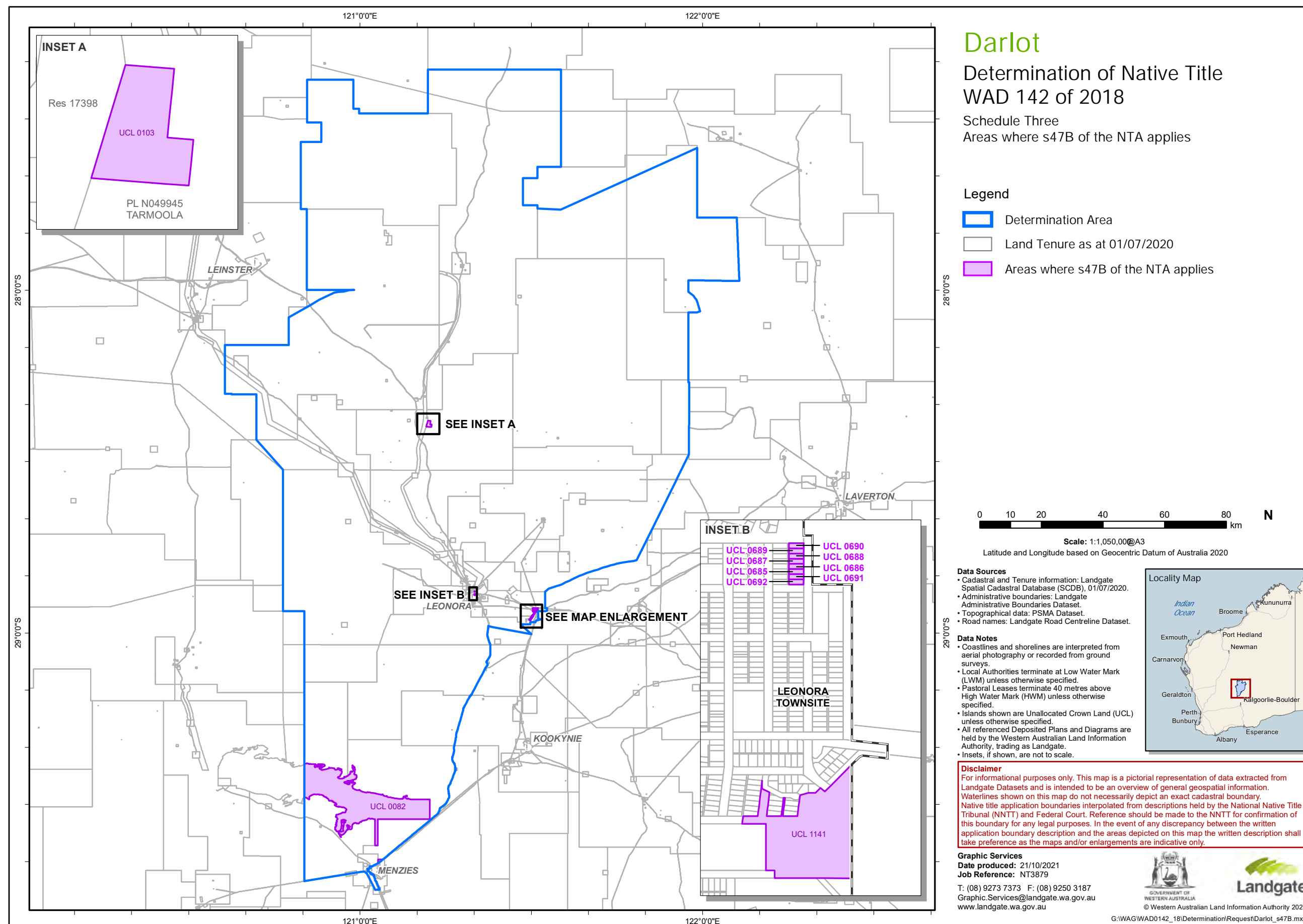
That Council endorses the CEO executing the Minute of Proposed Consent Determination of Native Title WAD 142 of 2018 on behalf of the Shire of Menzies.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--



12.2.9	Tjuntjuntjara Community Area Indigenous Land Use Agreement
LOCATION	Tjuntjuntjara
APPLICANT	External
DOCUMENT REF	NAM508
DATE OF REPORT	09 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. WI 2021 013 Notice [12.2.9.1 - 3 pages]

SUMMARY:

To provide Council with information relating to the Tjuntjuntjara Community Area ILUA WI2021/013.

BACKGROUND:

On 07 October 2021, an application for registration of Tjuntjuntjara Community Area ILUA WI2021/013 was lodged with the Native Title Registrar of the National Native Title Tribunal.

The *Native Title Act 1993 (Cth)* provides that the Registrar must give notice of the agreement to any local government authority for the area, where the local government authority is not a party to the agreement.

The Shire of Menzies was not a party to the agreement and a notice (Attachment 12.2.9.1) has been provided by the Registrar.

COMMENT:

Nil.

CONSULTATION:

Nil required.

STATUTORY AUTHORITY:

Native Title Act 1993 (Cth).

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council notes the Tjuntjuntjara Community Area Indigenous Land Use Agreement WI2021/013.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

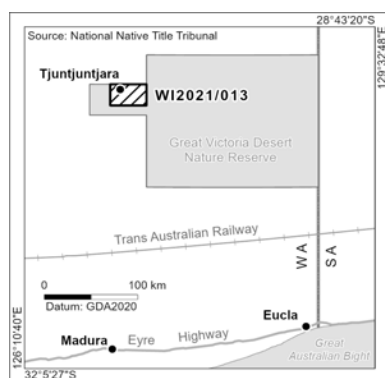
Carried	
----------------	--



Notice of application to register a body corporate agreement on the Register of Indigenous Land Use Agreements

WI2021/013 Tjuntjuntjara Community Area ILUA

Notification day for the agreement: 16 November 2021



Description of the agreement area:

The agreement area comprises Lot 9 on Deposited Plan 220992, an area of approximately 786 square kms which includes the Tjuntjuntjara community, located in the Great Victoria Desert approximately 160 km north of the Trans Australian Railway

Relevant LGA: Shire of Menzies

The parties to agreement and their contact addresses:

State of Western Australia c/- State Solicitor's Office David Malcolm Justice Centre 28 Barrack Street Perth WA 6000	Pila Nguru (Aboriginal Corporation) RNTBC c/- Central Desert Native Title Services Ltd Principal Lawyer 76 Wittenoom Street East Perth WA 6004	Paupiyala Tjarutja Aboriginal Corporation PMB 88 Kalgoorlie WA 6430
--	--	--

The following statements are included in the agreement:

3.1 Validating of Previous Acts

Each Party agrees to the validating of the Previous Acts, with the intent that such statement of agreement to validity satisfies the requirements of section 24EBA(1)(a)(ii) of the NT Act.

3.3 Parties' consent to Tjuntjuntjara Land Transactions and Related Acts

Each Party consent to the following, with the intent that such statement of consent satisfies the requirement of section 24EB(1)(b) of the NT Act in respect of each of them:

- (a) the Excision;
- (b) the grant of the Lease by the Minister for Lands to PNAC;
- (c) the grant of any Other Interest;

- (d) the exercise from time to time by a Party of all rights, powers and obligations to give effect to the acts specified in subclauses (a), (b) and (c); and
- (e) the exercise from time to time of all rights granted or created by:
 - (i) the Lease, including the grant by PNAC of the Sublease to PTAC and any other rights or interests permitted under the Lease;
 - (ii) the Sublease, including the grant by PTAC of any other rights or interests permitted under the Sublease; and
 - (iii) any Other Interest, including the grant of any other rights or interests permitted under an Other Interest,
- and the carrying out of any activity permitted by the grants referred to above;
- (f) the performance from time to time of the obligations imposed on a Party or other person under the Lease, Sublease or Other Interest;
- (g) the exercise of any right or obligation created by the Previous Acts, including the carrying out of any activity or the granting of any right or interest in exercise of that right or obligation by the person on whom the right or obligation is conferred;
- (h) the exercise from time to time of all rights, powers, functions and obligations that the State may have under an Act:
 - (i) relating to the exercise of any rights or obligations under the Lease, Sublease or Other Interest; or
 - (ii) arising from their interest in the Agreement Area but not including, other than is dealt with in subclauses (b) and (c), the right to grant interests or rights that are registrable under any Written law; and
 - (i) the doing of any and all things ancillary to any of the acts referred to in subclauses (a) to (h) (inclusive).

3.6 No Right to Negotiate

The Parties agree that:

- (a) the Right to Negotiate Procedure does not apply to any of the Tjuntjuntjara Land Transactions and Related Acts, with the intent that such statement satisfies the requirement of section 24EB(1)(c) of the NT Act; and
- (b) for the avoidance of doubt, no other procedural requirements in Part 2 Division 3 of the NT Act (other than Subdivision B) apply to the Tjuntjuntjara Land Transactions and Related Acts or the Previous Acts.

Excision means the excision of Lot 9 from the Reserve.

Future Act has the same meaning as given to that term by the NT Act.

LA Act means the *Land Administration Act 1997* (WA).

Lease means a lease in perpetuity under section 83 of the LA Act of the Agreement Area for the Permitted Use and otherwise substantially on the same terms and conditions as the draft lease (minus the annexures referred to in it) attached at Schedule 3.

NT Act means the *Native Title Act 1993* (Cth).

Other Interest means a grant by the Minister for Lands of a right or interest under the LA Act, or grant by the State of a right or interest under a Written Law, over or affecting the Agreement Area that is at the request of PNAC and for a purpose that is consistent with, ancillary to, or beneficial to, the Permitted Use or the operation of the Tjuntjuntjara community.

PNAC means Pila Nguru (Aboriginal Corporation) RNTBC and any replacement of it that is a RNTBC for the Native Title Holders.

Previous Acts means acts that meet the following criteria:

- (a) the acts have been done on the Agreement Area before the Commencement Date and are Future Acts to which section 24OA of the NT Act applies; and
- (b) the acts:
 - (i) comprise the erection, construction or placement on the Agreement Land of any improvement or the repair, replacement or alteration of any such improvement;
 - (ii) relate to use of the Agreement Land for the purposes of the Tjuntjuntjara community; or
 - (iii) are the exercise of any right or obligation permitted by the acts referred to in paragraphs (i) or (ii).

PTAC means the Paupiyala Tjarutja Aboriginal Corporation ABN 20 304 504 408.

Right to Negotiate Procedure means the procedure under Subdivision P of Division 3, Part 2 of the NT Act.

Sublease means the sublease PNAC proposes to grant to PTAC of the Sublease Area after it becomes lessee of the Agreement Area under the Lease for purposes consistent with the Permitted Use.

Tjuntjuntjara Land Transactions and Related Acts means, as the context requires, each act specified in clause 3.3 or all of those acts collectively.

Registration:

The Registrar of the National Native Title Tribunal will proceed to register the agreement unless:

- a party to the agreement advises the Registrar, within one month after the notification day, that the party does not wish the agreement to be registered on the Register, OR
- a representative Aboriginal/Torres Strait Islander body (or a native title service provider funded under s 203FE of the *Native Title Act 1993* (Cth) to perform the relevant functions) for any of the area advises the Registrar, within one month after the notification day, that the requirements of s 24BD(4)(a) of the *Native Title Act 1993* (Cth) were not complied with in relation to the agreement and the Registrar is satisfied that the requirements of s 24BD(4)(a) were not complied with.

Note: Section 24BD(4)(a) requires that if there are any representative Aboriginal/Torres Strait Islander bodies (or native title service providers funded to perform the relevant functions) for any of the area and none of them is proposed to be a party to the agreement, the registered native title body corporate, before entering the agreement must inform at least one of the representative bodies or service providers of its intention to enter into the agreement.

The contact address for this notice is the Native Title Registrar, National Native Title Tribunal, GPO Box 9973, Perth WA 6848.

If material is provided that is relevant to the registration of this agreement, procedural fairness requires that it be given to any person or organisation that may be adversely affected for comment.

Assistance and further information:

Details of the agreement area may be obtained from the National Native Title Tribunal. Details of the terms of the agreement, however, are not available from the National Native Title Tribunal. For assistance and further information call Claire Smith on (08) 6317 5333 or visit www.nntt.gov.au.

12.2.10	Repeal Local Law 2021 - Adoption
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM510
DATE OF REPORT	11 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211110 Repeal Local Law v 2 [12.2.10.1 - 1 page]

SUMMARY:

To finalise the process of adoption of the Repeal Local Law 2021.

BACKGROUND:

The proposed local law is to repeal six old local laws.

COMMENT:

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Repeal Local Law.

The local laws are well out of date, and no longer applicable. Some of the circumstances existing at the time of adoption of the local laws are no longer applicable.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of one minor matter relating to the date of publication of one of the local laws.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- Local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION:

Niel Mitchell, Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995 –

- *s.3.12 – Procedure for making local laws*

Interpretations Act 1984 –

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Minor costs associated with advertising.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Continuation and potential inadequacy of increasingly out of date local laws.	High.	Revocation of local laws that are extremely out of date. Development and adoption of new or amendment local laws where appropriate.

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Resolves to make the Repeal Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law; and

3. Authorises the CEO to:

- publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
- forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986

SHIRE OF MENZIES

REPEAL LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986* and under all other powers enabling it, the Council of the Shire of Menzies resolved on _____ to make the following local law.

1. Citation

This local law may be cited as the *Shire of Menzies Repeal Local Law 2021*.

2. Commencement

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

3. Repeal

The following local laws are repealed –

- (a) *By-laws Menzies General Cemetery*, published in the *Government Gazette* on 15 January 1904;
- (b) *By-laws for the Regulation of the Kookynie Cemetery*, published in the *Government Gazette* on 26 February 1904;
- (c) *By-laws of the Comet Vale Public Cemetery*, published in the *Government Gazette* on 5 February 1915;
- (d) *Health Series "B" Model By-laws*, published in the *Government Gazette* on 1 October 1915;
- (e) *Health Series A Model By-laws*, published in the *Government Gazette* on 17 December 1948;
- (f) *Health Series "A" Mode By-laws*, published in the *Government Gazette* on 13 August 1957.

Dated _____

The Common Seal of the Shire of Menzies was affixed by authority of a resolution of Council in the presence of –

G. DWYER, President.

B. JOINER, Chief Executive Officer.

12.2.11	Meeting Procedures Local Law 2021 - Adoption
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM511
DATE OF REPORT	11 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211110 Meeting Procedures Local Law 2021 v 4 [12.2.11.1 - 22 pages]

SUMMARY:

To finalise the process of adoption of the Meeting Procedures Local Law 2021.

BACKGROUND:

The proposed local law is to establish controls to manage meetings of the Council, Committees and ratepayers of Shire of Menzies.

COMMENT:

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Meeting Procedures Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law, and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised o several minor matters relating to suggested change of wording of clause 8.14(1) and a cross reference in clause 5.1(3).

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that require re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION:

Niel Mitchell, Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995 –

- *s.3.12 – Procedure for making local laws*

Interpretations Act 1984 –

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Minor costs associated with advertising.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Meetings that may be difficult to manage.	Medium.	Training and awareness of provisions to be provided to elected members.
Disruptive member of the public.	Medium.	Members of the public to be clearly advised of unacceptable behaviour when necessary.

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Resolves to make the Meeting Procedures Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;

2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorises the CEO to:
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
 - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

LOCAL GOVERNMENT ACT 1995
SHIRE OF MENZIES
MEETING PROCEDURES LOCAL LAW 2021

CONTENTS

PART 1 - PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Interpretation

PART 2 - ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

- 2.1 Establishment of committees
- 2.2 Types of committees
- 2.3 Delegation of some powers and duties to certain committees
- 2.4 Limits on delegation of powers and duties to certain committees
- 2.5 Appointment of committee members
- 2.6 Tenure of committee membership
- 2.7 Resignation of committee members
- 2.8 Register of delegations to committees
- 2.9 Committees to report

PART 3 - CALLING AND CONVENING MEETINGS

- 3.1 Ordinary and special Council meetings
- 3.2 Calling Council meetings
- 3.3 Convening Council meetings
- 3.4 Calling committee meetings
- 3.5 Public notice of meetings

PART 4 - PRESIDING MEMBER AND QUORUM

- 4.1 Who presides
- 4.2 When the Deputy President can act
- 4.3 Who acts if no President
- 4.4 Election of presiding members of committees
- 4.5 Election of deputy presiding members of committees
- 4.6 Functions of deputy presiding members
- 4.7 Who acts if no presiding member
- 4.8 Quorum for meetings
- 4.9 Reduction of quorum for Council meetings
- 4.10 Reduction of quorum for committee meetings
- 4.11 Procedure where no quorum to begin a meeting
- 4.12 Procedure where quorum not present during a meeting
- 4.13 Names to be recorded

PART 5 - BUSINESS OF A MEETING

- 5.1 Business to be specified
- 5.2 Order of business
- 5.3 Motions of which previous notice has been given
- 5.4 New business of an urgent nature
- 5.5 Adoption by exception resolution

PART 6 - PUBLIC PARTICIPATION

- 6.1 Meetings generally open to the public
- 6.2 Meetings not open to the public
- 6.3 Question time for the public
- 6.4 Question time for the public at certain meetings
- 6.5 Minimum question time for the public
- 6.6 Procedures for question time for the public
- 6.7 Other procedures for question time for the public
- 6.8 Distinguished visitors
- 6.9 Deputations
- 6.10 Petitions
- 6.11 Presentations
- 6.12 Participation at committee meetings
- 6.13 Public inspection of agenda materials
- 6.14 Confidentiality of information withheld
- 6.15 Recording of proceedings
- 6.16 Prevention of disturbance

PART 7 - QUESTIONS BY MEMBERS

- 7.1 Questions by members

PART 8 - CONDUCT OF MEMBERS

- 8.1 Members to be in their proper places
- 8.2 Official titles to be used
- 8.3 Entering or leaving a meeting
- 8.4 Members to indicate their intention to speak
- 8.5 Priority of speaking
- 8.6 Presiding member may take part in debates
- 8.7 Relevance
- 8.8 Speaking twice
- 8.9 Duration of speeches
- 8.10 No speaking after conclusion of debate
- 8.11 No interruption
- 8.12 Personal explanations
- 8.13 No reopening of discussion
- 8.14 Adverse reflection
- 8.15 Withdrawal of offensive language

