

# Audit & Risk Committee Meeting

Minutes | 14th May 2024

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## SHIRE OF QUAIRADING

### Audit & Risk Committee Meeting

The Audit & Risk Committee Meeting Minutes of Meeting held on 14th May 2024 commencing at 5.00pm.

#### ITEM 1      **OPENING & ANNOUNCEMENTS**

The Chairperson opened the Meeting at 5.00 pm.

“Before we start our meeting, I would like to acknowledge that we are meeting on Noongar/Ballardong land. We pay respect to the original custodians of the land...past, present and future. I welcome you all here today for this meeting.”

#### ITEM 2      **ATTENDANCE AND APOLOGIES**

##### **Councillors**

Cr TJ Stacey	Deputy Shire President
Cr BR Cowcill	
Cr RC Faltyn	
Cr JC Hayes	
Cr JR Hippisley	
Cr PD Smith	

##### **Council Officers**

Ms NJ Ness	Chief Executive Officer
Ms T Brown	Executive Manager, Corporate Services
Ms SE Caporn	Executive Manager, Works & Services
Ms J Green	Acting Executive Manager Economic Development

##### **Observer/Visitor**

##### **Apologies**

Cr JN Haythornthwaite	Shire President
Ms Marion Haeusler	Executive Officer

##### **Leave of Absence Previously Granted**

Nil

**ITEM 3      DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/PETITIONS**

Nil

**ITEM 4      DECLARATIONS OF INTEREST**

Nil

**ITEM 5 CONFIRMATION OF MINUTES AND BUSINESS ARISING****5.1 Confirmation of Minutes: Audit & Risk Committee Meeting – 13 February 2024****COMMITTEE RESOLUTION: ARC 016-23/24**

Moved: Cr RC Faltyn

Seconded: Cr JC Hayes

That the Minutes of the Audit & Risk Committee Meeting held on the 13 February 2024 be confirmed as a true and accurate record.

FOR: Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith

AGAINST: Nil

**CARRIED 6/0****5.2 Confirmation of Minutes: Special Audit & Risk Committee Meeting – 19 March 2024****COMMITTEE RESOLUTION: ARC 017-23/24**

Moved: Cr JC Hayes


Seconded: Cr BR Cowcill

That the Minutes of the Special Audit & Risk Committee Meeting held on the 19 March 2024 be confirmed as a true and accurate record.

FOR: Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith

AGAINST: Nil

**CARRIED 6/0****BUSINESS ARISING**

**ITEM 6 STANDING ITEMS – EXTERNAL AUDIT****6.1 2023/2024 Financial Audit - Office of the Auditor General (OAG)****Responsible Officer** Natalie Ness, Chief Executive Officer**Reporting Officer** Tricia Brown, Executive Manager, Corporate Services**Attachments** 1. Attachment (i) Audit Planning Summary 2023/2024 [↓](#) **Voting Requirements** Simple Majority**Disclosure of Interest** Reporting Officer: Nil

Responsible Officer: Nil

**COMMITTEE RESOLUTION: ARC 018-23/24**

Moved: Cr JR Hippisley

Seconded: Cr BR Cowcill

That the Audit &amp; Risk Committee recommend to Council, that Council:

1. Notes the Audit Planning Summary from the Shire's auditors AMD for the year ended 30 June 2024 (Attachment (i))
2. Notes the attendance of the Executive Manager Corporate Services at the Audit Entrance Meeting attended on Friday 12<sup>th</sup> April 2024 with the Shire's designated Auditor (AMD) and the Office of the Auditor General (OAG Representative)
3. Notes the 2023-2024 Interim Audit is scheduled for an onsite visit on 15<sup>th</sup> & 16<sup>th</sup> May 2024.

**FOR:** Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith**AGAINST:** Nil**CARRIED 6/0****IN BRIEF**

- The 2023-2024 Audit commenced with the Entrance Meeting held via Teams with Tim Partridge (AMD) and James on behalf of Cait McGowan (OAG).

**BACKGROUND**

The external audit, also known as financial audits or audit of the annual financial statements, focuses on providing an objective and independent examination of the financial statements prepared by the Shire, increasing the value and user confidence in the financial statements.

AMD Chartered Accountants (AMD) have been contracted by the OAG to perform the Shire's financial report audit for a 3-year period, commencing with the audit for the year ended 30<sup>th</sup> June 2021 (prior year audit). The audit occurs in two steps; the first being an interim audit, with the second (final) stage being the audit work to attest the balances and notes that comprise the annual financial statements.

Bob Waddell and Associates were engaged to complete the Shire's Annual Financial Statements for the year ended 30th June 2024.

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Local Government (Audit) Regulations 1996*

*Australian Accounting Standards*

*International Financial Reporting Standards*

## POLICY IMPLICATIONS

Purchasing Policy

Delegation 1.1.13: Payments from the municipal or trust funds

Records Management Policy

Significant Accounting Policies

Delegations Register

## FINANCIAL IMPLICATIONS

Council has a budget allocation of \$32,000 in the 2023/24 budget for the conduct of the external audit function by the Office of the Auditor General (OAG) for the audit of the 2022/23 annual financial statements. It is anticipated that a budget of similar amount is to be adopted each year but will be subject to an annual estimate of audit fees provided by the OAG. Officers' efforts to undertake the improvements and report on progress have not been estimated or reported.

## ALIGNMENT WITH STRATEGIC PRIORITIES

- 5.3 Governance & Leadership:** Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community
- 5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations

## CONSULTATION

Nil.

## RISK MANAGEMENT PRIORITIES

This report addresses the following identified Strategic Risk Management Priorities:

Financial misconduct by (a) a Shire employee, and (b) an executive/office holder results in financial, legal and/or reputational damage.

Misconduct (non-financial) by a Shire employee results in financial, legal and/or reputational damage.

## RISK ASSESSMENT

Option 1

Financial	Low <i>Cost of the audit is included in the budget. The audit’s purpose is not to uncover any financial fraud, however having strong financial processes, as raised in the management report can reduce the risk of this occurring.</i>
Health	Low
Reputation	Low <i>Compliant with legislative requirements. Failure to complete the annual financial audit would lead to increased reputational risk and possible actions by the OAG.</i>
Operations	Low <i>Council’s Management and administration staff assist AMD by providing all information and documents requested. Operational impact is minimal in reporting progress on audit findings, however the operational impact of not closing findings would be significantly higher if conditions escalated.</i>
Natural Environment	Low

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

The Audit Planning Summary provides a detailed overview of the Audit approach and proposed timelines to ensure the Shire meets it’s reporting obligations.