PART 9 - PRESERVING ORDER

- 9.1 Presiding member to preserve order
- 9.2 Point of order
- 9.3 Procedures on a point of order
- 9.4 Calling attention to breach
- 9.5 Ruling by the presiding member
- 9.6 Continued breach of order
- 9.7 Right of presiding member to adjourn

PART 10 - DEBATE OF SUBSTANTIVE MOTIONS

- 10.1 Motions to be stated and in writing
- 10.2 Motions to be supported
- 10.3 Unopposed business
- 10.4 Only one substantive motion at a time
- 10.5 Complex motions
- 10.6 Order of call in debate
- 10.7 Limit of debate
- 10.8 Member may require motion to be read
- 10.9 Consent of seconder required for alteration
- 10.10 Order of amendments

- 10.11 Form of an amendment
- 10.12 Amendment must not negate original motion
- 10.13 Relevance of amendments
- 10.14 Mover of motion may speak on amendment
- 10.15 Effect of an amendment
- 10.16 Withdrawal of motion or amendment
- 10.17 Right of reply

PART 11 - PROCEDURAL MOTIONS

- 11.1 Permissible procedural motions
- 11.2 No debate
- 11.3 Procedural motion – right of reply on substantive motion
- 11.4 Meeting to proceed to the next business
- 11.5 Debate to be adjourned
- 11.6 Meeting now adjourn
- 11.7 Question to be put
- 11.8 Member to be no longer heard
- 11.9 Ruling of the presiding member to be disagreed with

PART 12 - DISCLOSURE OF INTERESTS

- 12.1 Disclosure of interests

PART 13 - VOTING

- 13.1 Motion – when put
- 13.2 Voting
- 13.3 Majorities required for decisions
- 13.4 Method of taking vote
- 13.5 Recording of votes

PART 14 - MINUTES OF MEETINGS

- 14.1 Keeping of minutes
- 14.2 Content of minutes
- 14.3 Public inspection of unconfirmed minutes
- 14.4 Confirmation of minutes

PART 15 - ADJOURNMENT OF MEETING

- 15.1 Meeting may be adjourned
- 15.2 Effect of adjournment

PART 16 - REVOKING OR CHANGING DECISIONS

- 16.1 Requirements to revoke or change decisions
- 16.2 Limitations on powers to revoke or change decisions
- 16.3 Implementing a decision

PART 17 - SUSPENSION OF LOCAL LAW

- 17.1 Suspension of local law
- 17.2 Where local law does not apply

PART 18 - MEETINGS OF ELECTORS

- 18.1 Electors' general meetings
- 18.2 Matters for discussion at electors' general meetings
- 18.3 Electors' special meetings
- 18.4 Requests for electors' special meetings
- 18.5 Convening electors' meetings
- 18.6 Who presides at electors' meetings
- 18.7 Procedure for electors' meetings
- 18.8 Participation of non-electors
- 18.9 Voting at electors' meetings
- 18.10 Minutes of electors' meetings

18.11 Decisions made at electors' meetings

PART 19 - ENFORCEMENT

19.1 Penalty for breach

19.2 Who can prosecute

LOCAL GOVERNMENT ACT 1995

SHIRE OF MENZIES

MEETING PROCEDURES LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Menzies resolved on _____ to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Menzies Meeting Procedures Local Law 2021*.

1.2 Commencement

The local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law provides rules and guidelines which apply to the conduct of meetings of the Council, its committees and to meetings of electors.

1.4 Interpretation

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

absolute majority has the meaning given to it in section 1.4 of the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the local government;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

Council means the Council of the local government;

local government means the Shire of Menzies;

meeting means a meeting of the Council or a committee, as the context requires;

member has the meaning given to it in section 1.4 of the Act, and where the context permits, a committee member;

Minister means the Minister for Local Government;

officer means an officer of the local government;

President means the President of the local government or other presiding member at a Council meeting under section 5.6 of the Act;

presiding member means –

(a) in respect of the Council, the person presiding under section 5.6 of the Act; and

(b) in respect of a committee, the person presiding under sections 5.12, 5.13, or 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined in this local law, the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

PART 2 - ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

(1) The establishment of committees is dealt with in section 5.8 of the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include –

(a) the terms of reference of the committee;

- (b) the number of Council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the Council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law is to apply to the conduct of committee meetings.
- (4) Unless earlier determined by Council, a Committee established by Council ceases to exist immediately prior to the first ordinary meeting of the Council held after the next following ordinary local government election.
- (5) Council may re-establish the Committee by resolution until the first meeting held after the next following ordinary local government election.

2.2 Types of committees

The types of committees are dealt with in section 5.9 of the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in section 5.16 of the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in section 5.17 of the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in sections 5.10 and 5.11A of the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in section 5.11 of the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in regulation 4 of the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in section 5.18 of the Act.

2.9 Committees to report

A committee –

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

PART 3 - CALLING AND CONVENING MEETINGS

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in section 5.4 of the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in section 5.5 of the Act.
- (2) The CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council, subject to subclause (3).

- (3) Where, in the opinion of the President or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the presiding member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in regulation 12 of the Regulations.

PART 4 - PRESIDING MEMBER AND QUORUM

4.1 Who presides

Who presides at a Council meeting is dealt with in section 5.6 of the Act.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in section 5.34 of the Act.

4.3 Who acts if no President

Who acts if there is no President is dealt with in section 5.35 of the Act.

4.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in section 5.12(1) of the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in section 5.12(2) the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in section 5.13 of the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in section 5.14 of the Act.

4.8 Quorum for meetings

The quorum for meetings is dealt with in section 5.19 of the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in section 5.7 of the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in section 5.15 the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in regulation 8 of the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is –

- (a) immediately to suspend the proceedings of the meeting for a period of up to 30 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

The names of the members then present are to be recorded in the minutes at any meeting –

- (a) at which there is not a quorum present; or

- (b) which is adjourned for want of a quorum.

PART 5 - BUSINESS OF A MEETING

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering new business.
- (4) Subject to subclause (3), no business is to be transacted at an adjourned meeting of the Council other than that –
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.

5.2 Order of business

- (1) The order of business of an ordinary meeting of the Council shall be determined by the local government from time to time.
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least seven working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO –
 - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) after consultation with the member where this is practicable, may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless –
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least three months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), "cases of urgency or other special circumstances" means matters that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause “adoption by exception resolution” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the local government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter –
 - (a) in which an interest has been disclosed;
 - (b) that has been the subject of a petition or deputation;
 - (c) that is a matter on which a member wishes to make a statement; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

PART 6 - PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in section 5.23(1) of the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in section 5.23(2) of the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –
 - (a) the presiding member is to direct everyone to leave the meeting except –
 - (i) the members; unless a relevant interest is declared; and
 - (ii) any officer specified by the presiding member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.8 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member requested to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in section 5.24 of the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in regulation 5 of the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in regulation 6 of the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in regulation 7 of the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that –

- (a) a response is given to the member of the public in writing; and
- (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to –
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) A member of the public shall have two minutes to submit a question or questions, unless the presiding member agrees to extend the time permitted.
- (6) Each member of the public with a question is entitled to ask up to two questions before other members of the public will be invited to ask their questions.
- (7) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (8) The presiding member may decide that a public question shall not be responded to where –
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (9) The presiding member may agree to extend public question time beyond the prescribed 15 minutes, but not more than an additional 15 minutes.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either –
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council.
- (2) The CEO may either –
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council meeting is not to exceed a reasonable number as determined by the presiding member, and members of the delegation may address the Council, as permitted by the presiding member;
- (4) A person addressing the Council is to cease that address immediately after being directed to do so by the presiding member –
 - (a) in order to preserve order;
 - (b) the time permitted has expired; or
 - (c) the presentation has diverged from the purpose of the deputation.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting.
- (6) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition to the local government is to –
 - (a) be addressed to the President;

- (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, “presentation” means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the President or CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who –
- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.
- (3) A person is not to address the committee for a period exceeding five minutes without the agreement of the presiding member.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the meeting.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Public inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the office of the local government.

6.14 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations –
- (a) the matter is to be identified in the agenda of a Council meeting as being confidential;
 - (b) any documents are to be marked as being confidential in the agenda or referred to in subclause (1)(a); and
 - (c) is to be kept confidential by officers and members until the Council resolves or the CEO determines otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.15 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

6.16 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or pager is not audible or used during any meeting of the Council.
- (5) The presiding member may expel a person from the meeting by ordering the person to leave the meeting room, if –
 - (a) after being warned, the person again acts contrary to this clause, or to this local law; or
 - (b) a person refuses or fails to comply with a direction of the presiding member.
- (6) A person who is ordered to leave the meeting room and fails to do so may by order of the presiding member, be removed from the meeting room, and if the presiding member orders, from the premises.
- (7) A person in breach of this clause is subject to the penalties specified in clause 19.1.

PART 7 - QUESTIONS BY MEMBERS

7.1 Questions by members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from an officer at a Council meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions of that officer or another officer present at the meeting.
- (3) Where possible the officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the officer may ask that –
 - (a) the question be placed on notice for the next meeting of Council; and
 - (b) the answer to the question be given to the member who asked it within 14 days.
- (4) Every question and answer –
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

PART 8 - CONDUCT OF MEMBERS

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, Council will, by consensus, determine a position at the Council table for each member.
- (2) Each member is to occupy his or her allotted position at each Council meeting until otherwise agreed by Council.

8.2 Official titles to be used

A speaker, when referring to the President, Deputy President or presiding member, or a member or officer, is to use the title of that person's office.

8.3 Entering or leaving a meeting

- (1) During the course of a meeting of the Council, a member is not to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure, and ensuring a quorum is present in the meeting.
- (2) Where a member is leaving a meeting and does not intend to return, the member is to advise the presiding member of such prior to departing.

8.4 Members to indicate their intention to speak

A member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.5 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member is to cease speaking immediately after being asked to do so by the presiding member.

8.6 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

8.7 Relevance

- (1) A member is to restrict his or her remarks to –
 - (a) the motion or amendment under discussion;
 - (b) a personal explanation;
 - (c) or point of order.
- (2) The presiding member may at any time –
 - (a) call the attention of the meeting to –
 - (i) any irrelevant, repetitious, offensive or insulting language by a member; or
 - (ii) any breach of order by a member; and
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

8.8 Speaking twice

Without the consent of the presiding member, a member is not to address the Council more than once on any motion or amendment except –

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.9 Duration of speeches

A member is not to speak on any matter for more than five minutes without the consent of the Council which, if given, is to be given without debate.

8.10 No speaking after conclusion of debate

A member is not to speak on any motion or amendment –

- (a) after the mover has replied; or
- (b) after the question has been put.

8.11 No interruption

A member is not to interrupt another member who is speaking unless –

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;

- (c) to make a personal explanation under clause 8.12; or
- (d) to move a procedural motion that the member be no longer heard under clause 11.1.

8.12 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.13 No reopening of discussion

A member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.14 Adverse reflection

- (1) A member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed unless the meeting resolves, without debate, that the matter before the meeting cannot otherwise be adequately considered.
- (2) Unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered, a member is not –
 - (a) to reflect adversely on the character or actions of another member or officer; or
 - (b) to impute any motive to a member or officer.
- (3) A member is not to use offensive or objectionable expressions in reference to any member, officer or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes –
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.15 Withdrawal of offensive language

- (1) A member must withdraw the expression and make a satisfactory apology when directed by the presiding member, if the presiding member is of the opinion that an expression used by the member –
 - (a) in the absence of a resolution under subclause 8.14(2) –
 - (i) reflects adversely on the character or actions of another member or officer; or
 - (ii) imputes any motive to a member or officer; or
 - (b) is offensive or insulting.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

PART 9 - PRESERVING ORDER

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever considered necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, and every member present is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.6, but to preserve order.

9.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of –
 - (a) this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order –
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order shall not continue until permitted, but is to remain silent until –
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order.

9.4 Calling attention to breach

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

9.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order –
 - (a) Is not to be subject to debate; and
 - (b) is to be final unless the majority of members then present and voting dissent from the ruling, on a motion moved immediately after the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that –
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

9.6 Continued breach of order

The presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member is to comply with that direction, if a member –

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 9.5(3).

9.7 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

PART 10 - DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing

Any member who wishes to move a substantive motion or an amendment to a substantive motion –

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the presiding member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) This clause does not apply –
- (a) if a member opposes a motion; or
 - (b) to a motion to revoke or change a decision which has been made at a Council meeting.

10.4 Only one substantive motion at a time

- (1) When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted.
- (2) The Council is not to consider more than one substantive motion at any time.

10.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

10.6 Order of call in debate

The presiding member –

- (a) is to manage debate in any manner considered appropriate to fully consider and determine the business before Council, and
- (b) may call speakers to a substantive motion or amendment in the following order –
 - (i) the mover to state the motion;
 - (ii) a seconder to the motion;
 - (iii) the mover to speak to the motion;
 - (iv) the seconder to speak to the motion;
 - (v) a speaker against the motion;
 - (vi) a speaker for the motion;
 - (vii) other speakers against and for the motion, alternating where possible; and
 - (viii) mover takes right of reply which closes debate.

10.7 Limit of debate

The presiding member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all members may not have spoken.

10.8 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.9 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.10 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.11 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.12 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.13 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.14 Mover of motion may speak on amendment

Any member may speak during debate on an amendment consistent with subclause 10.6(b).

10.15 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.16 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.17 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised –
 - (a) where no amendment is moved to the substantive motion, at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion, at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply –
 - (a) no other member is to speak on the motion;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

PART 11 - PROCEDURAL MOTIONS

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion a member may move the following procedural motions –

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the presiding member be disagreed with; or
- (g) that the meeting be closed to the public.

11.2 No debate

- (1) The mover of a motion specified in clause 11.1(a), (b), (c), (f) or (g) may speak to the motion for not more than two minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in clause 11.1 (d) or (e) may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural motion – right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.4 Meeting to proceed to the next business

- (1) If carried, the motion that the meeting proceed to the next item of business, has the effect that –
 - (a) the debate on the substantive motion or amendment ceases immediately;
 - (b) no decision is made on the substantive motion;
 - (c) the Council moves to the next item of business; and
 - (d) is to state either –
 - (i) when the matter is to be reconsidered; or
 - (ii) that there is no requirement for the matter to be raised again for consideration.
- (2) No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move a motion to proceed to the next business.

11.5 Debate to be adjourned

A motion that the debate be adjourned –

- (a) is to state the time and date or circumstances to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.6 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the presiding member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution under clause 5.5.
- (3) A motion that the meeting now adjourn is to state the time and date or circumstances to which the meeting is to be adjourned.
- (4) If carried, a motion that the meeting now adjourn has the effect that the meeting is adjourned to the time and date or circumstances specified in the motion.
- (5) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

11.7 Question to be put

- (1) If the motion that the question be now put is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion that the motion be now put is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If lost, the motion that the question be now put causes debate to continue.
- (4) No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move a motion that the question be now put.

11.8 Member to be no longer heard

If the motion that the member be no longer heard is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.9 Ruling of the presiding member to be disagreed with

If the motion that the ruling of the presiding member be disagreed with is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12 - DISCLOSURE OF INTERESTS

12.1 Disclosure of interests

Disclosure of interests is dealt with in Division 6 of Part 5 of the Act.

PART 13 - VOTING

13.1 Motion – when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member –
 - (a) is to put the motion to the Council; and
 - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

13.2 Voting

Voting is dealt with in section 5.25(1)(d) the Act and regulation 9 of the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member –
 - (a) is to put the motion, first in the affirmative, and then in the negative;
 - (b) may put the motion in this way as often as may be necessary to enable determination whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) subject to this clause, is to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.

13.5 Recording of votes

Recording of votes is dealt with in section 5.21(4) of the Act.

PART 14 - MINUTES OF MEETINGS

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in section 5.22 of the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in regulation 11 of the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in regulation 13 of the Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the

member may provide the local government with a written copy of the alternative wording to amend the minutes no later than seven working days before the next ordinary meeting of the Council.

- (2) At the next ordinary meeting of the Council, the member who provided the alternative wording shall, at the time for confirmation of minutes –
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

PART 15 - ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

The Council may adjourn any meeting –

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law, debate is to be resumed at the next meeting at the point where it was interrupted.

PART 16 - REVOKING OR CHANGING DECISIONS

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision –
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause –

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes –

- (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
- (ii) take any other action to give effect to the decision; and

valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person –
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and

- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice at the commencement of both agenda and minutes of the meeting, that a decision to grant an authorisation –
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 17 - SUSPENSION OF LOCAL LAW

17.1 Suspension of local law

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) Unless the meeting resolves otherwise, a resolution to suspend the operation of the clause or clauses to which the motion relates is for the duration of the meeting.

17.2 Where local law does not apply

- (1) The presiding member is to decide any question relating to the conduct of the meeting in situations where –
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.9.
- (3) Notwithstanding the provisions of subclause (1), the presiding member may call for a vote on a ruling open to him or her under subclause (1).
- (4) The vote is to be taken without a motion and without debate and the presiding member shall be bound by the outcome of the vote.

PART 18 - MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in section 5.27 of the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in regulation 15 of the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in section 5.28 of the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in regulation 16 of the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in section 5.29 of the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in section 5.30 of the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in section 5.31 of the Act and regulation 18 of the Regulations.

- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding person is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in regulation 17 of the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in section 5.32 of the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in section 5.33 of the Act.

PART 19 - ENFORCEMENT

19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence, and is liable for a penalty up to \$1,000, and if the breach is of a continuing nature, a further penalty of up to \$500 in respect of each day during which the offence has continued.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated _____

The Common Seal of the Shire of Menzies was affixed by authority of a resolution of Council in the presence of –

G. DWYER, President

B. JOINER, Chief Executive officer.

12.2.12	Cemeteries Local Law 2021 - Adoption
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM512
DATE OF REPORT	11 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211110 Cemeteries Local Law 2021 v 3 [12.2.12.1 - 11 pages]

SUMMARY:

To finalise the process of adoption of the Cemeteries Local Law 2021.

BACKGROUND:

The proposed local law is to establish controls to manage cemeteries within the district under the control of the Shire of Menzies.

COMMENT:

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Cemeteries Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of several minor matters relating to the schedule of penalties.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION:

Niel Mitchell, Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995 –

- *s.3.12 – Procedure for making local laws*

Interpretations Act 1984 –

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Minor costs associated with advertising.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Management of burials in a cemetery permitted by the Minister.	Very low.	Council to approve requirements for a burial if necessary.
Management of internment of ashes.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Management of memorials etc.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Inappropriate behaviour, damage to plants, memorials etc.	Medium.	Provisions for remedial action and cost recovery included in local law.

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Resolves to make the Cemeteries Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorises the CEO to:
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
 - forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MENZIES

CEMETERIES LOCAL LAW 2021

CONTENTS

PART 1 - PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Definitions

PART 2 - ADMINISTRATION

- 2.1 Powers and functions of CEO

PART 3 - BURIALS

- 3.1 Burials
- 3.2 Minimum notice required
- 3.3 Vaults and mausoleums
- 3.4 Re-opening a grave

PART 4 - INTERMENT OF ASHES

- 4.1 Interment of ashes
- 4.2 Applications to be accompanied by statement
- 4.3 Minimum notice required
- 4.4 Refusal of application
- 4.5 Ashes not to be held by the Board

PART 5 - MEMORIAL SERVICES

- 5.1 Memorial services or processions

PART 6 - MEMORIALS

- 6.1 Application to place memorial
- 6.2 Requirement for commemorative works
- 6.3 Limitation on dimensions of memorials
- 6.4 Display of trade names not allowed
- 6.5 Use of wood
- 6.6 Placing of grave ornaments
- 6.7 Carrying out commemorative works
- 6.8 Australian War Graves

PART 7 - OTHER WORK

- 7.1 Numbering of graves
- 7.2 Removal of sand, soil or loam
- 7.3 Removal of rubbish
- 7.4 Plants and trees
- 7.5 Supervision
- 7.6 Hours of work
- 7.7 Unfinished work

PART 8 - GENERAL

- 8.1 Assistance animals
- 8.2 Littering, vandalism or removal of objects
- 8.3 Withered flowers

- 8.4 Signs and directions of the Board
- 8.5 Removal from the cemetery
- 8.6 Liability for damage or works required to comply
- 8.7 Offence to fail to comply with notice
- 8.8 Board may undertake requirements of notice

PART 9 - OFFENCES AND MODIFIED PENALTIES

- 9.1 General penalties
- 9.2 Modified penalties

Schedule 1 – Modified Penalties

Schedule 2 – Infringement Notice

Schedule 3 – Withdrawal of Infringement Notice

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MENZIES

CEMETERIES LOCAL LAW 2021

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Menzies resolved on _____ to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Menzies Cemeteries Local Law 2021*.

1.2 Commencement

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

1.3 Application

This local law applies to the cemeteries and cemetery reserves located in the district specified in clause 3.1(1) and (2).

1.4 Definitions

In this local law, unless the context otherwise requires –

Act means the *Cemeteries Act 1986*;

administrator means –

- (a) the administrator or executor of an estate of a deceased person;
- (b) the person who, by law or practice, has the right to apply for administration of the estate of the deceased person; or
- (c) a person having the lawful custody of a dead body;

ashes means so much of the remains of a dead body after the due processes of cremation;

authorised person means a person appointed under section 9.10 of the *Local Government Act 1995* for the purposes of performing any function or exercising any power conferred upon an authorised person by this local law; or

Board means the local government;

burial means burial of a dead body;

cemetery means a cemetery specified in clause 3.1(1) or (2);

CEO means the Chief Executive Officer of the Board;

commemorative works means a grave cover, headstone, memorial, memorial plaque, monument and includes any base upon which the commemorative work may be placed;

district means the district of the local government;

grave cover means a covering a grave of durable material whether permeable or impermeable;

headstone means a memorial designed for placement at the head of a grave, commemorating a grave or the placement of ashes;

interment of ashes includes, as the case may be –

- (a) placement of ashes in a grave, niche wall or under a commemorative plaque; or
- (b) scattering of ashes;

local government means the Shire of Menzies;

mausoleum means a burial chamber wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

memorial has the meaning set out in the Act;

memorial plaque means a panel, plate or tablet designed or used for purposes of bearing a commemorative inscription;

memorial work means to install, repair, renovate or remove a memorial;

monument means a sculpture, statue, cover of a grave or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone or memorial plaque;

set fee refers to fees and charges set by resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

standard grave means a grave which does not exceed 2.4m long, 1.2m wide and 2.1m deep; and

vault means a below ground lined grave with one or more sealed compartments.

PART 2 - ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by resolution of the Board, the CEO shall exercise all the powers and functions of the Board in respect of cemeteries.

PART 3 - BURIALS

3.1 Burials

- (1) In accordance with the Cemeteries (Menzies and Kookynie Cemeteries) Order 2016 the following cemeteries are closed to burials –
 - (a) Kookynie Cemetery (Reserve 7839); and
 - (b) Menzies Cemetery (Reserve 3348).
- (2) Burials are not permitted in the following historical cemetery reserves –
 - (a) Yerilla Reserve 3738;
 - (b) Goongarrie Reserve 3780;
 - (c) Tampa Reserve 4096;
 - (d) Niagara Reserve 4560;
 - (e) Yerilla Reserve 4587;
 - (f) Mulwarrie Reserve 7609;
 - (g) Edjudina Reserve 8679;
 - (h) Daveyhurst Reserve 9453;
 - (i) Mount Ida Reserve 9672;
 - (j) Pinjin Reserve 10843; and
 - (k) Comet Vale Reserve 11107.
- (3) Burials within the Shire of Menzies are permitted only in accordance with sections 12 or 43(2) of the Act.
- (4) Where a burial is approved under subclause (3) and is to be undertaken by the Board, the burial shall be –
 - (a) at the expense of the administrator; and
 - (b) the expense shall be calculated in accordance with the set fee; and
 - (c) on the agreed date at the agreed time.

3.2 Minimum notice required

An application for a burial shall be made to the Board at least one week prior to the day proposed for burial, otherwise an extra charge may be made.

3.3 Vaults and mausoleums

A person shall not construct a vault or mausoleum within the cemetery, except with the specific approval by resolution of the Board.

3.4 Re-opening a grave

A person shall not reopen a grave without the approval of the Board.

PART 4 - INTERMENT OF ASHES

4.1 Interment of ashes

- (1) An administrator may apply for approval for interment of ashes in a cemetery listed in clause 3.1(1).
- (2) Interment of ashes in the cemetery reserves listed in clause 3.1(2) is –
 - (a) subject to the appropriateness of the interment as determined by the Board; and
 - (b) not permitted in a grave.
- (3) An application under subclause (1) shall be accompanied by the set fee.
- (4) Where an interment is approved under subclause (1) and is to be undertaken by the Board, the interment shall be –
 - (a) at the expense of the administrator; and
 - (b) the expense shall be calculated in accordance with the set fee; and
 - (c) if specified, on the agreed date at the agreed time.

4.2 Applications to be accompanied by statement

An application under clause 4.1(1) shall be accompanied by a statement by an administrator of –

- (a) identity of the ashes to be interred; and
- (b) such other information as may be required by the Board.

4.3 Minimum notice required

An application for interment of ashes in a grave shall be made to the Board at least one week prior to the day proposed for interment, otherwise an extra charge may be made.

4.4 Refusal of application

- (1) The Board shall refuse an application for approval for the interment of ashes –
 - (a) if the ashes are not being scattered; or
 - (b) if the ashes are not being interred as otherwise approved by the Board; or
 - (c) if the ashes are to be interred in an existing gravesite of a person in a cemetery listed in clause 3.1(1) and the ashes are to be interred do not have a direct and readily identifiable association with the person buried, as deemed appropriate by the Board; or
 - (d) on any other grounds considered appropriate.
- (2) If the Board refuses to approve an application under subclause (1), written notice of the refusal is to be given to the applicant.

4.5 Ashes not to be held by the Board

The Board shall not accept custody of ashes of a deceased person.

PART 5 - MEMORIAL SERVICES

5.1 Memorial services or processions

Upon application, the Board may approve under such conditions as deemed appropriate, and with or without a burial or interment or broadcasting of ashes –

- (a) the conduct of a memorial service; or
- (b) a procession.

PART 6 - MEMORIALS

6.1 Application to place memorial

- (1) An administrator may apply for approval of the Board for commemorative works in a cemetery listed in clause 3.1(1).
- (2) An administrator may apply for approval by resolution of the Board for commemorative works in a cemetery listed in clause 3.1(2).
- (3) An application under subclause (1) or (2) shall be accompanied by the set fee.
- (4) The Board may require an application for a memorial made under section 30 of the Act, to be accompanied by the written consent of –

- (a) the holder of the right of burial of the grave;
 - (b) an administrator of a deceased person; or
 - (c) other person to the satisfaction of the Board.
- (5) Where written consent under subclause (4) is not able to be produced, the Board may approve with or without conditions or decline an application in its absolute discretion.
- (6) If the Board refuses to approve an application under subclause (5), written notice of that refusal is to be provided to the applicant.

6.2 Requirement for commemorative works

- (1) Commemorative works shall comply with such requirements and conditions as may be imposed by resolution the Board, including but not limited to –
- (a) grave cover –
 - (i) dimensions not to exceed the width and length of a standard grave without approval under clause 6.3(3);
 - (ii) thickness shall not to exceed 150mm; and
 - (iii) materials;
 - (b) headstone, memorials and bases, monuments –
 - (i) dimensions not to extend beyond any grave cover in place, its base or dimensions of a standard grave if no grave cover is in place;
 - (ii) height; and
 - (iii) materials;
 - (c) plaques –
 - (i) maximum dimensions;
 - (ii) dimensions shall not extend beyond any base upon which the plaque is mounted; and
 - (iii) materials;
 - (d) gravesite boundary, whether kerbing, loose or cemented rock, or fencing –
 - (i) dimensions shall not to exceed the width and length of a standard grave without approval under clause 6.3(3);
 - (ii) height; and
 - (iii) materials.
- (2) Where commemorative works approved under subclause (1) and is to be undertaken by the Board, the commemorative works shall be –
- (a) at the expense of the administrator; and
 - (b) the expense shall be calculated in accordance with the set fee; and
 - (c) if specified, on the agreed date at the agreed time.

6.3 Limitation on dimensions of memorials

- (1) No part of any commemorative works, including any kerbing, boundary marker or enclosure is to extend beyond the dimensions of a standard grave.
- (2) No part of a headstone, memorial plaque or monument above its base shall extend horizontally beyond its base.
- (3) Notwithstanding subclause (1), on request of an administrator, the Board may approve commemorative works over multiple adjoining gravesites –
- (a) where the persons interred are of the same family; or
 - (b) for another acceptable reason.

6.4 Display of trade names not allowed

A person shall not display any trade names or marks on commemorative works.

6.5 Use of wood

No wooden fence, railing or construction other than a cross, shall be allowed on or around a grave, other than –

- (a) as a temporary marker; or
- (b) with the approval of the Board.

6.6 Placing of grave ornaments

- (1) A person shall not place vases or other grave ornaments –
 - (a) outside the perimeter of a standard grave; or
 - (b) outside of an area set aside by the Board as a memorial plaque section.
- (2) The use of glass, porcelain, ceramics or pottery is not permitted, other than that already in place at commencement of this local law.

6.7 Carrying out commemorative works

- (1) A person shall not carry out commemorative works within the cemetery without the approval of the Board to do so under clause 6.1.
- (2) All material required in the erection and completion of any commemorative works shall, be prepared before being taken to the cemetery.
- (3) The Board may place restrictions on the hours of work, access to the cemetery or other matters considered appropriate.
- (4) Work is not permitted to be left unattended in an untidy or unsafe state.

6.8 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves –

- (a) may place a complying memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

PART 7 - OTHER WORK

7.1 Numbering of graves

A person shall not install commemorative works on a grave unless the number of that grave is, depending on the area where the grave is located, indelibly and legibly inscribed either on the base of the head of the monument or on the base of the headstone, or if this is not practicable, on the kerbing at the foot of the grave.

7.2 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the construction of any memorial or other work, or cause any material to be removed from the cemetery except with the approval of the Board.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after approved memorial works are completed shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the Board.

7.5 Supervision

All workers, whether employed by the Board or by any other person, shall at all times while within the boundaries of the cemetery be subject to the supervision of the Board and shall obey any directions of the Board or authorised person.

7.6 Hours of work

Except in accordance with the permission of an authorised person, a person shall not carry out memorial or other work within the cemetery –

- (a) during a funeral; or
- (b) outside the hours approved by the Board.

7.7 Unfinished work

A person who does not complete any work within the approved hours shall leave the work in a neat and safe condition to the satisfaction of the Board or an authorised person.

PART 8 - GENERAL

8.1 Assistance animals

A person shall not bring an animal into or allow to be brought an animal to enter or remain in a cemetery, other than –

- (a) an 'assistance animal' as defined in section 9(2) of the *Disability Discrimination Act 1992* (Commonwealth); or
- (b) with the approval of the Board or an authorised person.

8.2 Littering, vandalism or removal of objects

Without the approval of the Board or an authorised person, a person shall not –

- (a) damage, remove or pick any tree, plant, shrub or flower;
- (b) damage, deface or interfere with any monument or gravesite in any manner whatsoever;
- (c) damage or interfere with any property, object or infrastructure which is the property of the Board or other person;
- (d) break or cause to be broken any glass, ceramic or other material in or upon a cemetery;
- (e) discard, deposit, leave or cause to be discarded, deposited or leave any refuse or litter in a cemetery other than in a receptacle provided for that purpose.

8.3 Withered flowers

Notwithstanding clause 8.2 a person may remove withered flowers from a grave or memorial and these are to be disposed of in an appropriate manner.

8.4 Signs and directions of the Board

A person shall obey –

- (a) all signs displayed, marked, placed or erected by the Board within a cemetery; and
- (b) any other lawful direction by the Board or authorised person.

8.5 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board or an authorised person is inappropriate in a cemetery may in addition to any penalty provided by this local law be directed to leave the cemetery by the Board or an authorised person.

8.6 Liability for damage or works required to comply

Where a person commits a breach of this local law the Board may by written notice to that person require that person within the time required in the notice to, at the option of the Board –

- (a) pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage;
- (b) pay the costs of replacing that property;
- (c) pay the costs of works required to comply with this local law; or
- (d) carry out works required to comply with this local law.

8.7 Offence to fail to comply with notice

Whenever the Board gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

8.8 Board may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 8.6, the Board may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General penalties

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500, and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The infringement notice referred to in section 63(1) of the Act shall be in the form set out in the Schedule 2.
- (4) The notice withdrawing an infringement notice referred to in section 63(3) of the Act shall be in the form set out in Schedule 3.

Schedule 1 – Modified Penalties

[cl.9.2]

Item	Clause	Nature of offence	Modified Penalty \$
1	3.3	Unauthorised construction of vault or mausoleum	50
2	3.4	Unauthorised reopening of a grave	50
3	4.1(1)	Unauthorised disposal of ashes in a cemetery listed in clause 3.1(1)	50
4	4.1(2)	Unauthorised disposal of ashes in a cemetery listed in clause 3.1(2)	50
5	5.1(a)	Holding a memorial service without permission	50
6	5.1(b)	Conducting a procession without permission	50
7	6.2(1)	Failure to comply with conditions of approval	50
8	6.4	Use of trade name or mark on a memorial	50
9	6.5	Use of wood without approval	50
10	6.6	Unauthorised placing of grave ornaments	50
11	6.7(1)	Unauthorised carrying out of commemorative works	50
12	6.7(3)	Works carried out during unauthorised times	50
13	6.7(4)	Failure to leave uncompleted works in a tidy and safe condition	50
14	7.1	Failure to inscribe grave number on commemorative works	50
15	7.2	Unauthorised use of materials taken from within the cemetery	50
16	7.3	Failure to remove rubbish and surplus materials	50
17	7.4	Unauthorised planting of tree or shrub	50
18	7.5	Failure to comply with direction of authorised person	50
19	7.6(b)	Failure to comply with approved hours of work	50
20	7.7	Failure to leave uncompleted works in a tidy and safe condition	50
21	8.2	Littering or damage	50
22	8.3	Failure to dispose of withered flowers appropriately	50
23	8.4	Failure to obey sign or lawful direction within cemetery	50
24	8.5	Failure to comply with order to leave cemetery	50

25	8.7	Failure to comply with notice within specified period	50
26	9.2(2)	Offences not elsewhere specified	50

Schedule 2 – Infringement Notice

[cl. 9.2(3)]

Shire of Menzies

INFRINGEMENT NUMBER –		
To:		
Address:		
	It is alleged that –	
At –		
On –	Day	Date
Name of cemetery or cemetery reserve –		as defined in clause 3.1 of the Shire of Menzies Cemeteries Local Law 2021
	You committed the following offence –	
Contrary to –	Shire of Menzies Cemeteries Local Law 2021	
Schedule 1 reference –	Item No. –	Clause –
Offence –		
Brief description –		
The modified penalty for the offence is –	\$	
	If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid at the Shire of Menzies within a period of 28 days after the giving of this notice.	
Name of authorised person –		
Position –		
Signature –		
Date –		
	Payments may be made – a) by EFT (contact Shire office for details) b) In person at – Shire of Menzies, 124 Shenton Street, Menzies during business hours c) By mail to – Shire of Menzies PO Box 4, Menzies 6436 Please make cheques payable to Shire of Menzies.	