The Interim Audit has been scheduled to be conducted on the 15<sup>th</sup> & 16<sup>th</sup> May with an onsite visit by Darshita and her associate from AMD. Requested audit items, currently 92 items have been loaded onto the AMD Audit portal. As much information will be provided through the portal prior to the onsite visit. Audit testing of the 92 items will continue until all requested information has been supplied.

The CEO and EMCS will continue to report on progress of audit findings through the Audit Progress Register that is submitted to the Audit and Risk Committee and recommended to Council.

**COMMENTS AFFECTING COMMITTEE DECISION**

Cr Hayes queried on page 12 of the Audit Planning Summary whether the assessment of the Landfill site and determination of the category and on whether a post closure plan was required was of specific concern for the Shire. The EMCS replied that this was routinely done and that auditors would assess the type of waste at our Landfill site and the likelihood of contamination of groundwater.





# AUDIT PLANNING SUMMARY

## SHIRE OF QUAIRADING

Year ended 30 June 2024

AMD Chartered Accountants on behalf of  
Office of the Auditor General for Western Australia



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## 1. Purpose of the Audit Planning Summary

The purpose of this Audit Planning Summary is to provide the Shire of Quairading Audit and Risk Committee and Executive Management our proposed approach to the audit of the financial report of the Shire of Quairading for the year ending 30 June 2024.

This Audit Planning Summary will be discussed during the meeting scheduled for the 12<sup>th</sup> April 2024 and ensures our responsibility to communicate with those charged with governance are satisfied.

Specifically, this Audit Planning Summary includes:

- Introduction
- Terms of Engagement and Appointment
- Our Audit Approach
- Significant Risks and Other Audit Issues
- Audit Emphasis and Significant Account Balances
- Management Representation Letter
- Related Entities
- Reporting Protocols
- Proposed Audit Schedule
- Audit Evidence - Specific Audit Requirements
- Your Audit Team

If there are any matters in the Summary that you would like clarified, please do not hesitate to contact us.

There may be areas where you would like us to increase the audit focus. We would be pleased to discuss these to determine the most efficient and effective approach to performing the Shire of Quairading's audit requirements.



**2. Introduction**

**2.1 Background and General Information**

Quairading is nestled in the central Wheatbelt of Western Australia, on Noongar Ballardong country just 167km east of Perth on the York-Quairading Road. It offers a variety of cultural, sporting and social activities.

Quairading is a farming community with a population of approximately 1,200, producing cereal and grain crops, forestry, wool, sheep and cattle supported by rural service industries. The district includes the localities of Quairading, Pantapin, Yoting, Badjaling, Dangin, South Caroling, Balkuling, Doodenanning & Wamenusking.

Individual Councillors, including the President, cannot make decisions as individuals. The Council itself does not have any delivery or executive functions, but rather relies on the decisions of the majority of the group which provide direction for the Chief Executive Officer to implement.

The Local Government Act defines the roles of Council and the Councilor’s as follows:

**Role of Council**

1. direct and control the Local Government’s affairs and functions;
2. oversee the allocation of the Local Government’s finances and resources;
3. determine the Local Government’s policies; and
4. ensure that there is an appropriate structure for administering the Local Government.

**2.2 Shire Council and Executive Management**

The Shire of Quairading Council consists of:

President	Jo Haythornthwaite
Deputy President	Trevor Stacey
Councillor	Renee Faltyn
Councillor	Becky Cowcill
Councillor	Jonathan Hippisley
Councillor	Peter Smith
Councillor	Jo Hayes

The Shire Executive Management consists of:

Chief Executive Office (“CEO”)	Natalie Ness
Executive Manager of Corporate Services	Tricia Brown
Executive Manager of Works and Services	Sarah Caporn
Executive Manager of Community, Projects and Strategy	Jen Green
Executive Officer – Governance	Marion Haeusler



### 2.3 Governance and Roles and Responsibilities

As one of Australia's three spheres of government (Federal, State, Local), Local Government is the sphere that most closely affects the daily lives of members of the local community.

The roles and responsibilities of Local Government generally include:

- infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management;
- provision of recreation facilities, such as parks, sports fields and stadiums, golf courses, swimming pools, sport centres, halls, camping grounds and caravan parks;
- health services such as water and food inspection, toilet facilities, noise control and meat inspection and animal control;
- community services, such as child-care, aged care and accommodation, community care and welfare services;
- building services, including inspections, licensing, certification and enforcement;
- planning and development approval;
- administration of facilities, such as airports and aerodromes, ports and marinas, cemeteries, parking facilities and street parking;
- cultural facilities and services, such as libraries, art galleries and museums; and
- water and sewerage services in some states.

Local Government revenue comes from three main sources:

- rates;
- fees and charges; and
- grants from Federal and State/Territory Governments.

The Shire of Quairading is governed by an independent Council. Councillors are elected by the ratepayers.

The Shire of Quairading Council appoints a CEO to ensure resources are effectively and efficiently managed. Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Local Government Act 1995.

### 2.4 Financial Report and Regulation

The Shire of Quairading's annual financial report is general purpose financial statements prepared in accordance with the Act and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

Applicable financial reporting regulations the Shire of Quairading must comply with includes:

- Local Government Act 1995 ("the Act");
- Local Government (Financial Management) Regulations 1996 ("the Regulations"); and
- Local Government (Audit) Regulations 1996.

The Auditor General's audit report will be prepared in accordance with the Act, Regulations and Australian Auditing Standards and include the audit opinion on the annual financial report.

The Shire of Quairading is required to publish the auditor's report with the annual financial report on its website.



### **3. Terms of Engagement and Appointment**

#### **3.1 Auditor General**

Following proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General becomes responsible for the annual financial report audit of Western Australian Local Governments.

#### **3.2 Contractor Appointment – AMD Chartered Accountants (“AMD”)**

AMD has been contracted by the Auditor General to perform the Shire of Quairading financial report audit on the Auditor General’s behalf for the year ending 30 June 2024. The OAG and AMD have signed a contractor agreement which outlines the relationships between the OAG, Shire and AMD.

Our audit procedures will be conducted under the direction of the Auditor General, who will retain responsibility for forming the audit opinion and issuing the audit report to the Shire of Quairading. The signed contractor agreement requires AMD to use its own audit approach and methodology in carrying out the services provided.