Schedule 3 – Withdrawal of Infringement Notice

[cl. 9.2(4)]

Shire of Menzies

To –	
Address –	
	It is advised that –
Infringement Notice No. –	
Dated –	
For the alleged offence of –	
	has been withdrawn.
The modified penalty of –	\$
Reason for withdrawal –	No further action will be taken.
(Delete whichever does not apply)	It is proposed to institute court proceedings for the alleged offence
Name of authorised person –	
Position –	
Signature –	
Date –	

Dated _____

The Common Seal of the Shire of Menzies was affixed by authority of a resolution of Council in the presence of –

G. DWYER, President

B JOINER, Chief Executive Officer

12.2.13	Dogs Local Law 2021 - Adoption
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM513
DATE OF REPORT	11 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211110 Dogs Local Law 2022 v 3 [12.2.13.1 - 6 pages]

SUMMARY:

To finalise the process of adoption of the Dogs Local Law 2021.

BACKGROUND:

The proposed local law is to establish controls to manage dogs within the district under the control of the Shire of Menzies.

COMMENT:

At its ordinary meeting held on 26 August 2021 the Council resolved to commence the process to make the Dogs Local Law.

The purpose of this report is to:

- 1) consider the submissions received on the proposed local law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) make the local law, incorporating all amendments as approved by Council;
- 3) authorise the affixing of the Common Seal to the local laws;
- 4) authorise the local law's publication in the *Government Gazette*; and
- 5) give local public notice, (after Gazettal), of the date the local laws will come into effect.

The procedure for making local laws requires Council to advertise its intention to make a local law and invite submissions to be made on the proposed local law for a minimum six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

The proposed local law was advertised for public comment in accordance with the requirements of the Act.

An advertisement was placed in the Menzies Matters on 3 September 2021, on the Shire website, social media and notice boards, with the submission period for public comment closing on 22 October 2021.

The Dept of Local Government, Sporting and Cultural Industries advised of several minor matters relating to suggested inclusion of clause 6.2(2) and a reference in item 3 of the Schedule.

No other submission was received.

None of the suggested changes altered the intent of the provision amended nor place additional obligations on the community. Accordingly, it is considered that the amendments are not of a significant nature that requires re-advertising.

The attached draft has been amended from the proposed local law advertised for public submissions, in accordance with Department comments.

Once formally adopted by Council, the:

- local law is to be published in the Government Gazette,
- local public notice given of adoption of the local laws (separate to previous advertising of proposals),
- signed copies are to be sent to Minister for Local Government; and
- copies sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note:

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

CONSULTATION:

Niel Mitchell, consultant.

STATUTORY AUTHORITY:

Local Government Act 1995 –

- *s.3.12 – Procedure for making local laws*

Interpretations Act 1984 –

- *s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Minor costs associated with advertising.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Outdated requirements potentially resulting in enforcement being inconsistent with legislation.	Medium.	Staff awareness of resulting changes in new local law.

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

4.2.1 Maintain a high level of corporate governance, responsibility and accountability.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Resolves to make the Dogs Local Law 2021 as per the attached draft, incorporating amendments outlined by the Department of Local Government, Sport and Cultural Industries;
2. Authorises the President and CEO to sign and affix the Common Seal to the Local Law;
3. Authorises the CEO to:
 - publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and

- forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

COUNCIL DECISION:

Council Resolution Number	
----------------------------------	--

Moved		Seconded	
--------------	--	-----------------	--

Carried	
----------------	--

**LOCAL GOVERNMENT ACT 1995
DOG ACT 1976**

SHIRE OF MENZIES

DOGS LOCAL LAW 2021

CONTENTS

PART 1 - PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Definitions

PART 2 - IMPOUNDING OF DOGS

- 2.1 Attendance of authorised person at dog management facility
- 2.2 Release of impounded dog
- 2.3 Unauthorised release

PART 3 - KEEPING OF DOGS

- 3.1 Dogs to be confined
- 3.2 Limitation on the number of dogs
- 3.3 Application to keep additional dog or dogs
- 3.4 Determination of application
- 3.5 Where application cannot be approved
- 3.6 Conditions of approval
- 3.7 Variation of permit conditions
- 3.8 Transfer of approval not permitted
- 3.9 Revocation of approval to keep additional dogs

PART 4 - DOGS IN PUBLIC PLACES

- 4.1 Places where dogs are prohibited absolutely
- 4.2 Places which are dog exercise areas

PART 5 - MISCELLANEOUS

- 5.1 Offence to excrete

PART 6 - ENFORCEMENT

- 6.1 Offences
- 6.2 General penalty
- 6.3 Modified penalties
- 6.4 Issue of infringement notice
- 6.5 Failure to pay modified penalty
- 6.6 Payment of modified penalty
- 6.7 Withdrawal of infringement notice

Schedule 1 – Prescribed offences

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976

SHIRE OF MENZIES

DOGS LOCAL LAW 2021

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Menzies resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Menzies Dogs Local Law 2021*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district, excluding –

- (a) Crown Reserve 30490 Great Victoria Desert Nature Reserve and the Tjuntjuntjara Community located within that Reserve; and
- (b) the land subject to Native Title Determination WCD2000/003 – Spinifex People north of Crown Reserve 30490.

1.4 Repeal

The *Shire of Menzies Dogs Local Law 2007* published in the *Government Gazette* on 6 July 2007, is repealed.

1.5 Definitions

In this local law unless the context otherwise requires –

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the Shire of Menzies;

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 6.4;

kennel establishment means any premises licensed under section 27 of the Act where more than the number of dogs under clause 3.3 over the age of 3 months are kept, boarded, trained or bred;

local government means the Shire of Menzies;

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

notice of withdrawal means the notice referred to in clause 6.7(1);

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person's ownership or occupation of land; or

- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner in relation to a dog, has the same meaning as in section 3(1) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3(1) of the Act;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

townsite means the townsites of Menzies and Kookynie as identified by the local planning scheme.

PART 2 - IMPOUNDING OF DOGS

2.1 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.2 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person or if absent, to the CEO.
- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence –
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.3 Unauthorised release

Unauthorised release of dogs is dealt with by section 43(1)(d) of the Act.

PART 3 - KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must –
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been –
 - (a) granted an exemption under section 26(3) of the Act; or
 - (b) licensed under section 27 of the Act as an approved kennel establishment.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act –

- (a) two dogs over the age of three months and the young of those dogs under that age if the premises are within Menzies or Kookynie townsites; or
- (b) four dogs over the age of three months and the young of those dogs under that age if the premises are outside of Menzies or Kookynie townsites.

3.3 Application to keep additional dog or dogs

Subject to clause 3.5, the local government may consider –

- (1) an application to keep additional dogs to a maximum of four dogs on premises within Menzies or Kookynie townsites shall –
 - (a) provide sufficient detail regarding the reason for keeping more than two dogs;
 - (b) provide written consent from owners and occupiers of any premises adjoining the premises; and
 - (c) in the case of a tenanted property, provide written consent from either the landowner or their appointed real estate agent.
- (2) an application to keep more than four dogs on premises outside the Menzies and Kookynie shall –
 - (a) provide sufficient detail regarding the reason for keeping more than four dogs; and
 - (b) in the case of a tenanted property, provide written consent from either the landowner or their appointed real estate agent.
- (3) applications to keep an additional dog or dogs where –
 - (a) the property is deemed suitable by an authorised person –
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate.
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including –
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or
 - (v) on premises outside the Menzies and Kookynie townsites, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

3.4 Determination of application

In determining an application for approval to keep additional dogs, the local government is to have regard to –

- (a) the matters referred to in clause 3.5;
- (b) the effect which approval of the proposed may have on the environment or amenity of the neighbourhood; and
- (c) whether approval of the application may create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where –

- (a) more than four dogs are proposed to be kept on premises within the Menzies or Kookynie townsites;
- (b) more than six dogs are proposed to be kept on premises outside the Menzies or Kookynie townsites; or
- (c) where any dog already kept or proposed to be kept on the premises is a dangerous dog.

3.6 Conditions of approval

The local government may approve an application to keep additional dogs subject to any conditions as considered appropriate.

3.7 Variation of permit conditions

The local government may vary the conditions of approval to keep additional dogs by giving not less than 14 days notice.

3.8 Transfer of approval not permitted

Transfer of approval to keep additional dogs is not transferable to –

- (a) successive owners or occupiers of the premises; or
- (b) alternative premises.

3.9 Revocation of approval to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4 - DOGS IN PUBLIC PLACES

4.1 Places where dogs are prohibited absolutely

- (1) Designation of places where dogs are prohibited absolutely is dealt with in the Act.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) Subclause (2) does not apply to a dog who is being used as an assistance animal as defined in the *Disability Discrimination Act 1992* (Commonwealth).

4.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 5 - MISCELLANEOUS

5.1 Offence to excrete

- (1) A dog must not excrete on –
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 6 - ENFORCEMENT

6.1 Offences

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.

6.2 General penalty

- (1) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.
- (2) Notwithstanding subclause (1) a person who commits an offence under clause 5.1(2) is liable, on conviction, to a penalty not exceeding \$1,000.

6.3 Modified penalties

The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

6.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of Schedule 1 of the Regulations.

6.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

6.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

6.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of Schedule 1 of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 6.4 cannot sign or send a notice of withdrawal.

Schedule 1 – Prescribed offences
[cl.7.3]

Item	Clause	Nature of offence	Modified penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200
3	5.1	Dog excreting in prohibited place	100

Dated _____

The Common Seal of the Shire of Menzies was affixed by authority of a resolution of Council in the presence of –

G. DWYER, President

B. JOINER, Chief Executive Officer

12.2.14	Unconfirmed NGWG meeting minutes November 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM514
DATE OF REPORT	15 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	CEO, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. NGWG 22 November 2021 - Minutes [12.2.14.1 - 5 pages]

SUMMARY:

This item recommends Council accepts the unconfirmed Minutes from the NGWG meeting of 12 November 2021.

BACKGROUND:

The Shire of Menzies is a member of the Northern Goldfields Working Group.

The unconfirmed minutes of each of the meetings are attached for Councillor information.

COMMENT:

The NGWG secretariat does not provide confirmed Minutes of the Meetings. Members are advised if the Minutes are amended at any future meetings.

Significant changes to the confirmed minutes will be provided to Council.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Council contributes to projects organised by the NGWG.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council accepts the unconfirmed Minutes from the NGWG meeting of 12 November 2021.

COUNCIL DECISION:

Council Resolution Number	
---------------------------	--

Moved		Seconded	
-------	--	----------	--

Carried	
---------	--

MINUTES

Minutes of the Northern Goldfields Working Group meeting held on Friday 12 November 2021 in the Shire of Menzies Boardroom, Shire Offices commencing at 9.50am

Local Government membership:

- Shire of Laverton
- Shire of Leonora
- Shire of Menzies
- Shire of Ngaanyatjaraku
- Shire of Wiluna

Attendance:

Peter Naylor, Chief Executive Officer, Shire of Laverton
Patrick Hill, Shire President, Shire of Laverton
Peter Craig, Shire President, Shire of Leonora **(Chairman)**
Jim Epis, Chief Executive Officer, Shire of Leonora
Ian Baird, Councillor, Shire of Menzies *(via video conference)*
Brian Joiner, Chief Executive Officer, Shire of Menzies
Kevin Hannagan, Chief Executive Officer, Shire of Ngaanyatjaraku *(via video conference)*
Cary Green, Director Governance and Strategic, Shire of Ngaanyatjaraku *(via video conference)*
Peter Grundy, Shire President, Shire of Wiluna *(via video conference)*

Apologies:

Greg Dwyer, Shire President, Shire of Menzies
Gary Gaffney, Chief Executive Officer, Shire of Wiluna

Visitors:

Tim Fraser, Executive Director Local Government *(via video conference)*

Welcome:

Peter Craig, Shire President, Shire of Leonora, (Chairman) welcomed everyone to the meeting and congratulated Cr Peter Grundy on his recent election as Shire President at the Shire of Wiluna.

Presentations:

Tim Fraser, Executive Director Local Government, provided a brief update on the proposed Local Government Reforms, announced 10 November 2021.

The proposed reforms are based on six themes:

- Earlier intervention, effective regulation and stronger penalties
- Reducing red tape, increasing consistency and simplicity
- Greater transparency and accountability
- Stronger local democracy and community engagement
- Clear roles and responsibilities
- Improved financial management and reporting.

Mr Fraser advised the initiatives were a result of listening to the sector, following up on previous reports and looking at what has worked in other jurisdictions.

Mr Fraser encouraged local governments to make submissions, which close 4 February 2022; and that he was happy to have further meetings once councils had an opportunity to have an in depth look at the reforms being proposed.

He further advised, regarding timelines for the reforms, that it was a 12-to-18-month process, however some of the reforms, for example those around finance reporting, were due to be out by March 2022.

General Business relating to the Minutes of the Previous Meeting and Actions relating to the Minutes of the Previous Meeting:

Ongoing Actions:

Action	Responsibility	Completed
Write a letter querying mining production statistics and the effect on revenue for local governments	Jim Epis	In progress
To ask Kim Hewson to review the Tourism Development Plan (give a cost) focussing on marketing the Northern Goldfields.	Jim Epis / Kevin Hannagan	On hold. Waiting to hear back from Kris Starcevich – Northern Goldfields Economic Coordination Group, re work he has completed on this matter.
Book a stand for the C & C Show next year.	Patrick Hill	In progress – PH to provide dates and confirmation stand has been booked.
To seek clarification of the status of the Golden Quest Trial.	Brian Joiner	AGM / GM to be held 22 November 2021. SoM proposing to take over administration of GQDT.

Seek a quote from Kate to update the Northern Goldfields Prospectus. <i>Awaiting outcome of discussion at Northern Goldfields Economic Coordination Group meeting 26 November 2021.</i>	Individual LGAs	
To get the Prospectus updated, Wiluna and Lands will go to the market for supportive data. <i>Awaiting outcome of discussion at Northern Goldfields Economic Coordination Group meeting 26 November 2021.</i>	Wiluna/ Ngaanyatjarraku	NG happy with their plan and are implementing it as is
Yilgarn Infrastructure meeting – Greg Dwyer to organise a meeting at the Local Government Convention.	Greg Dwyer	Completed

General Business:1. GVROC Law and Order (*standing item*)

General discussion on continuing anti-social behaviour and crime within the region, and lack of action or initiatives from State Government to work with local government to address the issues.

Invitations to be sent to Attorney General John Quigley and Minister for Community Services Simone McGurk to visit the region, meet with NGWG and see the issues for themselves.

New action	Responsibility	Completed
AG John Quigley and Minister for Community Services Simone McGurk be invited to next NGWG meeting to discuss social issues	Brian Joiner	

Northern Goldfields Liquor Accord

Brian Joiner, Chief Executive Officer, Shire of Menzies, advised he had spoken to Leonora Police OIC who was seeking support from Northern Goldfields local governments to support a coordinated liquor accord or agreement for the region.

New action	Responsibility	Completed
Motion: Councils party to Northern Goldfields Working Group support the establishment of a liquor agreement / accord.	Individual LGAs	

Kevin Hannagan, CEO, Shire of Ngaanyatjarraku

2. Any feedback from NGECEG on Northern Goldfields Tourism Development Plan 2005

This was discussed earlier in the meeting while updating actions. Awaiting update from Kris Starceвич – Northern Goldfields Economic Coordination Group.

3. Outstanding Council Fees for Goldfields Records Storage Facility

Discussion on advice from Shire of Coolgardie CEO James Trail that no invoices from Goldfields Records Storage Facility had been raised for any Shire contributions for either the 19/20 or 20/21 financial years. Concern raised that once facility is finally sold and shares distributed, money owed will reduce the overall sale price and impact final amounts being distributed to councils.

Kevin Hannagan, Chief Executive Officer, Shire of Ngaanyatjaraku, said he would raise the issue at the upcoming GVROC meeting, and asked for support from other NGWG representatives.

New action	Responsibility	Completed
Issue of outstanding invoices for Goldfields Records Storage Facility to be raised at 26 November 2021 GVROC meeting.	Kevin Hannagan	

Peter Naylor, CEO, Shire of Laverton

4. Councillor training

Peter Naylor, Chief Executive Officer, Shire of Laverton, advised he would contact WALGA to inquire about a trainer coming to the region to deliver Elected Member essential training modules in person. Once he has all information, he'll send out an email to other NGWG members.

New action	Responsibility	Completed
Make inquiries with WALGA as to potential for face-to-face training for Elected Member essential training modules.	Peter Naylor	

5. Airport Reporting Officer course

Peter Naylor, Chief Executive Officer, Shire of Laverton advised he would be interested to hear from anyone who had staff who needed to complete an Airport Reporting Officer course, as training was to be held in Laverton, and they could share costs.

6. Goldfields Records Facility

Nothing to add to previous discussion at Item 3.

Brian Joiner, CEO, Shire of Menzies

7. Report back from Northern Goldfields Economic Coordination Group

Brian Joiner, Chief Executive Officer, Shire of Menzies advised that following discussion at the inaugural Northern Goldfields Economic Coordination Group, it was decided that matters raised by that group would be reported by CEOs to the NGWG for discussion.

8. Goldfields Tourism Authority

Brian Joiner, Chief Executive Officer, Shire of Menzies, advised he had attended the Shaping Our Future Together (tourism roundtable) in Kalgoorlie early November with Hon David Templeman MLA, Minister for Tourism; Ms Jessica Shaw MLA, Parliamentary Secretary; and Ms Di Bain, Chair of Tourism WA. One comment was the need for a Goldfields Tourism body.

Mr Joiner advised he had written to City of Kalgoorlie-Boulder Mayor John Bowler asking whether there was an opportunity for the Kalgoorlie Boulder Visitors Centre to evolve into a Goldfields Tourism body, with the Kalgoorlie Visitors Centre sitting under that as a separate function.

Mr Joiner said having a separate Goldfields Tourism body that encompassed all things Goldfields Tourism has several advantages, including it being a concept that had high level support from Tourism WA and AGO; and it was more attractive for industry investment if they only have to look at funding for one group throughout the year.

Patrick Hill, Shire President, Shire of Laverton, and Jim Epis, Chief Executive Officer, Shire of Leonora, advised there had been such bodies in the past, however they were not successful and Northern Goldfields councils had been left out.

Kevin Hannagan, Chief Executive Officer, Shire of Ngaanyatjaraku, said it would be worth considering the establishment of a Northern Goldfields tourism body and this could be put to Kris Starcevic – Northern Goldfields Economic Coordination Group, in relation to the work he was doing on the Tourism Development Plan.

9. Lobbying Federal Government re big projects for the Federal election (eg electric car charging stations)

Brian Joiner, Chief Executive Officer, Shire of Menzies, believed it would be a good idea to come up with one or two big projects as a group for the Federal Government to fund, with a federal election coming up.

One potential project was electric car charging stations. Peter Naylor, Chief Executive Officer, Shire of Laverton, agreed, said this would be affordable and achievable, and it may be worthwhile linking in with Mt Magnet, Sandstone and Meekatharra.

10. Northern Goldfields Liquor Accord

Matter discussed at Item 1.

Next meeting:

Date to be advised – likely February, however also waiting on feedback from Attorney General John Quigley and Minister for Community Services Simone McGurk re visit the region.

13 INFORMATION REPORTS

OFFICER RECOMMENDATION:

That Council receive the information reports en bloc.

COUNCIL DECISION:

Council Resolution Number	
---------------------------	--

Moved		Seconded	
-------	--	----------	--

Carried	
---------	--

13.1	Actions performed under delegation for October 2021	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	NAM516	
DATE OF REPORT	05 November 2021	
AUTHOR	Chief Executive Officer, Brian Joiner	
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	<ol style="list-style-type: none">1. Murrin Murrin Pty Ltd - L 39 313-316 [13.1.1 - 9 pages]2. Trevor John Dixon - M 40 352 [13.1.2 - 3 pages]3. Iris Metals Ltd - E 29 1152 [13.1.3 - 4 pages]4. Ulysses Mining Pty Ltd - L 40 43 [13.1.4 - 3 pages]	

SUMMARY:

To report to the Council actions performed under delegated authority for the month of October 2021.

COMMENT:

To increase transparency this report has been prepared for the Council to identify all actions performed under delegated authority for:

- Bushfire
- Common Seal
- Planning Approvals
- Building Permits
- Health Approvals
- Ranger Related Issues
- Mining / Exploration / Miscellaneous Applications

Bushfire

The following decisions were undertaken by the Shire of Menzies pursuant to the Bushfire matters for the month.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Common Seal

The following decisions were undertaken by the Shire of Menzies pursuant to the Common Seal for the month.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Planning Approvals

The following decisions were undertaken by the Shire of Menzies pursuant to the Planning applications for the month.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Health Approvals

The following decisions were undertaken by the Shire of Menzies pursuant to Health approvals for the month.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Building Permits (including Septic Tank approvals)

The following decisions were undertaken by the Shire of Menzies pursuant to Building Permits (including Septic Tank approvals) for the month.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Ranger Related Dog Issues

The following decisions were undertaken by the Shire of Menzies pursuant to Ranger related dog issues for the month.

<i>Date of decision</i>	<i>Decision ref:</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>

Applications

The following Mining/Prospecting/Exploration/Miscellaneous Applications were received for the month of October 2021.

Applicant Name	Application Type	Application Details
Murrin Murrin Operations Pty Ltd	Miscellaneous	L39/313-316
Trevor John Dixon	Mining	M40/352
Iris Metals Ltd	Exploration	E29/1152
Ulysses Mining Pty Ltd	Miscellaneous	L40/43

Murrin Murrin Operations Pty Ltd
ABN 43 076 717 505
Level 3, 30 The Esplanade, Perth WA 6000
PO Box Z5523, St George's Terrace, Perth WA 6831
Tel: 61 8 9212 8400
Fax: 61 8 9212 8401
Email: tenement.minara@glencore.com.au



22 October 2021

Mr Brian Joiner
Chief Executive Officer
Shire of Menzies
PO Box 4
MENZIES WA 6436

Via Registered Post – RPP44 63700 51000 81276 35602

Dear Mr Joiner

**NOTICE OF APPLICATION – MISCELLANEOUS LICENCES
39/313, 39/314, 39/315, and 39/316**

The abovementioned applications lodged by Murrin Murrin Operations Pty Ltd on 12 October 2021 and 13 October fall within the Shire of Menzies.

Copies of these applications and maps of the areas are enclosed.

For further enquiries, please contact this office on (08) 9212 8459 or by email to tenement.minara@glencore.com.au.

Kind regards

Tenure Management
Minara Resources Pty Ltd | Murrin Murrin Operations Pty Ltd
Level 3, 30 The Esplanade, Perth WA 6000
PO Box Z5523 St Georges Terrace, Perth WA 6831
Tel: +61 8 9212 8459 | Fax: +61 8 9212 8401
Email: tenement.minara@glencore.com.au

Enc. Form 21 & Tengraph map

Online Lodgement - Submission: 12/10/2021 09:20:08; Receipt: 12/10/2021 09:20:08

Form 21

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Miscellaneous Licence		No. L 39/313
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /		(c) MT MARGARET
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	MURRIN MURRIN OPERATIONS PTY LTD (ACN: 076 717 505) PO BOX Z5523, ST GEORGES TERRACE, PERTH, WA, 6831		100
(e) Address			
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) Jasper Hills (i) MGA Coordinates Zone 51, 506390.33 mE, 6776356.75 mN (j) 507173.67 mE, 6776356.75 mN 507173.67 mE, 6775856.75 mN 506548.90 mE, 6774410.43 mN Thence back to datum. Purposes: a bore, a bore field, a communications facility, a minesite accommodation facility, a minesite administration facility, a pipeline, a power generation and transmission facility, a power line, a road, a search for groundwater, a workshop and storage facility and taking water.		
(h) Locality			
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 91.85000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) Tracy Fowler PO BOX Z5523, PERTH ST GEORGES TCE, WA, 6831		Date: 12/10/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 16th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	09:20:08	on	12 October	2021	with fees of
Application	\$579.00				
Rent	\$1,812.40				
TOTAL	\$2,391.40				
Receipt No:	17669500047				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
(a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

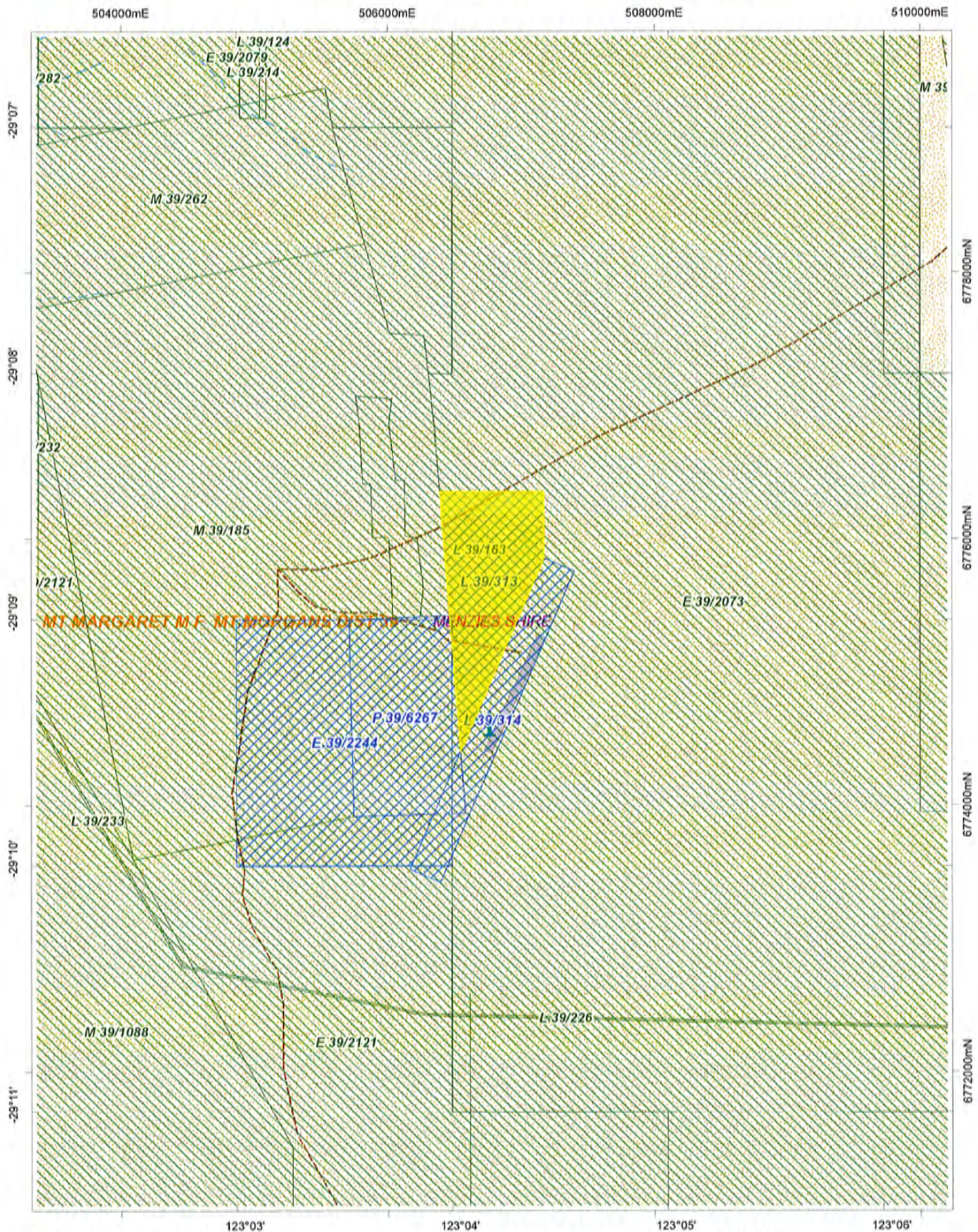
GDA 1994 MGA Zone 51

L 39/313 , Quick Appraisal Plan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014
10:06 AM, 12/10/2021

MIHDAVI



This plan has been compiled from various data sources received from a number of agencies and is in information supplied by applicants for mining tenements. No responsibility is accepted for any error or omission. The Commonwealth of Australia (as 2002) through Geoscience Australia and the Department of Defence, maintains copyright over the parts of the topographic data that are provided for display in 1:50,000 maps. Users wishing to use the data in its unaltered form should contact Geoscience Australia at www.ga.gov.au. Confirmation of the extent and completion of any Name For Claims should be sought from the Mining File System (the Spatial Services Landgate Enclosed Pastoral Lease and the 1994 Mining Certificate to the Mining File System and the Mining File System). The determination boundary.

Scale: 1:36,112

0 0.7 1.4 2.1 2.8 3.5 km

Online Lodgement - Submission: 12/10/2021 09:20:08; Receipt: 12/10/2021 09:20:08

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Miscellaneous Licence		No. L 39/314
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /		
(c) Mineral Field	(c) MT MARGARET		
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	MURRIN MURRIN OPERATIONS PTY LTD (ACN: 076 717 505)		100
(e) Address	PO BOX Z5523, ST GEORGES TERRACE, PERTH, WA, 6831		
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR:	(h) Jasper Hills		
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(i) MGA Coordinates Zone 51, 507173.67 mE, 6775856.75 mN		
	(j) 507403.17 mE, 6775757.61 mN		
	506395.33 mE, 6773424.52 mN		
	506165.83 mE, 6773523.66 mN		
	Thence back to datum		
	Purposes: a bore , a bore field , a communications facility , a minesite administration facility , a pipeline , a power generation and transmission facility , a power line , a road , a search for groundwater , an aerodrome and taking water.		
(h) Locality			
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 63.54000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) Tracy Fowler PO BOX Z5523, PERTH ST GEORGES TCE, WA, 6831		Date: 12/10/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 16th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	09:20:08	on	12 October	2021	with fees of
Application	\$579.00				
Rent	\$1,260.80				
TOTAL	\$1,839.80				
Receipt No:	17669500047				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
 - (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

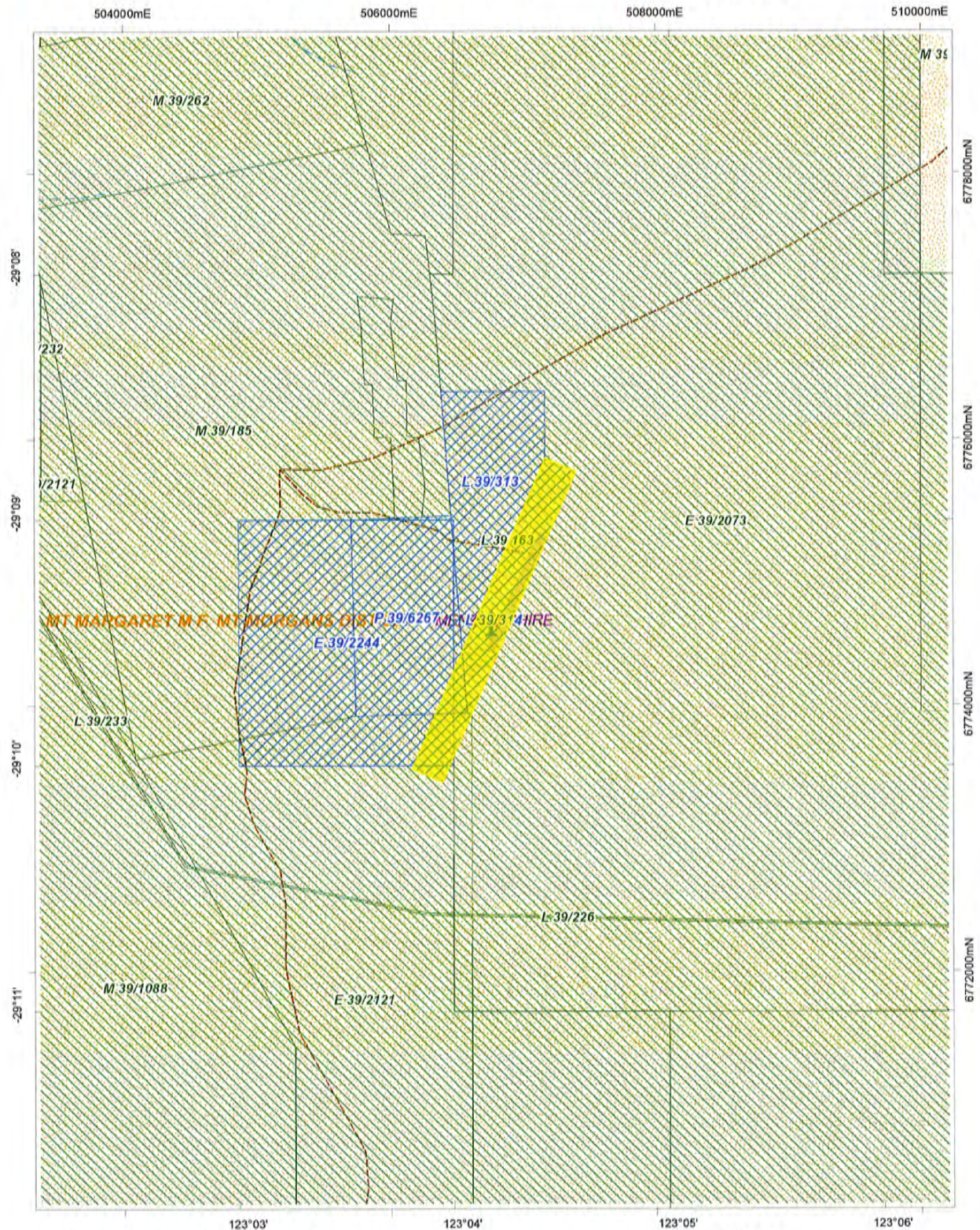
GDA 1994 MGA Zone 51

L 39/314 , Quick Appraisal Plan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014
10:17 AM, 12/10/2021

MHD/AVI



This plan has been compiled from various data sources received from a number of agencies and in the information supplied by applicants for mining tenements. The responsibility is accepted for any error or omission. The Commonwealth of Australia (c) 2002, through Geoscience Australia and the Department of Defence, maintains copyright over those parts of the topographic data that are provided for display on TENGRAPH. Users wishing to use the data in its unaltered form should contact Geoscience Australia at enquiries@ga.gov.au. Confirmation of the extent and composition of any Native Title Claims should be sought from the Native Title Office. Services Landgate Enclosed Pastoral Lease land and the 1994 mining code to the Planning and Regulation and the Planning and Regulation Act 1994 Native Title determination boundary.