AMD is required to report any matter to the Auditor General which may affect the Auditor General’s responsibilities under the Auditor General Act 2006. AMD’s reporting requirements as outlined within the contractor agreement are outlined within section 9 of this Audit Planning Summary, Reporting Protocols.

#### **3.3 Conflicts of Interest**

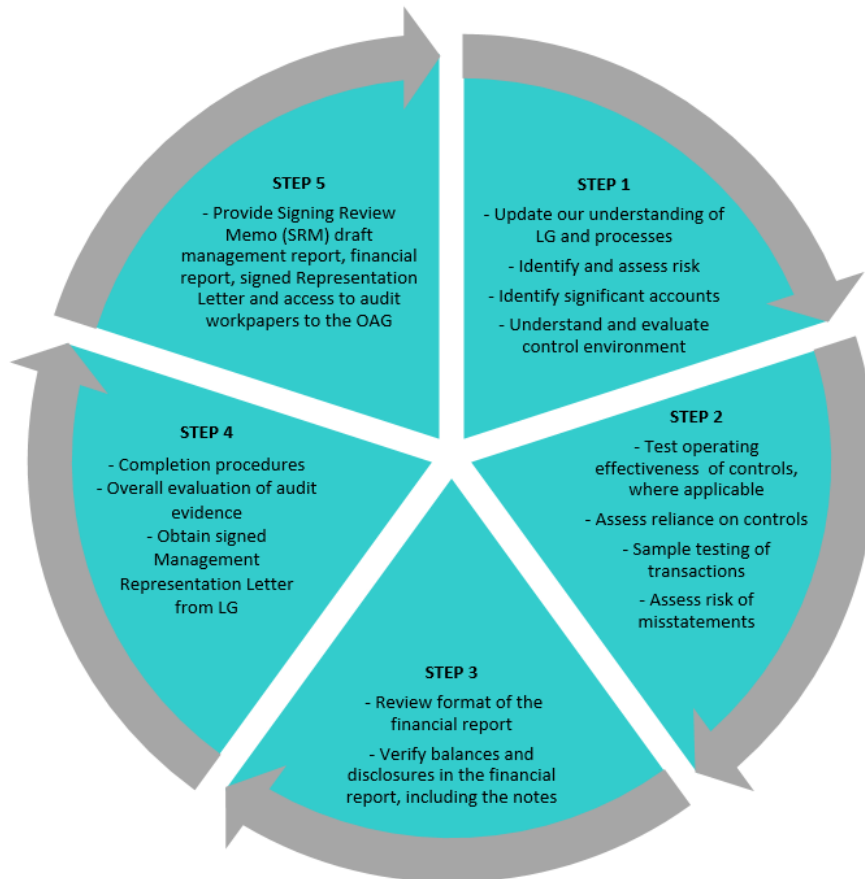
We confirm we have completed our independence evaluation and are satisfied we do not have any actual or perceived conflicts of interest in completing the annual audit of the Shire of Quairading on behalf of the Auditor General.



**4. Our Audit Approach**

**4.1 Audit Approach Steps**

Our audit approach comprises five steps:



**4.2 Audit Approach and Methodology**

Our audit approach is designed to specifically focus audit attention on the key areas of risk faced by the Shire of Quairading in reporting on finances and performance.

As part of our audit approach, we have conducted an initial financial report risk assessment to determine whether any of the risks identified are, in our judgement, high risks. A high risk is an assessed risk of material misstatement in the financial report that in our judgement is a key audit area and therefore requires special audit consideration.



Our assessment of key audit areas is based on:

- Discussions held with the Executive Management team;
- The complexity of transactions within each audit area;
- The degree of subjectivity in the measurement of financial information related to the risk, in particular those requiring significant accounting estimates and assumptions; and
- The degree of susceptibility to fraud risk.

Testing of high risk material balances follows a hierarchy approach commencing with tests of controls, substantive analytical review procedures and finally tests of details. Testing of low risk material balances is coordinated with the auditing of high risk material balances.

Our audit will be separated into two components, the interim audit and the final audit.

The interim audit includes:

- understanding the Shire of Quairading's current business practices;
- assessment and response to engagement risk, entity risk and system risk;
- understanding the control environment and evaluating the design and implementation of key controls and, where appropriate, whether they are operating effectively;
- testing transactions to confirm the accuracy and completeness of processing accounting transactions;
- clarifying significant accounting issues, including accounting estimates and fair value considerations before the annual financial report is prepared for audit;
- review and assess legislative compliance;
- review and assess contingent liabilities;
- review and assess progress with respect to the introduction of applicable new Accounting Standards; and
- follow up prior year management letter comments and recommendations.

The final audit focuses on verifying the annual financial report and associated notes, and includes:

- verifying material account balances using a combination of substantive analytical procedures, tests of details, substantiation to subsidiary records and confirmation with external parties; and
- reviewing the annual financial report and notes for compliance with the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

It is important to note that:

- The Council and the CEO are responsible for keeping proper accounts and records, maintaining effective internal controls, preparing the annual financial report, and complying with the Local Government Act and Regulations, and other legislative requirements.
- An audit does not guarantee that every amount and disclosure in the annual financial report is free from error. Also, an audit does not examine all evidence and every transaction. However, our audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the annual financial report.
- The Council and CEO are responsible for ensuring the accuracy and fair presentation of all information in its annual report, and that it is consistent with the audited annual financial report. The OAG does not provide assurance over your annual report.
- The Council and the CEO have responsibility for maintaining internal controls that prevent or detect fraud or error and to ensure regulatory compliance. The Audit Committee and AMD/the OAG should be informed by management of any fraud or material errors. During the audit we will make inquiries with management about their process for identifying and responding to the risks of fraud, including management override. It should be noted that our audit is not designed to detect fraud, however should instances of fraud come to our attention, and we will report them to you.





#### 4.3 Australian Auditing Standards

Our audit is conducted in accordance with Australian Auditing Standards. Our aim is to provide reasonable assurance whether the annual financial report is free of material misstatement, whether due to fraud or error. We perform audit procedures to assess whether, in all material respects, the annual financial report is presented fairly in accordance with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

The nature of the audit is influenced by factors such as:

- the use of professional judgement;
- selective testing;
- the inherent limitations of internal controls; and
- the availability of persuasive rather than conclusive evidence.

As a result, an audit cannot guarantee that all material misstatements will be detected. We examine, on a test basis, information to provide evidence supporting the amounts and disclosures in the annual financial report, and assess the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by management.

#### 4.4 Materiality

The scope of our audit also applies materiality. The planning materiality level will be calculated and determined using AMD's audit methodology. The amount of materiality may be adjusted during the audit, depending on the results of our audit procedures.

#### 4.5 Fraud Risk

In accordance with *ASA240 The Auditor's Responsibility Relating to Fraud in the Audit of a Financial Report*, when planning and performing audit procedures and evaluating the results, the auditor must consider the risk of material misstatement in the financial report as a result of fraud or error.

Council and management of the Shire of Quairading is responsible for the prevention and detection of fraud and error. The Shire is responsible for maintaining accounting records and controls designed to prevent and detect fraud and error, and for the accounting policies and estimates inherent in the financial report.

We will request management complete a self assessment fraud control questionnaire. This allows us to make inquiries of management, to obtain an understanding of the risk of fraud within the Shire and to determine whether management have knowledge of fraud activities. We will review the fraud control questionnaire assessment.

In addition we will review the Shire's fraud prevention control procedures, review significant or unusual transactions, review accounting estimates and key assumptions and review year end accounting adjustments.



#### **4.6 Meetings**

##### **4.6.1 Entrance Meeting**

The entrance meeting will discuss this Audit Planning Summary and be held with the Audit and Risk Committee (or where impractical for the Audit and Risk Committee, a representative from Council), CEO, Executive Manager of Corporate Services, OAG Director and AMD.

##### **4.6.2 Interim Audit Findings**

The interim audit findings will be discussed with management by the audit team at the completion of the interim audit. Draft management letters will be provided to the Shire's CEO for coordination of comments from appropriate members of your management.

##### **4.6.3 Final audit close out meeting**

The final audit findings will be discussed with management by the audit team at the completion of the final audit.

##### **4.6.4 Exit meeting**

The exit meeting will discuss the financial report, proposed audit report to be issued and the management letter. This meeting will be held with the Audit and Risk Committee (or where impractical for the Audit and Risk Committee, a representative from Council), CEO, Executive Manager of Corporate Services, OAG Director and AMD.



**5. Significant Risks and Other Audit Issues**

Through discussions with the Executive Management team and based on the 2022/2023 audit, we have identified the following issues and key areas of risk affecting the audit.

Details of Risk / Issue	Audit Approach
<p>Audit findings reported in the previous audit including the following:</p> <p><b><u>INTERIM</u></b></p> <ol style="list-style-type: none"> <li>1. General Journals                             <ul style="list-style-type: none"> <li>• We noted that all the journals selected for testing were not signed as evidence of independent review.</li> </ul> </li> <li>2. CEO Credit Card Missing Invoices                             <ul style="list-style-type: none"> <li>• We noted 3 occasions where no tax invoice was retained as support for purchases made on the CEO credit card, and one instance where a statutory declaration was completed, however no amount was included to support the purchase made on the CEO credit card.</li> </ul> </li> <li>3. Terminated Employee Checklist                             <ul style="list-style-type: none"> <li>• We noted that a Termination checklist was not completed for the employee (Shannon Wruck) selected for testing from the list of employees terminated between July 2022 and March 2023.</li> </ul> </li> <li>4. Non-compliance with Local Government (Financial Management) Regulations 1996                             <ul style="list-style-type: none"> <li>• The 30 June 2023 Budget was adopted by Council on 25 August 2022 and submitted to the Department on 7 October 2022 (not submitted within 30 days)</li> </ul> </li> <li>5. Purchase Orders                             <ul style="list-style-type: none"> <li>• During our review of 4 batch payments, there were 10 instances identified where purchase orders were raised after the supplier invoice was raised.</li> </ul> </li> <li>6. Information Technology Environment                             <ul style="list-style-type: none"> <li>• We noted there was no specific employee IT Usage Policy in place.</li> <li>• Although a disaster recovery plan is in place, a copy is not retained off site, and has not been tested.</li> </ul> </li> <li>7. Daily Banking Exceptions                             <ul style="list-style-type: none"> <li>• We noted one instance from our sample selection of 20 that the bank reconciliation was not signed by the preparer as evidence of completion of the reconciliation, nor by the reviewer as evidence of independent review.</li> <li>• We noted four instances where the banking was carried out in excess of 1 day of receipt of the funds.</li> </ul> </li> </ol> <p><b><u>FINAL</u></b></p> <ol style="list-style-type: none"> <li>1. Employee entitlements exceptions                             <ul style="list-style-type: none"> <li>• During our review of employee leave balances, it was noted that 1 employee has an annual leave balance in excess 8 weeks as at 30 June 2023.</li> <li>• Furthermore, our testing of leave taken, identified that an incorrect balance of long service leave taken was recorded and not identified in a timely manner.</li> </ul> </li> </ol>	<p>We will follow-up on the resolution of issues reported in last year’s audit.</p>



Details of Risk / Issue	Audit Approach
<p>We have identified the following areas that we consider require additional focus during 2023/2024 Local Government Audits:</p> <ul style="list-style-type: none"> <li>• Purchasing processes and documented evidence relating to obtaining quotations and tenders.</li> <li>• Revenue recognition including the application of <i>AASB 15 Revenue from Contracts with Customers</i> and <i>AASB 1058 Income of Not-for-profit Entities</i>. Assessment of the correlating contract asset or liability recorded.</li> <li>• Identification and recording of leases in accordance with <i>AASB 16 Leases</i>, including commercial leases recognising ROU asset and corresponding liability and concessionary leases recorded at zero.</li> <li>• General accounting journals ensuring adequately supported and independently reviewed.</li> <li>• Related party disclosures.</li> <li>• Contingent Liabilities, including waste facility and contaminated sites.</li> <li>• Joint arrangements (joint operations, joint ventures) and investment in associates. Ensure consideration has been given to correct accounting treatment for arrangements in place.</li> <li>• Assessment of requirements relating to Landfill sites including:                         <ul style="list-style-type: none"> <li>▪ Determining the category of landfills held by the Local Government, whether:                                 <ol style="list-style-type: none"> <li>1. Category 1 - Landfills regulated under Part V of the EP Act 1986 requiring registration only;</li> <li>2. Category 2 - Landfills regulated under Part V of the EP Act requiring licensing; or</li> <li>3. Category 3 - Landfills regulated under Part IV of the EP Act.</li> </ol> </li> <li>▪ Once the category has been established, determine whether a post closure plan is required to be prepared with valuations assigned (an independent assessment).</li> <li>▪ Determine whether a provision is required or appropriate financial report disclosure.</li> </ul> </li> <li>• Assessment of application of rate concessions (where applicable).</li> <li>• Fair value assessment of land, buildings and infrastructure assets in accordance with <i>AASB 13 Fair Value Measurement and Regulation 17A of the Local Government (Financial Management) Regulations 1996</i> noting amended minimum revaluation timing of 5 years [<i>Local Government Regulations Amendment Regulations (No. 3) 2023</i>].                      Note: All infrastructure asset classes were last revalued in 2023 including land &amp; buildings therefore they are not due for revaluation as per the Regulations in 2024 year.</li> </ul>	<p>We will review the accounting treatment and disclosure processes during our interim and final audits. We will ensure the disclosures in the annual financial report are appropriate and comply with the requirements of the Australian accounting standards.</p> <p>For asset revaluation, we will obtain the external (or management) valuation report and review the appropriateness of the main assumptions, valuation techniques and unobservable inputs used.</p> <p>Where valuation is performed internally, we ask that the Shire consider having this assessment peer reviewed by an independent valuer to obtain assurance over the valuation methodology applied, inputs and the reasonableness of the valuation model applied.</p>
<p>The following annual financial report items are derived from accounting estimates and hence will receive specific audit attention:</p> <ul style="list-style-type: none"> <li>• Provision for annual and long service leave</li> <li>• Fair value of assets</li> <li>• Impairment of assets</li> </ul>	<p>We will review the method and underlying data that management and where applicable third parties use when determining critical accounting estimates. This will</p>