Scale: 1:36,112

0 0.7 1.4 2.1 2.8 3.5 km

Online Lodgement - Submission: 13/10/2021 16:23:53; Receipt: 13/10/2021 16:23:53

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Miscellaneous Licence		No. L 39/315
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /	(c) MT MARGARET	
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	MURRIN MURRIN OPERATIONS PTY LTD (ACN: 076 717 505) PO BOX Z5523, ST GEORGES TERRACE, PERTH, WA, 6831		100
(e) Address			
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR:	(h) Jasper Hills		
(For Exploration Licences see Note 1, For other Licences see Note 2. For all Licences see Note 3.)	(i) MGA Coordinates Zone 51, 506455.52 mE, 6775556.53 mN		
	(j) 506483.88 mE, 6775208.47 mN;		
	505116.92 mE, 6774790.00 mN;		
	504812.67 mE, 6774790.00 mN;		
	503264.80 mE, 6775000.80 mN;		
	503066.35 mE, 6775326.58 mN;		
	504845.64 mE, 6775070.00 mN;		
	505150.09 mE, 6775070.00 mN;		
	505920.95 mE, 6775401.90 mN;		
	506033.44 mE, 6775548.91 mN;		
	Thence back to datum.		
	Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a road , a search for groundwater and taking water.		
(k) Area (ha or km ²)	(k) 104.79000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) Tracy Fowler PO BOX Z5523, PERTH ST GEORGES TCE, WA, 6831		Date: 13/10/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 17th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	16:23:53	on	13 October	2021	with fees of
Application	\$579.00				
Rent	\$2,068.50				
TOTAL	\$2,647.50				
Receipt No:	17704444703				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
 - (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

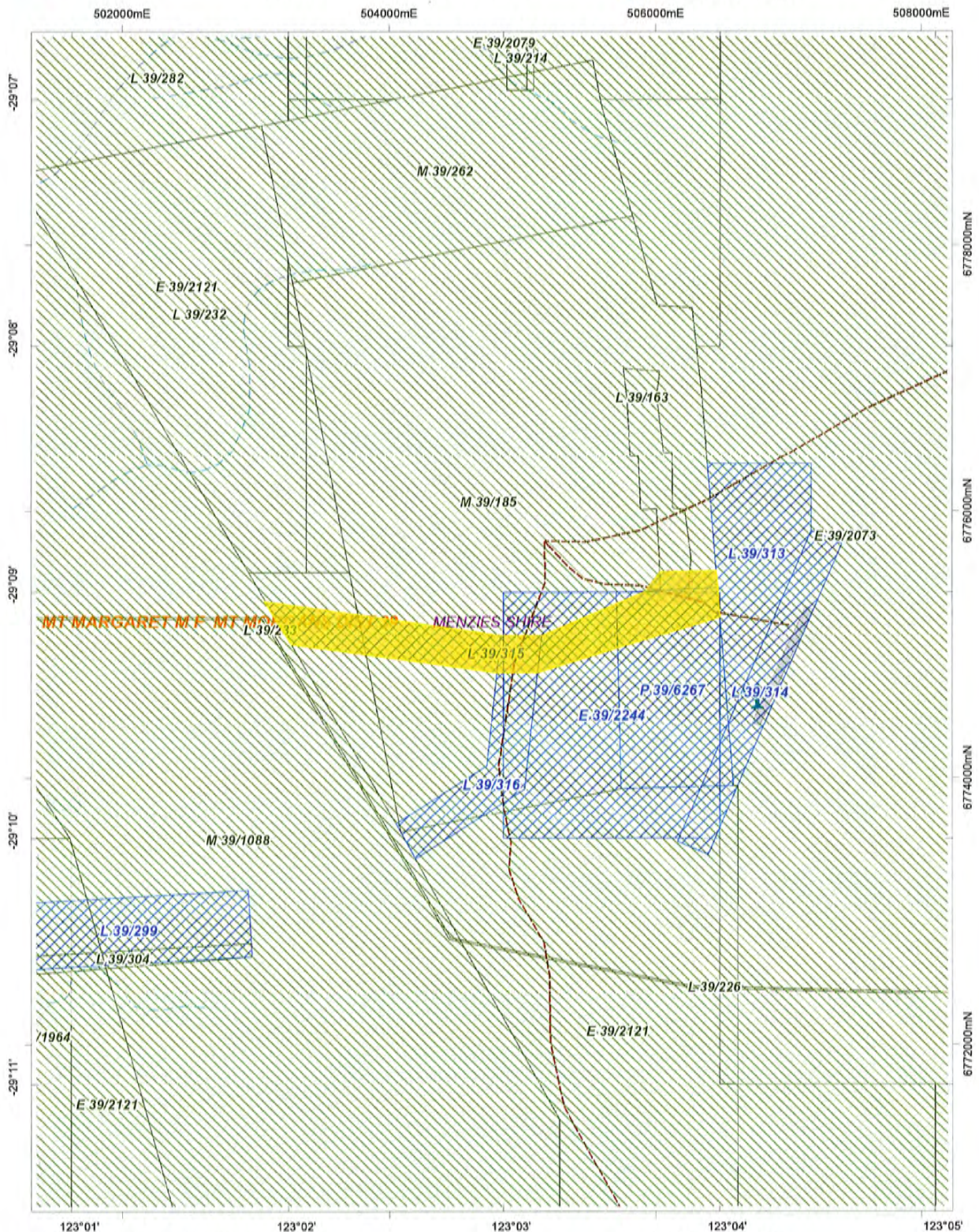
GDA 1994 MGA Zone 51

L 39/315 , Quick Appraisal Plan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014
11:09 AM, 14/10/2021

MIMPOIN



This plan has been compiled from various data sources received from a number of agencies and with information supplied by applicants for mining tenements. Its responsibility is accepted for any error or omission. The Commonwealth of Australia (c) 2002. Through Geoscience Australia and the Department of Defence, maintains copyright over those parts of the topographic data it has provided for display on TENGRAPH. Users wishing to use the data in its unaltered form should contact Geoscience Australia at www.ga.gov.au. Confirmation of the extent and composition of any Native Title Claims should be sought from the Native Title Regional Services Landgate Enclosed Pastoral Lease land and Pre 1994 mining confirmed to Kharvayanga Vajam and Ngatwananga RUA Native Title determination boundary.

Scale: 1:36,112

0 0.7 1.4 2.1 2.8 3.5km

Online Lodgement - Submission: 13/10/2021 16:23:53; Receipt: 13/10/2021 16:23:53

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Miscellaneous Licence		No. L 39/316
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /		
(c) Mineral Field	(c) MT MARGARET		
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	MURRIN MURRIN OPERATIONS PTY LTD (ACN: 076 717 505)		100
(e) Address	PO BOX Z5523, ST GEORGES TERRACE, PERTH, WA, 6831		
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR:	(h) Jasper Hills		
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(i) MGA Coordinates Zone 51, 504845.64 mE, 6775070.00 mN		
	(j) 505150.09 mE, 6775070.00 mN;		
	505019.99 mE, 6773915.04 mN;		
	504200.44 mE, 6773393.58 mN;		
	504053.90 mE, 6773655.92 mN;		
	504737.66 mE, 6774090.98 mN;		
	Thence back to datum.		
(h) Locality	Purposes: a bore , a bore field , a communications facility , a pipeline , a power line , a road , a search for groundwater and taking water.		
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 59.07000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) Tracy Fowler PO BOX Z5523, PERTH ST GEORGES TCE, WA, 6831		Date: 13/10/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 17th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	16:23:53	on	13 October	2021	with fees of
Application	\$579.00				
Rent	\$1,182.00				
TOTAL	\$1,761.00				
Receipt No:	17704444703				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
- (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

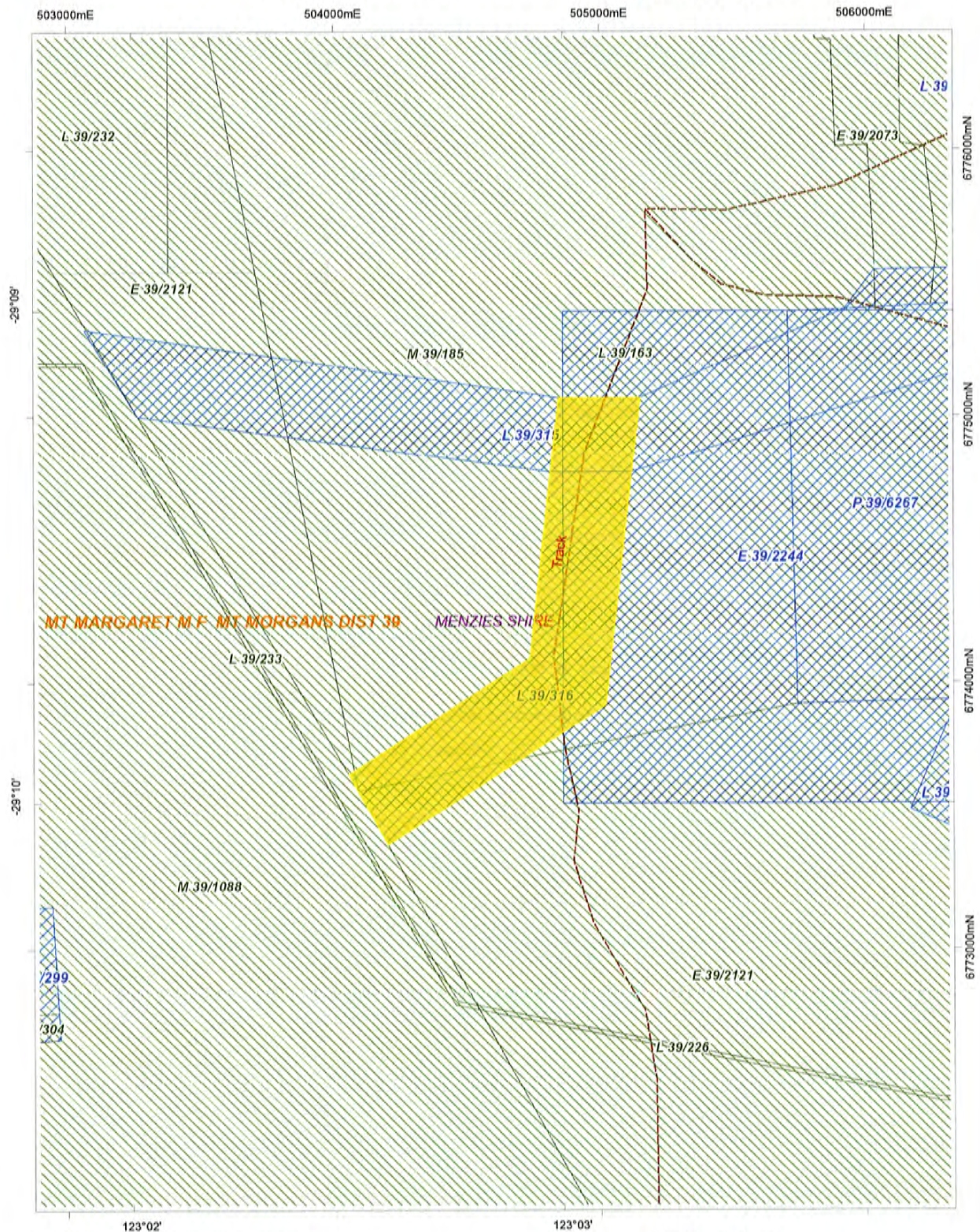
GDA 1994 MGA Zone 51

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014
11:12 AM, 14/10/2021

MIMPON

L 39/316 , Quick Appraisal Plan



This plan has been compiled from various data sources received from a number of agencies and with information supplied by applicants for mining tenements. Its responsibility is accepted for any error or omission. The Commonwealth of Australia is 2002 through Geoscience Australia and the Department of Defence maintains copyright over those parts of the topographic data. Data provided for display in 1:100,000 scale. Users wishing to use the data in any unauthorised form should contact Geoscience Australia at www.ga.gov.au. Confirmation of the extent and composition of any Native Title Claims should be sought from the Native Title National Service Landgate (Indigenous Pastoral Lease land and Pre 1994 mining tenements to Phosphoragite Wigan and Ngadjananga RUA Native Title determination boundary).

Scale: 1:18,056





 P: +61 8 9325 7111
 PO Box 3285
East Perth WA 6892
 www.wts.net.au
admin@wts.net.au
 90 Edward Street
Perth WA 6000

27 October 2021

REGISTERED MAIL

Chief Executive Officer
Shire of Menzies
PO Box 4
MENZIES WA 6436

Dear Sir/Madam,

RE: APPLICATION FOR MINING LEASE 40/352 – TREVOR JOHN DIXON

I wish to advise that the abovementioned application was recently lodged with the Department of Mines, Industry Regulation & Safety.

The boundaries of the tenement application fall inside your shire boundaries. A Copy of the form 21 and plan is attached for your information.

Should you have any further queries regarding this matter please do not hesitate to contact me at this office.

Kind Regards,

Fadi Dahdal
Mining Titles Consultant
WESTERN TENEMENT SERVICES

Encl.

Online Lodgement - Submission: 13/10/2021 15:52:45; Receipt: 13/10/2021 15:52:45

Form 21

WESTERN AUSTRALIA
Mining Act 1978
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Mining Lease		No. M 40/352
(b) Time & Date marked out (where applicable)	(b) 05/10/2021 14:53:00		(c) NORTH COOLGARDIE
(c) Mineral Field			
For each applicant:	(d) and (e) DIXON, Trevor John C/- WESTERN TENEMENT SERVICES, PO BOX 3285, EAST PERTH, WA, 6892		(f) Shares 100
(d) Full Name and ACN/ABN			
(e) Address			
(f) No. of shares			
(g) Total No. of shares			(g) Total 100
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) TAMPA (i) Datum is situated @ Zone 51 GDA94 co-ordinates 6767523.361mN and 349787.623mE, thence; (j) 6767652.160mN and 350005.665mE, thence 6767308.390mN and 350122.027mE, thence 6767248.880mN and 349896.247mE, thence Back to Datum Section 49 Conversion of Prospecting Licence 40/1318 The application is a Conversion of P 40/1318 . Minerals: Gold		
(h) Locality			
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 7.92000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) <i>Fadi Dahdal</i> 90 EDWARD STREET, PERTH, WA, 6000		Date: 13/10/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 17th day of November 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	15:52:45	on	13 October	2021	with fees of
Application	\$579.00				
Rent	\$176.00				
TOTAL	\$755.00				
Receipt No:	17703865400				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
(a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

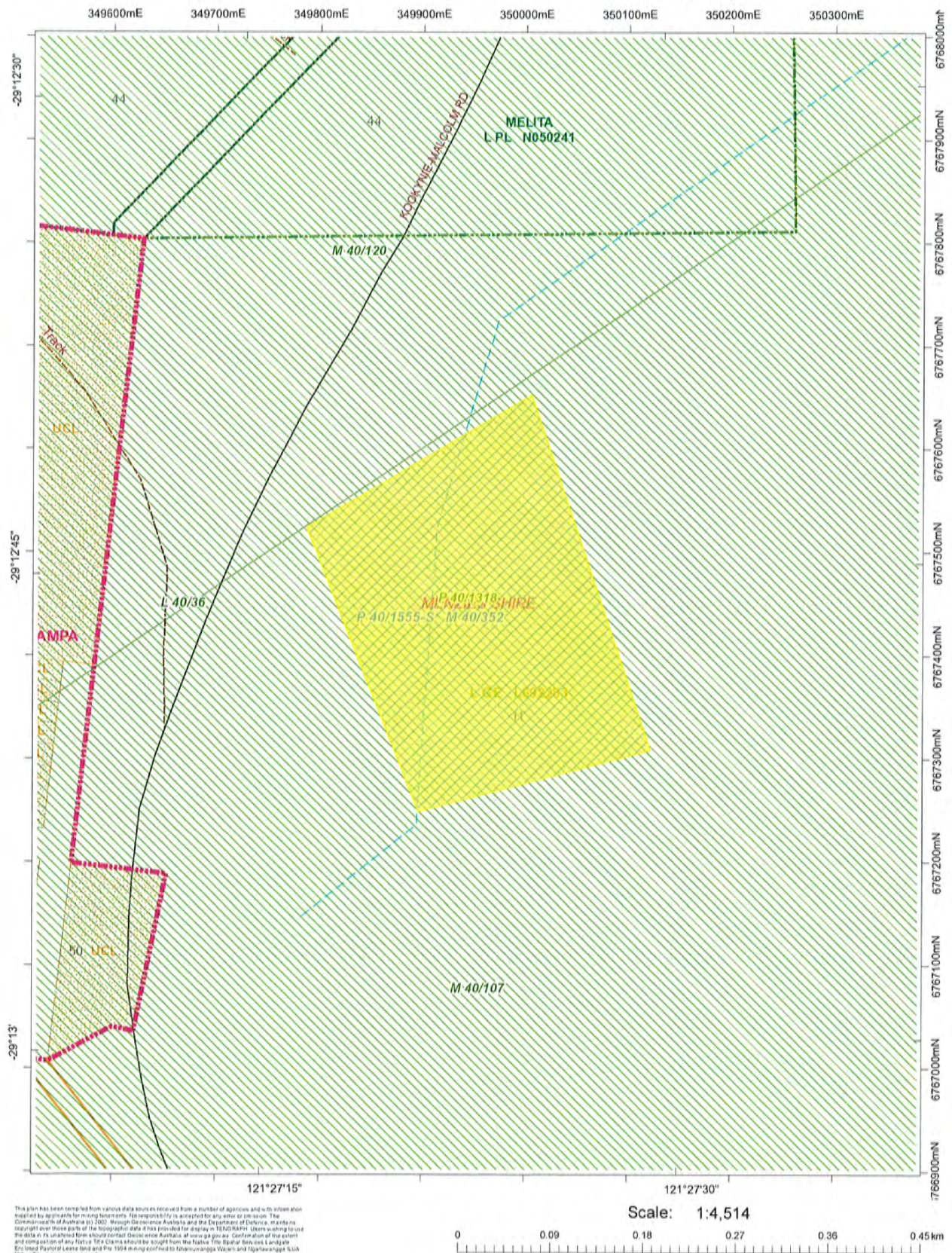
GDA 1994 MGA Zone 51

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014
02:58 PM, 14/10/2021

MHD/AVI

M 40/352 , Quick Appraisal Plan



*Anderson's
Tenement
Management*

RECEIVED
27 OCT 2021
BY:

PO Box 2162
Warwick WA 6024
Ph 08 9448 5241
Fax 08 9448 5242
Mob 0401 215 095
marcot@atmwa.net.au
ABN 32 368 166 763

17th September 2021

The Chief Executive Officer
Shire of Menzies
PO BOX 4
MENZIES WA 6436

Registered Post ID: RPP44 63800 09400 32075 87608

Dear Sir/Madam;

APPLICATION FOR EXPLORATION LICENCE 29/1152

Anderson's Tenement Management acts on behalf Iris Metals Limited in regard to this matter.

As such, and in accordance with Section 33 of the Mining Act, I advise that the application for E29/1152 was lodged with the Department of Mines, Industry Regulation and Safety on the 17th of September 2021. Please find enclosed a copy of the above application and a plan showing the area applied for.

Please do not hesitate to contact me should you have any queries.