Details of Risk / Issue	Audit Approach
	<p>include considering the reasonableness of assumptions and corroborating representations. Audit procedures will address potential management bias in accounting estimates, the assessment of inherent risk factors and applying professional scepticism to estimates included within balances. Audit procedures for Valuation of Land, buildings and infrastructure to also include assessment of reasonableness of revaluation movements.</p>
<p>Identifying and Assessing the Risks of Material Misstatement</p>	<p>As required by Australian Auditing Standard <i>ASA315 Identifying and Assessing the Risks of Material Misstatement</i>, we will devote greater attention to:</p> <ul style="list-style-type: none"> <li>• Identification of significant risks in practice;</li> <li>• Obtaining an understanding of the system of internal control; and</li> <li>• Assessment of IT risks.</li> </ul> <p>We will review the method and underlying data that management and where applicable third parties use when determining risks associated with internal controls, IT risks and risk of material misstatement of the financial report. This will include considering the reasonableness of internal Shire risks framework documents, documented policies and procedures relating to financial internal controls and documented IT policies and procedures.</p> <p>Audit procedures will address significant risk relating to misstatement, the assessment of inherent risk factors, and the assessment of control risk factors, the assessment of IT risks and applying professional scepticism to the nature and extent of risks of material misstatement.</p>



## 6. Audit Emphasis and Significant Account Balances

Our audit approach involves assessing the Shire of Quairading’s overall control environment and understanding key business processes/cycles and internal controls relevant to the audit.

We will test key controls for all significant business cycles. The level of testing will be dependent on our assessment of the risk in each business cycle. We plan to address the following cycles:

- Revenue and Receivables cycle;
- Expenditure and Payable cycle;
- Payroll and Employee Entitlements cycle;
- Cash and Financing cycle;
- Inventory cycle; and
- Fixed assets cycle (Property, Plant, Equipment and Infrastructure).

The extent of our reliance on controls, together with the materiality level, determines the nature and extent of our audit procedures to verify individual account balances.

The table below lists those items in the Statement of Financial Position and the Statement of Comprehensive Income that are significant account balances, and our planned audit approach for these balances. When selecting significant account balances, we consider materiality, the nature of the balance, inherent risk and the sensitivity of disclosures.

Significant Account	2023 Audited Balance \$'000	Audit Approach
<b>Statement of Financial Position</b>		
Cash and cash equivalents	6,756	<ul style="list-style-type: none"> <li>• Review and assess effectiveness of internal controls.</li> <li>• Perform walkthroughs of the cash cycle.</li> <li>• Review bank reconciliations.</li> <li>• Review transfers between bank accounts.</li> <li>• Verify large or unusual reconciling items.</li> <li>• Verify year end bank balance through bank confirmations.</li> <li>• Verify classifications including restricted / unrestricted; trust vs municipal and financial assets.</li> <li>• Analytical review.</li> </ul>
Financial Assets, including Self Supporting Loans	81	<ul style="list-style-type: none"> <li>• Review and assess effectiveness of internal controls.</li> <li>• Perform walkthroughs of the financial assets cycle.</li> <li>• Review investment reconciliations.</li> <li>• Verify year end investment balances, including Local Government House investment through external confirmations (where applicable).</li> <li>• Review internal controls, self-supporting loan debtor invoicing and reconciliations.</li> <li>• Analytical review.</li> </ul>



Significant Account	2023 Audited Balance \$'000	Audit Approach
Receivables including rates and other current Assets	618	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Perform walkthroughs of the revenue and receivable cycle.</li> <li>Perform cut-off testing and review credit notes.</li> <li>Review subsequent receipts.</li> <li>Review expected credit loss assessment ensuring compliant with AASB9.</li> <li>Analytical review.</li> </ul>
Land held for resale	751	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Review listings of land held for re-sale.</li> <li>Obtain titles to verify existence and ownership of land held for re-sale.</li> <li>Obtain evidence to support land development or land held for sale (agent listing, advertising).</li> <li>Verification of value ensuring lower of cost and net realizable value.</li> <li>Ensure classification between current and non-current correct.</li> </ul>
Inventories	11	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Perform walkthroughs of the inventory cycle.</li> <li>Review of stock listings.</li> <li>Verification of units costs.</li> <li>Consider obsolete and slow moving inventories.</li> </ul>
Other Assets / Contract Assets	867	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Perform walkthroughs of the revenue and receivable cycle.</li> <li>Verification of prepayment, accrued income and contract asset calculation, ensuring requirements of AASB15 are met.</li> <li>Review of evidence to support when a performance obligation has been satisfied in accordance with the applicable Contract / Agreement to verify calculations.</li> </ul>
Property, plant, equipment and infrastructure	123,898	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls, including internal control testing with respect to the Shire's processes for determining inputs into fair value.</li> <li>Perform walkthroughs of the fixed assets cycle.</li> <li>Analyse year end balances for each major class of asset comparing to last year.</li> <li>Perform sample testing on asset additions and disposals.</li> <li>Review management's impairment assessment at year end.</li> <li>Test items posted to construction in progress to assess appropriateness of expenses being capitalised.</li> <li>Review accounting treatment for repairs and maintenance costs to determine correct classification.</li> <li>Ensure assets less than \$5,000 are expensed as required.</li> <li>Ensure vested land and restricted use assets recorded in accordance with AASB13 take into account externally imposed restrictions.</li> <li>Review developer contributions to ensure correctly recorded and disclosed.</li> </ul>



Significant Account	2023 Audited Balance \$'000	Audit Approach
Right to use assets and corresponding lease liability	Asset-24 Liability- (21)	<ul style="list-style-type: none"> <li>Review of internal controls, including the means utilised to identify and record leased asset arrangements.</li> <li>Verify leased assets transaction calculations and test on a sample basis.</li> <li>Ensure vested improvements appropriately recorded.</li> <li>Analytical review.</li> <li>Ensure compliance with AASB16.</li> </ul>
Payables	(1,283)	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Perform walkthroughs of the purchasing and payables cycle.</li> <li>Test for unrecorded liabilities and review subsequent payments post year end.</li> <li>Test and review material accrual balances.</li> <li>Ensure prepaid rates are correctly classified as a liability in accordance with AASB 1058.</li> <li>Analytical review.</li> </ul>
Other Liabilities / Contract Assets	(512)	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Verification of contract liability calculation, ensuring requirements of AASB15 are met.</li> <li>Review of evidence to support when a payment is due or already received before the related performance obligation has been satisfied in accordance with the applicable Contract / Agreement.</li> </ul>
Borrowings	(344)	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Agree amounts to WATC confirmation.</li> <li>Verification of classification between current and non-current.</li> <li>Agree bank facilities to confirmation.</li> </ul>
Provisions	(213)	<ul style="list-style-type: none"> <li>Review internal controls and employee provision reconciliations.</li> <li>Review the reasonableness of assumptions and calculations.</li> <li>Ensure calculations and disclosure in accordance with AASB 119.</li> <li>Test a sample of leave balances to ensure accuracy.</li> <li>Analytical review.</li> <li>Ensure adequacy of long service leave liability for casual employees if applicable.</li> </ul>
Equity (Total)	130,634	<ul style="list-style-type: none"> <li>Review internal controls.</li> <li>Sample test reserve movements to supporting documentation including cash reserves and asset revaluation reserves.</li> <li>Analytical review.</li> </ul>
<b>Statement of Comprehensive Income</b>		
Operating and non-operating grants, subsidies and contributions	4,676	<ul style="list-style-type: none"> <li>Review of key processes and controls.</li> <li>Perform walkthroughs of the revenue cycle relating to grants, subsidies and contributions.</li> <li>Sample testing of transactions, including grant agreements.</li> <li>Perform cut-off testing.</li> <li>Review and test disclosures relating to unspent grants at year end,</li> </ul>





Significant Account	2023 Audited Balance \$'000	Audit Approach
		ensuring treated correctly in accordance with relevant Australian Accounting Standard. <ul style="list-style-type: none"> <li>• Sample testing of non-cash contributions.</li> <li>• Analytical review.</li> </ul>
Rates	2,492	<ul style="list-style-type: none"> <li>• Review of key processes and controls.</li> <li>• Perform walkthroughs of the revenue cycle relating to rates.</li> <li>• Sample testing of transactions.</li> <li>• Perform cut-off testing.</li> <li>• Analytical review.</li> <li>• Ensure revenue recognition complies with AASB 15 and AASB 1058</li> </ul>
Fees and charges	617	<ul style="list-style-type: none"> <li>• Review of key processes and controls.</li> <li>• Perform walkthroughs of the revenue cycle relating to fees and charges.</li> <li>• Sample testing of transactions.</li> <li>• Perform cut-off testing and review credit notes.</li> <li>• Assessment of requirements to conduct site visits to facilities operated where fees and charges are applied.</li> <li>• Analytical review.</li> <li>• Ensure revenue recognition complies with AASB 15 and AASB 1058</li> </ul>
Other revenue, including interest earnings and fair value adjustments to financial assets	568	<ul style="list-style-type: none"> <li>• Review of key processes/controls.</li> <li>• Perform walkthroughs of the revenue cycle relating to other revenue.</li> <li>• Sample testing of transactions.</li> <li>• Perform cut-off testing.</li> <li>• Review credit notes.</li> <li>• Analytical review.</li> <li>• Ensure revenue recognition complies with AASB 15 and AASB 1058</li> </ul>
Employee related expenses	(2,121)	<ul style="list-style-type: none"> <li>• Review of key processes and controls.</li> <li>• Perform walkthroughs of the payroll cycle.</li> <li>• Sample testing of transactions.</li> <li>• Verify wages reconciliation.</li> <li>• Analytical review.</li> </ul>
Materials and contracts Utility charges Insurance expenses	(2,355)	<ul style="list-style-type: none"> <li>• Review of key processes and controls.</li> <li>• Perform walkthroughs of the purchasing and payments cycle.</li> <li>• Sample resting of transactions.</li> <li>• Analytical review.</li> </ul>
Depreciation and Amortisation	(3,088)	<ul style="list-style-type: none"> <li>• Review of management’s assessment of the useful lives of assets and assess reasonableness.</li> <li>• Verify depreciation expenses to valuation reports (where applicable).</li> <li>• Perform re-calculation tests.</li> <li>• Analytical review.</li> </ul>



Significant Account	2023 Audited Balance \$'000	Audit Approach
Other expenses, including interest expense and loss on asset disposal	(217)	<ul style="list-style-type: none"> <li>Review of key processes/controls</li> <li>Perform walkthroughs of the purchasing and payments cycle.</li> <li>Sample testing of transactions.</li> <li>Agree interest expense to WATC confirmation.</li> <li>Verify calculations of profit or loss on sale of property, plant and equipment including sample testing on individual transactions.</li> <li>Review listing of other expenses to identify large or unusual accounts and test accordingly.</li> <li>Analytical review.</li> </ul>

The table below lists those significant financial statement disclosures or other auditable areas and our planned audit approach for these disclosures. When selecting significant disclosures, we consider materiality, the nature of the item, inherent risk and the sensitivity of disclosures.