Yours sincerely
Anderson's Tenement Management



Marco Tentori
Tenement Consultant
0401 215 095

SoM IRIS E29-1152 AppNotif to Shire 17Sep21

Online Lodgement - Submission: 17/09/2021 14:27:10; Receipt: 17/09/2021 14:27:10

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Exploration Licence		No. E 29/1152
(b) Time & Date marked out (where applicable)	(b) a.m./p.m. / /		(c) NORTH COOLGARDIE
(c) Mineral Field			
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	IRIS METALS LIMITED (ACN: 646 787 135)		100
(e) Address	C/- ANDERSON'S TENEMENT MANAGEMENT, PO BOX 2162, WARWICK, WA, 6024		
(f) No. of shares			(g) Total 100
(g) Total No. of shares			
DESCRIPTION OF GROUND APPLIED FOR:	(h) NORTH COOLGARDIE		
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(i)		
	(j)		
(h) Locality			
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 22 BL		
(l) Signature of applicant or agent (if agent state full name and address)	(l) <i>Marco Tentori</i> PO BOX 2162, WARWICK, WA, 6024		Date: 17/09/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 22nd day of October 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	14:27:10	on 17 September	2021	with fees of
Application	\$1,660.00			
Rent	\$3,212.00			
TOTAL	\$4,872.00			
Receipt No:	17000257159			

V Wright
Mining Registrar

NOTES**Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
- (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

Online Lodgement - Submission: 17/09/2021 14:27:10; Receipt: 17/09/2021 14:27:10

WESTERN AUSTRALIA Mining Act 1978 Sec. 58; Reg. 64		FORM 21 - ATTACHMENT 1	
EXPLORATION LICENCE NO. 29/1152			
THIS SECTION MUST BE COMPLETED IN FULL FOR ALL EXPLORATION LICENCE APPLICATIONS			
LOCALITY: NORTH COOLGARDIE			
BLOCK IDENTIFIER (All three sections must be completed)			
1:1,000,000 PLAN NAME	PRIMARY NUMBER	GRATICULAR SECTION	
KALGOORLIE	1021	abcfghjlmnopqrstuvwxyz	
TOTAL BLOCKS:		22	



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

GDA 1994 MGA Zone 51

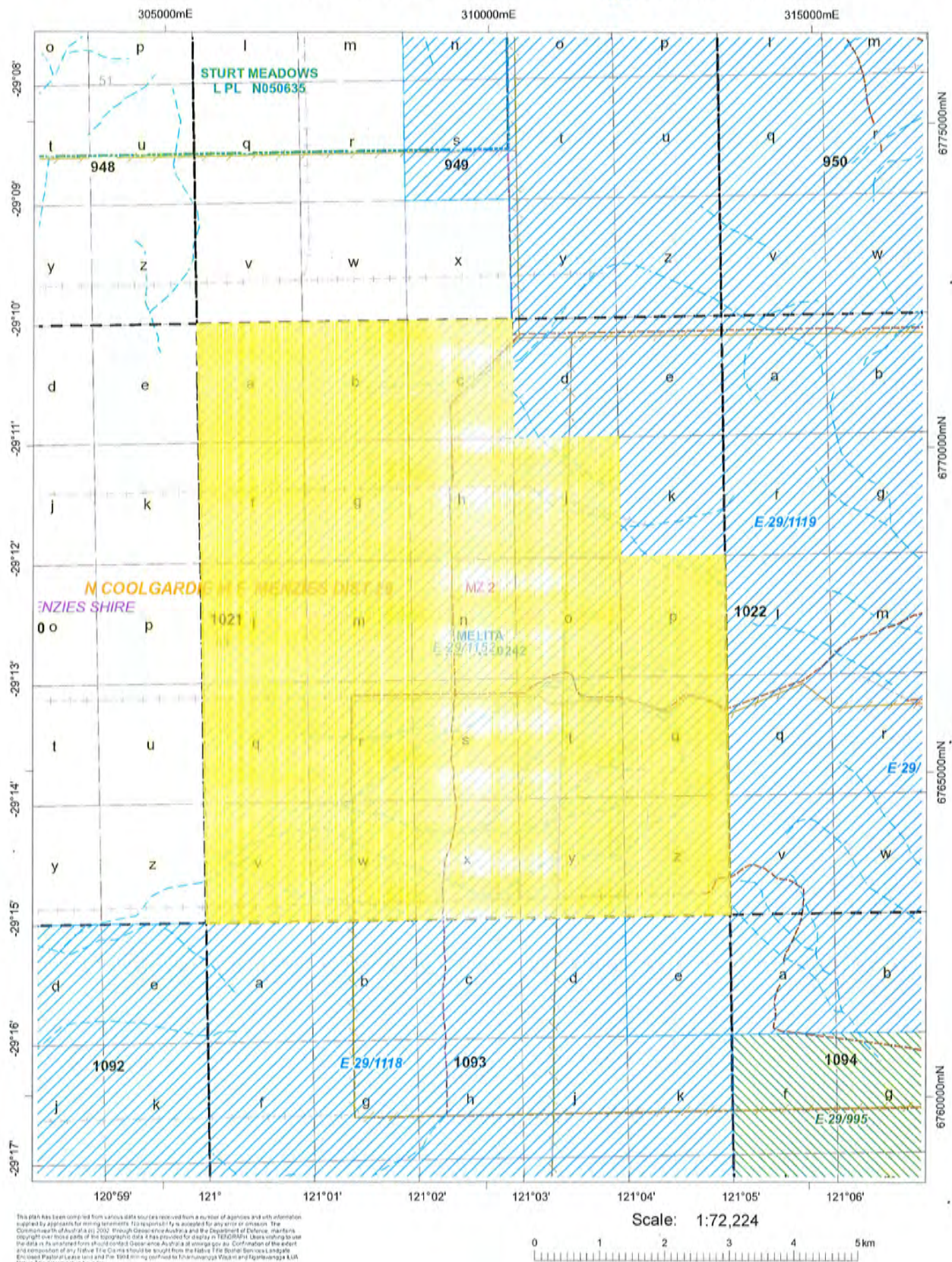
E 29/1152 Quick Appraisal Plan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014

03:57 PM, 17/09/2021

MIENVVP



This plan has been compiled from various data sources received from a number of agencies and with attention supplied by applicants for mining tenements. It is requested that any error or omission, the Commonwealth of Australia (c) 2002, through Geoscience Australia and the Department of Defence, maintains copyright over these data. It has provided for display in TENGRAPH. Users wishing to use the data in any other form should contact Geoscience Australia. All mining tenements are shown as they appear on the ground and are not necessarily the same as they appear on the map. The data is provided for information only and should not be used for any other purpose. The data is provided for information only and should not be used for any other purpose. The data is provided for information only and should not be used for any other purpose.



4 November 2021

Chief Executive Officer
Shire of Menzies
PO Box 4
MENZIES WA 6436

REG'D POST ID: 6380 09400 32378 77601

Dear Sir/Madam,

**APPLICATION FOR MISCELLANEOUS LICENCE L40/43
BY ULYSSES MINING PTY LTD**

Strategic Tenement Services act on behalf of Ulysses Mining Pty Ltd ("**Applicant**") in respect of application for Miscellaneous Licence L40/43 ("**Application**").

The Application affects the Shire of Menzies.

On behalf of the Applicant, by way of notice, a copy of the application and a map are enclosed as required by the Mining Act 1978 (as amended).

If you have queries do not hesitate to contact myself.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read "Jim Hawtin".

Jim Hawtin
Director

PO BOX 1340 WEST PERTH WA 6872 Tel : +61 (0) 422 755 036 Email : jim@strategictenements.com

ACN : 167 441 116

Online Lodgement - Submission: 03/11/2021 14:41:55; Receipt: 03/11/2021 14:41:55

Form 21

WESTERN AUSTRALIA

Mining Act 1978

(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) Miscellaneous Licence		No. L 40/43
(b) Time & Date marked out (where applicable)			
(c) Mineral Field	(b) a.m./p.m. / /	(c) NORTH COOLGARDIE	
For each applicant:	(d) and (e)		(f) Shares
(d) Full Name and ACN/ABN	ULYSSES MINING PTY LTD (ACN: 153 592 208)		100
(e) Address	C/- STS, PO BOX 1340, WEST PERTH, WA, 6872		
(f) No. of shares			(g) Total 100
(g) Total No. of shares			
DESCRIPTION OF GROUND APPLIED FOR:	(h) Ulysses West		
(For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(i) Datum is in GDA94 MGA Zone 51 located at 327701.449 mE 6771829.987 mN		
	(j) Thence to 328268.06 mE 6771838.999 mN		
	Thence to 329084.011 mE 6770532.028 mN		
	Thence to 328691.383 mE 6770521.441 mN		
	Thence to 327701.449 mE 6771829.987 mN BTD		
	(All Coordinates are GDA 1994 MGA Zone 51)		
(h) Locality	Purposes: a bore , a bore field , a bridge , a communications facility , a drainage channel , a meteorological station , a pipeline , a power generation and transmission facility , a power line , a pump station , a road , a search for groundwater , a tunnel , a water management facility , hydraulic reclamation and transport of tailings and taking water.		
(i) Datum Peg			
(j) Boundaries			
(k) Area (ha or km ²)	(k) 64.00000 HA		
(l) Signature of applicant or agent (if agent state full name and address)	(l) Jim HAWTIN PO BOX 1340, WEST PERTH, WA, 6872		Date: 03/11/2021

OFFICIAL USE

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 8th day of December 2021 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	14:41:55	on	3 November	2021	with fees of
Application	\$579.00				
Rent	\$1,260.80				
TOTAL	\$1,839.80				
Receipt No:	18269538870				

Mining Registrar**NOTES****Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

Note 3: GROUND AVAILABILITY

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
- (a) public plan search; (b) register search; (c) ground inspection.

Note 4: ALL APPLICATIONS OVER PRIVATE LAND

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.



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

GDA 1994 MGA Zone 51

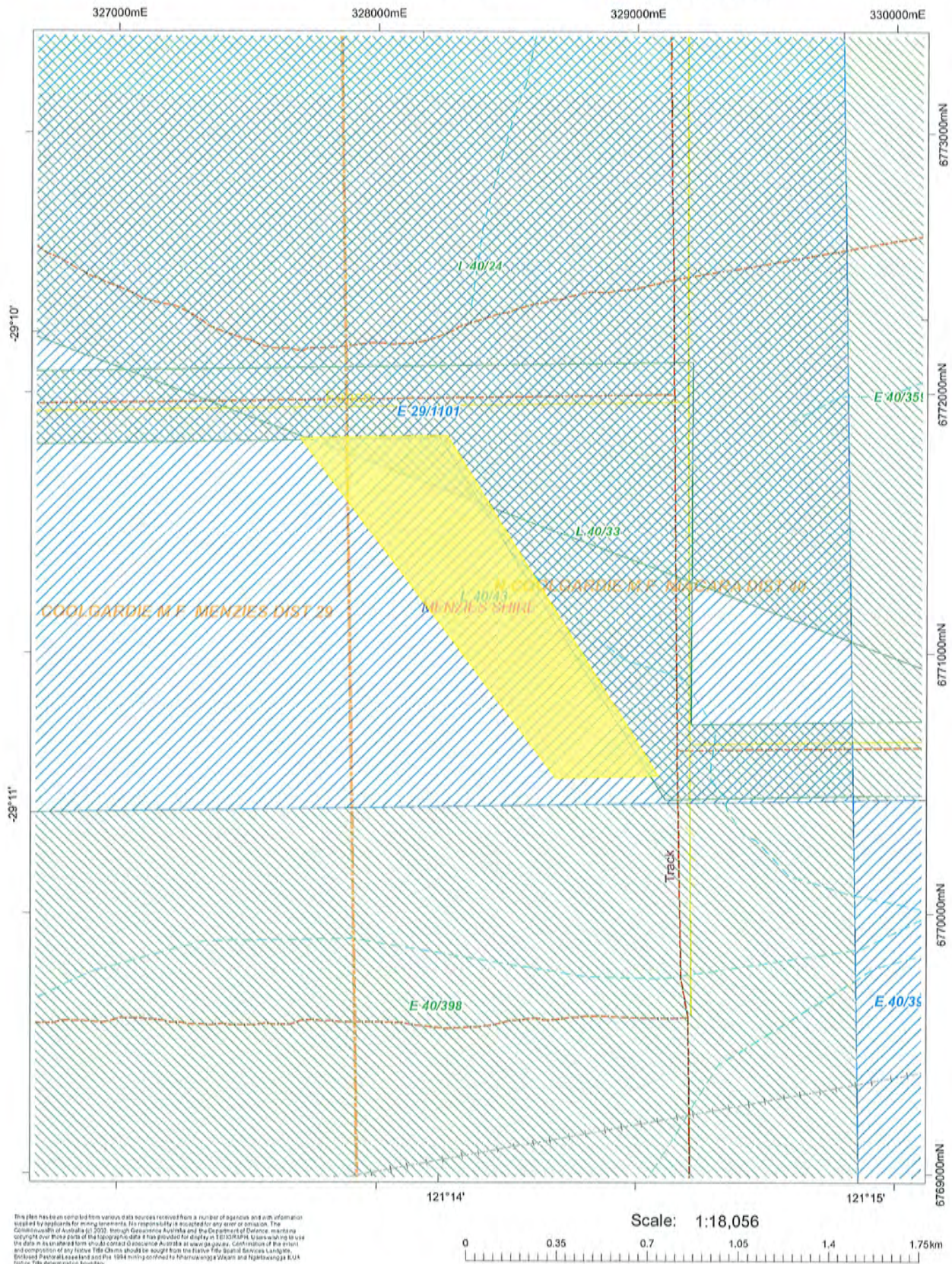
L 40/43 , Quick Appraisal Plan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014

03:05 PM, 03/11/2021

MHD/AVI



This plan has been compiled from various data sources received from a number of agencies and with information supplied by applicants for mining tenements. No responsibility is accepted for any error or omission. The Government of Western Australia (c) 2014. Through Geoscience Australia and the Department of Defence, marking copyright over this plan of the topographic data is provided for display in 1:100,000 scale. Users who wish to use the data in any other form should contact Geoscience Australia at www.ga.gov.au. Continuation of the plan and completion of any future title claims should be sought from the Mining Title Services, Landgate, Enfield Pastoral Lease and P/L 1994 mining contract by Pharruanga Wakan and Ngathawanga KUA Native Title determination boundary.

13.2	Works report for October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM517
DATE OF REPORT	15 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Manager Works, Garth Marland
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This report provides a summary of works conducted by the Shire of Menzies.

BACKGROUND:

The Shire's works crew conducts and supervises a range of works. This report provides visibility in regard to the works program and issues arising through the works section.

COMMENT:

Maintenance Grading

Maintenance grading has concentrated on the Western end of Evanston Menzies Road including Evanston Bullfinch Road and will continue in this area into November.

Private contractors have been working east of the Goldfields Highway, commencing on Mt Celia Road and continuing down Pinjin Road and Yarri Road. They will move down towards Kookynie during November.

Construction Works

Work is progressing on Menzies NW Road and Evanston Menzies Road preparing for bitumen sealing.

Plans have been received for Marmion Village Roadworks, but such roadworks are dependent on relocation of power and telephone which is not expected to be completed until the end of November.

Work has continued on Tjuntjuntjara Access Road.

Town Work and Waste Disposal

Short staffing is still a problem, but we hope to remedy this during November with the hiring of one extra person for outside work.

Garbage runs have been carried out diligently. Waste builds up very quickly at both Menzies and Kookynie Waste Facilities. Staff attempt to keep both areas pushed up, but it proves difficult due to the high quantities of rubbish dumped by other than Shire workers and especially at the Kookynie tip where it is necessary to move plant from Menzies to Kookynie to carry out cleanup work.

Mowing and line trimming has been carried out extensively in Menzies and slashing of larger areas has resulted in a general tidying up of the town.

Airstrips

Both Menzies and Kookynie Airstrips are regularly inspected.

Both strips still have weed growth which needs removal, and it is hoped that having an extra worker will allow us to catch up on this.

Works Health and Safety

The new laws coming into effect early in 2022 have necessitated a fresh approach to WHS. Workers have been instructed in many items of WHS. Education will continue through pre-start and toolbox meetings and the use of recognised courses for workers.

Depot

Most of the depot area has been completely cleaned up. Cabinets have been received for the storage of various dangerous or hazardous items and are in the process of being placed in suitable locations and correct goods placed in them. This will continue during November with further cabinets being delivered.

Tourist Sites and Truck Bay

Tourist numbers are starting to fall as the weather warms up and this takes pressure off toilet facilities at outlying tourist areas and the caravan park. The truck bay continues to be heavily patronised and we continue to hear good reports from truck drivers.

Vandalism in public toilets near the Water Park continues to be a problem and we will attempt to combat this.

Other Works

Our workers continue to help with setting up events, moving furniture when required, handling any special requests I make of them. I am very happy with the performance of all of them.

13.3	EHO report for October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM518
DATE OF REPORT	05 November 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To advise the council of the activities of the Environmental Health Officer / Building Surveyor for the month of October 2021.

BACKGROUND:

The Environmental Health Officer / Building Surveyor undertakes inspections in the Shire of Menzies in relation to legislative requirements as set out in the *Public Health Act 2016*, *Building Act 2011* and associated regulations.

COMMENT:

The following is a report of the monthly activities extracted from the report to the Chief Executive Officer from David Hadden, Environmental Health Officer / Building Surveyor.

Building

Processed a building permit for 16 additional rooms (4 units) and extended kitchen facility at Edjudina Station village camp. The construction value was \$300,000.00.

Dealt with an enquiry regarding building controls on one of the unserviced lots in town. Forwarded copies of Council's planning policies regarding these lots to the enquirer and have not heard anything more.

Dealt with many various enquiries relating to building services.

Health

Visited Tjuntjuntjarra on Wednesday 6 October 2021 (with the CEO) and noted that the new and renovated homes were still in good condition. The HACCC kitchen was

noted as requiring some repairs and repainting with management advising it would be budgeted for in the next budget. The new medical centre and dwelling (permits processed in May 2021) have not been delivered to site yet. The Department of Communities is still not supplying drinking water analysis results to Community Management or the Shire. Staff will be making further enquiries with the Department of Communities to try and have this issue resolved.

Processed a plumbing application for a wastewater treatment plant at the new Mt Ida mine site for Aurenne Group and forwarded to the Health Department of WA for final approval.

The shire's refuse site is still noncompliant with licencing conditions or the Environmental Protection (Rural Landfill) Regulations 2002 as there is evidence of waste oil and bitumen waste being dumped at the site. Windblown waste is blowing around the site and outside the fenced area which is required to be collected weekly and buried. Putrescible (household) waste is not being covered in accordance with licence conditions which is allowing waste to blow away when windy conditions are experienced. The Auditor General's Office (auditors) is currently checking that local governments are compliant with reserve funds in place for post closure plans and rehabilitation of tip sites.