Statement, Auditable Area and / or Disclosures	Audit Approach
Statement of Cash Flows and Cash Flow Reconciliation Note	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Review Statement of Cash Flows and reconciliation note calculations.</li> <li>Ensure disclosures comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</li> </ul>
Legislative Compliance	<ul style="list-style-type: none"> <li>Ensure Shire of Quairading’s financial management policies and procedures are compliant with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Accounting Standards.</li> <li>Assess Shire of Quairading’s compliance with internal policy and procedures throughout the year, identify any instances of non-compliance which also resulted in legislative requirements not being met.</li> <li>Review draft annual financial statements to ensure compliance with Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.</li> </ul>
Contingent Liabilities	<ul style="list-style-type: none"> <li>Review of internal controls.</li> <li>Enquiries of management.</li> <li>Assess Council’s disclosures of obligations under the Contaminated Sites Act 2003.</li> <li>Ensure disclosures comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</li> <li>Determine if any contingent liabilities relating to waste facilities, contaminated sites or aluminium composite panelling.</li> </ul>
Capital and Other Commitments	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> <li>Enquiries of management.</li> <li>Verify disclosures to supporting calculations and documentation.</li> <li>Ensure disclosures comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</li> </ul>
Related Party Transactions,	<ul style="list-style-type: none"> <li>Review and assess effectiveness of internal controls.</li> </ul>



Statement, Auditable Area and / or Disclosures	Audit Approach
including elected member remuneration, key management personnel compensation and transactions with related parties	<ul style="list-style-type: none"> <li>• Enquiries of management.</li> <li>• Obtain an understanding of the means utilised to identify related parties and record related party transactions.</li> <li>• Verify elected members remuneration calculations and test on a sample basis. Analytical review.</li> <li>• Verify key management personnel compensation calculations and test on a sample basis. Ensure KMP classifications correct.</li> <li>• Assess related party transactions terms and associated fraud risks.</li> <li>• Ensure completeness of disclosures.</li> <li>• Identify any related parties with dominant influence.</li> <li>• Ensure related party disclosures comply with AASB124.</li> </ul>
Joint Arrangements	<ul style="list-style-type: none"> <li>• Review of internal controls.</li> <li>• Enquiries of management.</li> <li>• Obtain an understanding of the means utilised to identify and record joint arrangements.</li> <li>• Obtain joint arrangement agreements.</li> <li>• Verify joint arrangement venture transaction calculations and test on a sample basis.</li> <li>• Analytical review.</li> <li>• Ensure completeness of disclosures and in accordance with AASB.</li> <li>• Ensure disclosures comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</li> </ul>
Financial Risk Management	<ul style="list-style-type: none"> <li>• Review and assess effectiveness of internal controls.</li> <li>• Review financial risk management note and reconciliation calculations.</li> <li>• Ensure disclosures comply with the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</li> </ul>
Internal Control and Risk Management	<ul style="list-style-type: none"> <li>• Assess control environment including segregation of duties and level of independent review / checks in place.</li> <li>• Ensure Council have established and maintained a risk management framework that is appropriate.</li> <li>• Assess how management place a strong emphasis on the design, implementation and maintenance of internal control to prevent and detect fraud.</li> <li>• Assess classes of transactions and account balances which are more susceptible to fraud and test accordingly.</li> </ul>
Fraud	<ul style="list-style-type: none"> <li>• Assess control environment including segregation of duties and level of independent review / checks in place.</li> <li>• Assess how management place a strong emphasis on fraud prevention and deterrence. Review reporting mechanisms to those charged with governance.</li> <li>• Assess classes of transactions and account balances which are more susceptible to fraud and test accordingly.</li> <li>• Review of unusual transactions, in particular near balance date which may have a significant effect on the result.</li> </ul>
IT	<ul style="list-style-type: none"> <li>• Obtain an understanding of the IT general control environment.</li> <li>• Perform tests to assess the effectiveness of IT general controls over the IT system, including both physical and logical access of the users, change management process and audit trail / transaction log.</li> </ul>



Statement, Auditable Area and / or Disclosures	Audit Approach
Accounting General Journals	<ul style="list-style-type: none"> <li>Assess control environment in respect to accounting general journal entry and level of independent review / checks in place.</li> <li>Sample testing of accounting general journals.</li> <li>Assess classes of transactions and account balances which are more susceptible to fraud and test any large or unusual accounting general journals accordingly.</li> <li>Review of unusual accounting general journals, in particular near balance date which may manipulate the result.</li> </ul>
Accounting Estimates	<ul style="list-style-type: none"> <li>Assess control environment in respect to accounting estimates and level of consultation / independent review / checks in place.</li> <li>Sample testing of application accounting estimates, ensuring significant assumptions used in making accounting estimates are reasonable.</li> <li>Assess classes of transactions and account balances which are more susceptible to fraud and test any large or unusual accounting estimates accordingly.</li> <li>Review of unusual accounting estimates, in particular those recorded or changed near balance date which may manipulate the result.</li> <li>Ensure accounting estimates disclosures comply with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.</li> </ul>

## 7. Management Representation Letter

The above audit procedures assume that management expects to be in a position to sign a management representation letter. This letter should be reviewed and tailored to meet your local government's particular circumstances, and be signed and dated by the CEO and Executive Manager of Corporate Services as close as practicable to the date of the proposed auditor's report. Ordinarily, this would be no longer than five working days prior to the issue of the auditor's report.

Please bring to the attention of the President that we will also be relying on the signed Statement by CEO in the annual financial report as evidence that they confirm:

- they have fulfilled their responsibility for the preparation of the annual financial report in accordance with the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards
- they have provided us with all relevant information necessary or requested for the purpose of the audit
- all transactions have been recorded and are reflected in the annual financial report.

## 8. Related Entities

Section 7.12AL of the *Local Government Act 1995* applies section 17 of the *Auditor General Act 2006* to a local government. Section 17 requires a local government to advise the Auditor General in writing of details of all related entities that are in existence.

## 9. Reporting Protocols

### 9.1 AMD Reporting Requirements

AMD is to provide a report to the Auditor General to enable the Audit General to:

- form the audit opinion with respect to the Shire of Quairading's annual financial report;



- report any findings, significant control weaknesses and any other relevant matters arising from our audit procedures; and

AMD will be required to form an opinion and report to the Auditor General whether the Shire of Quairading's financial statements:

- are based on proper accounts and records; and
- fairly represents, in all material respects, the results of the operations of the Shire of Quairading and its financial position for the years covered by the contract in accordance with the Act and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

### 9.2 Management Letter

Significant issues identified during the course of our audit procedures will be discussed with relevant staff and management as soon as possible after being identified. Draft management letters will be provided to the CEO (or other nominated representative) for coordination of comments from appropriate members of your management. We request that these be returned promptly, preferably within 5 working days.