Carried out another inspection of a kitchen at á hotel on Friday 15 October and noted that the kitchen has been renovated to a compliant standard and can be opened when the owner/manager determines to do so. The owner has been advised to maintain the kitchen in a clean condition at all times.

Dealt with many various enquiries relating to health services.

13.4	WHS update for October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM519
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To report to Council on the WHS actions undertaken to improve safety and reduce organisational risk during the month of September 2021.

BACKGROUND:

WHS Committee meetings are now being held quarterly to align with reporting to the Audit and Risk Committee.

COMMENT:

To ensure that Council has appropriate oversight of safety management activities this information report is produced with key activities undertaken.

- Received fire extinguishers and fire blankets and have proceeded to complete the distribution of these, replacing the older fire equipment. The old fire extinguishers will be used for fire extinguisher training soon. The old fire blankets will be disposed of.
- The order for additional first aid kits has been received, labelled, and placed in vehicles without or with outdated kits.
- All shire vehicles with first aid kits have been labelled with 'First Aid Kit' stickers for identification purposes in case of an accident.
- The Shire Depot Yard has continued to be cleaned up with disposal of old equipment which no longer fills a need for possible future work.
- All unlabelled plastic bottles of chemicals have been appropriately labelled with the material name and some SDS warning.
- All of the ordered chemical storage cabinets for dangerous goods and chemicals have been received and are currently being placed in and around the depot.
- Continuing with housekeeping and educating Shire employees. In this regard, Core Business consultants have been on site for consultation and training for the 'Monitor' system, currently being used for the Shire's WHS reporting.

13.5	Compliance Calendar Update (September - October 2021)
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM520
DATE OF REPORT	15 November 2021
AUTHOR	Executive Officer, Eve Reitmajer
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 2021 Compliance Calendar September - October [13.5.1 - 2 pages]

SUMMARY:

The Compliance Calendar has been created to track and centralise important dates and deadlines associated with the *Local Government Act 1995* and various other legislation and reporting obligations the Shire is required to undertake.

BACKGROUND:

The Shire is committed to maintaining its governance and compliance obligations under its 'Leadership Strategy: Responsible management and good governance, leading an empowered community'.

To assist the Shire in meeting its obligations the Compliance Calendar, a dynamic document, has been introduced for reporting to Council on a monthly basis.

Senior staff update the Compliance Calendar which outlines the status and progress of tasks, providing Council with a clear and concise snapshot of the Shire's current position on its obligatory regulatory requirements.

COMMENT:

All items on the Compliance Calendar for September and October 2021 have been met, except for the following items:

TASK	REASON FOR EXCEPTION
SEPTEMBER	
Send out renewal notices for dog registration	On hold until November, following annual Murdoch vet visit, which includes pet sterilisation.
OCTOBER	
Primary return for new Elected	In progress, any outstanding returns to be followed up in December.

Members to be completed within 3 months of Election/Commencement date	
Review Website	Major review completed, updates ongoing as new information, SoM documents and other public notices come to hand. Project underway to ensure any SoM documents that are required to be on website, have been uploaded to website.
Local Emergency Management Arrangements (LEMA)	Collection of emergency management documentation, systems, processes, agreements and memorandums of understanding which affect the local government district is ongoing.

Shire of Menzies - Compliance Calendar										
Month	Document Type	Meeting Date	Commencement of Activity	Completion of Activity	Activity Issue Date	Compliance Frequency (Timing)	Description of Activity	Legislation	Officer	Completed
September	Briefing	2nd last Thursday in Month	1st week of month	Mon prior to the meeting	Mon prior to the meeting	Monthly	Commence Briefing Agenda Agenda to be issued on the Friday prior to the Briefing Session		CEO/EA	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	Commence Agenda - Council requires the Agenda to be issued to Councillors WEDNESDAY the week before the OCM	LG Act 1995 (issue to Cr. within 72 hrs)	CEO/EA	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	11.1 Presidents Report		President	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.1 Prepare a statement of Financial Activity reporting on the previous months Revenue and Expenditure as set out in the annual budget under FM/.Reg 22(1)(d)	LG Act 6.4 FM Reg 34	CFO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.2 Prepare a remittance Report statement - Payments made to creditors during the previous month		Rates Officer	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.3 Prepare an investment Report for the previous month		CFO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.2.1 Works Report for the previous month		MWS	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.3.1 Health and Building Report for the previous month		EHO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.4.1 Prepare Community Development Report for the previous month		Youth & CRC Officer	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.5.1 Prepare actions performed under Delegations for the previous to current month (i.e. October - November 2020)		CEO	✓
	Agenda	Last Thurs in Month	2nd week of month	Wed prior to meeting	Wed prior to meeting	Monthly	Report to Council for 2022 calendar year OCM dates		CEO	✓
	Action	30-Sep				Annual	Annual Financial Report to Auditor		CFO	✓
	Action					Annual	Complete the annual Health Activities Report for the Minister of Health and advise Council in the next EHO report		EHO	✓
	Action					Elections	Election - Candidate Information Session		RO	✓
	Action	8 days				Elections	Open nominations candidates to nominate in writing to the R O	LG Act 4.49(a)	R O	✓
	Action					Elections	Close of Nominations	LG Act 4.49(a)	R O	✓
	Action					Elections	Candidate declaration for unopposed members	LG Act 2.29	R O	✓
	Action					Elections	Candidate Declaration of Gifts disclosure	LG Act 4.59	R O	✓
	Action					Elections	Residents role to be prepared by WAEC	LG Act 4.40(2)	R O	✓
	Action					Elections	Owners and Occupiers role to be prepared by CEO	LG Act 4.41(1)	R O	✓
	Action	22 days				Elections	Consolidated roll to be prepared by returning officer	LG Act 4.38(1)	R O	✓
	Action					Elections	Rolls to be provided to candidates & elected members as requested	LG Act 4.42	R O	✓
	Action	31-Oct				Annual	Send out renewal notices for dog registration		Accounts	On hold until November, following annual Murdoch vet visit, which includes pet sterilisation
	Remittance					end month	Building - BSL (paid 15th of each month) & BCITF (paid on invoice)		Accounts	✓
	Returns					Monthly/as required	Primary return for Elected Members/Staff within 3 months of Election/Commencement Date	LG Act 5.75	CEO	In progress

Shire of Menzies - Compliance Calendar										
Month	Document Type	Meeting Date	Commencement of Activity	Completion of Activity	Activity Issue Date	Compliance Frequency (Timing)	Description of Activity	Legislation	Officer	Completed
October	Briefing	2nd last Thursday in Month	1st week of month	Mon prior to the meeting	Mon prior to the meeting	Monthly	Commence Briefing Agenda Agenda to be issued on the Friday prior to the Briefing Session		CEO/EO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	Commence Agenda - Council requires the Agenda to be issued to Councillors WEDNESDAY the week before the OCM	LG Act 1995 (issue to Cr. within 72 hrs)	CEO/EO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	11.1 Presidents Report		President	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.1 Prepare a statement of Financial Activity reporting on the previous months Revenue and Expenditure as set out in the annual budget under FM/.Reg 22(1)(d)	LG Act 6.4 FM Reg 34	CFO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.2 Prepare a remittance Report statement - Payments made to creditors during the previous month		Rates Officer	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.1.3 Prepare an investment Report for the previous month		CFO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.2.1 Works Report for the previous month		MWS	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.3.1 Health and Building Report for the previous month		Dave Hadden	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.4.1 Prepare Community Development Report for the previous month		Youth & CRC Officer	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Monthly	12.5.1 Prepare actions performed under Delegations for the previous to current month (i.e. October - November 2020)		CEO	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Annual	Select Audit Committee - remain current for 2 years until next general local government election (next election 2021)	LG Act	Council	✓
	Agenda	Last Thurs in Month	1st week of month	Wed prior to meeting	Wed prior to meeting	Annual	Appointment to Committees - remain current for 2 years until next general local government election	LG Act	Council	✓
	Council & Agenda	Last Thurs in Month	2nd week of month	Wed prior to meeting	Wed prior to meeting	When an election is held	Swearing in of elected members, election of president, deputy & seating arrangements, nomination to committees (including Audit Committee - to meet at least twice per year), external bodies, organisations (GVROC) etc. delegates, deputies etc		CEO	✓
	Action	ASAP	ASAP	ASAP	within 1 week of Election	When an election is held	Onboarding of Coucillors (request logins, email address, Primary Return and Related Party Disclosure and Induction Package (including training requirements) Offboarding of exiting Councillors (request removal of logins, email address, remove Primary Return from file)		CEO	✓
	Action	90 days					Primary return for Elected Members within 3 months of Election/Commencement date	LG Act 5.75	EO	In Progress
	Action						Elected Member Induction		CEO	✓
	Advertising	ASAP					Election day results published		RO	✓
	Notifications	+14 days					Report to Minister on results		RO	✓
	Notifications					Annual	Report - Christmas Hours		CEO	✓
	Remittance					end month	Building - BSL (paid 15th of each month) & BCITF (paid on invoice)		Accounts	✓
	Review					Annual	Review Website		EO	In Progress
	Review					Annual	Local Emergency Management Arrangements (LEMA)		MWS	Ongoing

13.6	Community Services Report for October 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM503
DATE OF REPORT	15 November 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

The purpose of this report is to advise Council of Community Service Activities for the month of October 2021.

BACKGROUND:

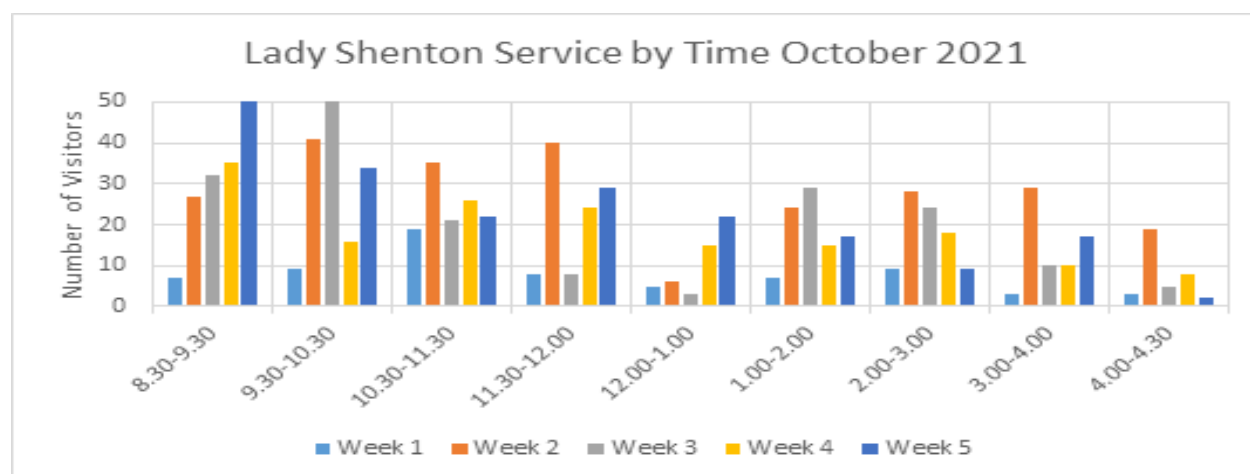
The Lady Shenton Building accommodates the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

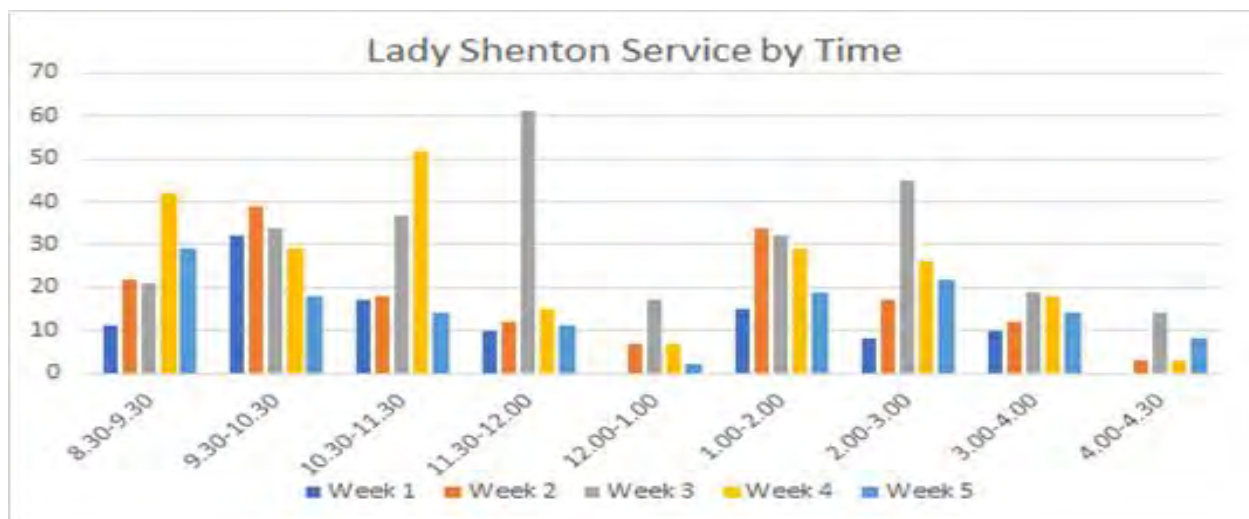
The Youth Centre Ngalipaku Building forms a key part of the Menzies Youth and Community Precinct and operates as a space to host youth and community events.

COMMENT:

Lady Shenton

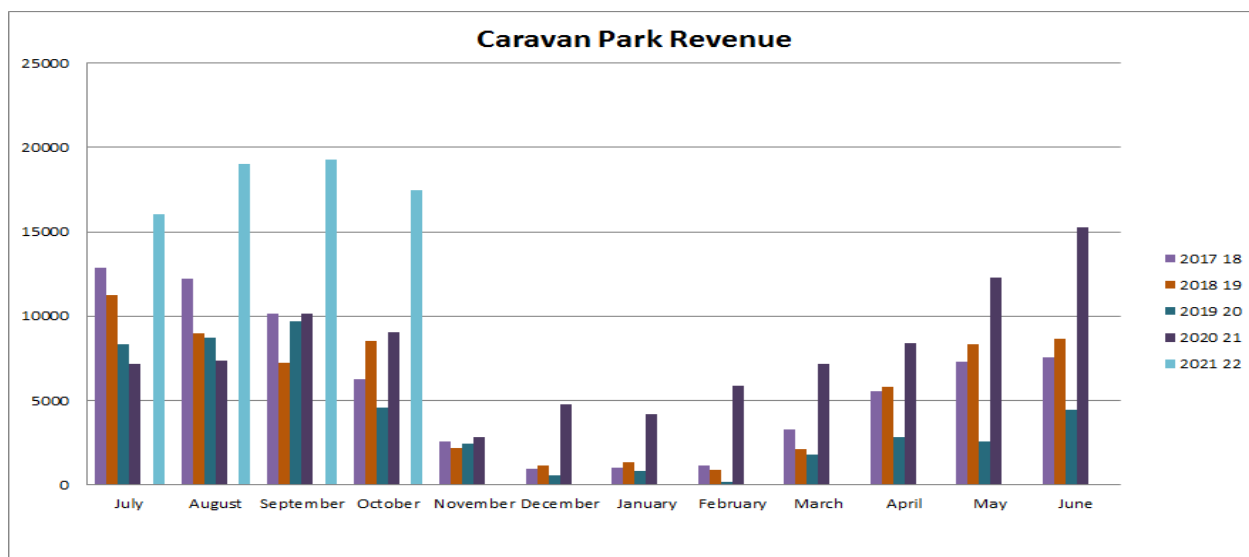
The Lady Shenton received 931 visitors in October 2021.





Caravan Park

There were 166 caravan park bookings in October 2021.



Annual takings for the Shire of Menzies Properties Year 2020-21:

	Cabin A	Cabin B	12A Walsh	29A Shenton	Accounts	Total	Consultants
Jul-21	\$ 3,938.00	\$ 5,148.00		\$ 396.00		\$ 9,482.00	\$ 1,012.00
Aug-21	\$ 1,342.00	\$ 3,872.00		\$ 195.00		\$ 5,409.00	\$ 405.00
Sep-21	\$ 143.00	\$ 1,056.00		\$ 1,553.00	\$ 2,618.00	\$ 5,370.00	\$ 530.00
Oct-21	\$ 2,354.00	\$ 1,650.00	\$ 405.00	\$ 650.00	\$ 3,668.00	\$ 8,727.00	\$ 405.00
Nov-21						\$ -	
Dec-21						\$ -	
Jan-22						\$ -	
Feb-22						\$ -	
Mar-22						\$ -	
Apr-22						\$ -	
May-22						\$ -	
Jun-22						\$ -	
Total	\$ 7,777.00	\$ 11,726.00	\$ 405.00	\$ 2,794.00	\$ 6,286.00	\$ 28,988.00	\$ 2,352.00

	Caravan Park	
Jul-21	\$ 11,884.00	\$ 11,884.00
Aug-21	\$ 12,150.00	\$ 12,150.00
Sep-21	\$ 14,162.00	\$ 14,162.00
Oct-21	\$ 14,736.00	\$ 14,736.00
Nov-21		\$ -
Dec-21		\$ -
Jan-22		\$ -
Feb-22		\$ -
Mar-22		\$ -
Apr-22		\$ -
May-22		\$ -
Jun-22		\$ -
Total	\$ 52,932.00	\$ 52,932.00

% change

2.2% 26 Powered Sites
 16.6% 6 Unpowered Sites
 4.1% A Block 3 male and 3 Female Toilet and shower 1 Disabled
 B Block 3 male and 3 Female Toilet and shower 1 Disabled
 2 Washing machine & Dryers

Youth Centre and General Community Services

Post the recruitment of new staff, who will be running the after-school youth engagement activities, these as at the date of this report have commenced 10 November 2021, and around 5 youths engage in the card making activities.

**14 ELECTED MEMBER MOTION OF WHICH PREVIOUS
NOTICE HAS BEEN GIVEN**

**15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED
BY DECISION OF THE MEETING**

16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS

17 NEXT MEETING

The next meeting is to be held on 16 December 2021 at the Shire Offices in Menzies commencing at 1.00pm.

18 CLOSURE OF MEETING