At the conclusion of the audit, the abovementioned management letter will accompany the auditor's report and the audited annual financial report forwarded to the President, the CEO and the Minister for Local Government. The management letter is intended to communicate issues arising from the audit that may impact on internal control, compliance, and financial reporting.

Where considered appropriate, and to ensure timely reporting of audit findings and action by management, interim management letters may be issued to the CEO and the President. A copy will also be forwarded to the Minister when we forward our auditor's report on the annual financial report to the Minister on completion of the audit.

Specific matters resulting from issues identified during the audit may be reported in an Auditor General's Report to Parliament. Should this occur, you will be consulted in advance to assure the context and facts of the issue are adequately represented.

### 9.3 OAG Contract Reporting Requirements

As OAG contractors we are required to report to the OAG as follows:

1. Complete Interim planning audit;
2. Prepare and provide OAG representative with interim audit findings and prepare interim management letter (if required);
3. Complete post 30 June year end audit;
4. Obtain signed Management Representation Letter from Shire of Quairading;
5. Prepare and provide OAG Representative with Signing Review Memo (SRM), Data Collection Sheet, Best Practice Entity Assessment Form, Draft Management Letter, Draft Financial Report and Signed Management Representation Letter; and
6. Provide OAG Representative with access to audit workpapers.



## 10. Proposed Audit Schedule

	Date
Planning and issue of Interim Audit Checklist by AMD	4 April 2024
Entrance Meeting (Shire, OAG & AMD)	12 April 2024
Onsite Interim Audit by AMD	13-14 May 2024
AMD provide OAG clearance for Interim Audit Review including draft Interim Management Letter (week ending)	24 May 2024
OAG complete Interim Audit Review	7 June 2024
Interim Management Letter to be issued by OAG (if required)	11 June 2024
Issue of Year End Audit Checklist by AMD (week ending)	21 June 2024
Final Trial Balance to be provided to AMD by the Shire	26 September 2024
Draft Annual Financial Report to be provided to AMD by the Shire	26 September 2024
Onsite Final Audit by AMD	7– 9 October 2024
AMD provide OAG clearance for Audit File Review including all applicable Contractor deliverables / reports (week ending)	25 October 2024
OAG complete Final Audit Review	7 November 2024
AMD issue exit meeting agenda and associated reports (Management Representation Letter, draft Management Letter and draft Audit Report)	14 November 2024
Exit Meeting (week ending)	To be scheduled dependent on above
AMD to provide the signed AMD Audit Report, stamped FS, signed SRM, final Management Letter and signed Representation Letter to OAG	Within 2 days of Exit Meeting
OAG to issue signed audit report and Management Letter to the Shire.	Within 5 days of Exit Meeting

The above proposed audit schedule is subject to change depending on individual circumstances.



## **11. Audit Evidence – Specific Audit Requirements**

We will discuss our requirements with your staff to facilitate a timely, efficient and effective audit. We will formally agree our information requirements and timeframes for the final audit with the CEO using our Audit Checklists.

We will issue an Interim Audit Checklist and Year-End Audit Checklist in advance of each audit visit. The checklists are intended to help Shire of Quairading staff to have various documents readily available when we perform our audit.

As the information requests contained within the Audit Checklists will form an important component of our audit working papers, the information must be made available to AMD on the dates specified. This will assist us in delivering an efficient audit and minimising interruptions to Shire staff.

Where information has not been made available to us one week prior to the interim visit or one week prior to our final visit (including draft annual financial report), we anticipate additional audit time may be incurred resulting in additional fees being charged.



**12. Your Audit Team**

	Name	Contact
<b>Contractor – AMD Chartered Accountants</b>		
Director	Tim Partridge	(08) 9780 7555 tim.partridge@amdonline.com.au
Alternate Director	Maria Cavallo	(08) 9780 7555 maria.cavallo@amdonline.com.au
Audit Manager/Team Leader	Chelsea Gardiner	(08) 9780 7555 chelsea.gardiner@amdonline.com.au
Auditor	Tanya Smallegange	(08) 9780 7555 tanya.smallegange@amdonline.com.au
Auditor	Alex Wildman	(08) 9780 7555 Alex.wildman@amdonline.com.au
<b>Office of the Auditor General</b>		
Auditor General	Caroline Spencer	(08) 6557 7500
OAG Representative Director	Cait McGowan	(08) 6557 7552 caitlin.mcgowan@audit.wa.gov.au



## 6.2 Audit register - progress report

**Responsible Officer** Natalie Ness, Chief Executive Officer**Reporting Officer** Tricia Brown, Executive Manager, Corporate Services**Attachments** 1. Attachment (i) Audit Register Progress Report May 2024 (confidential)**Voting Requirements** Simple Majority**Disclosure of Interest** Reporting Officer: Nil

Responsible Officer: Nil

**COMMITTEE RESOLUTION: ARC 019-23/24**

Moved: Cr BR Cowcill

Seconded: Cr RC Faltyn

That the Audit &amp; Risk Committee recommends to Council that Council;

1. Notes the progress recorded against each item within the audit register in confidential attachment (i)

**FOR:** Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith**AGAINST:** Nil**CARRIED 6/0****IN BRIEF**

- This report provides an update on the progress of actions included in the audit register.
- The audit register includes all open audit findings that have previously been accepted by the Audit and Risk Committee.

**MATTER FOR CONSIDERATION**

Receipt of the audit register progress report to May 2024.

**BACKGROUND**

The external audit, also known as financial audits or audit of the annual financial statements, focuses on providing an objective and independent examination of the financial statements prepared by the Shire, increasing the value and user confidence in the financial statements.

The audit register lists findings from audit reports previously accepted by the Audit & Risk Committee. The register describes the progress of implementing improvements and percentage completion. Progress on the actions is monitored by management, this Committee and Council.

The 2023/24 annual financial report was signed off by the auditor on the 13<sup>th</sup> December 2023.

Any findings from the final management letter will form part of this report.

**STATUTORY ENVIRONMENT**

*Local Government (Audit) Regulations 1996*

*Local Government (Financial Management) Regulations 1996*

*Local Government Act 1995*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Council has a budget allocation of \$32,000 in the 2023/2024 Budget for the conduct of the external audit function by the Office of the Auditor General, for the audit of the 2022/23 annual financial statements. It is anticipated that a budget of a similar amount is to be adopted each year but will be the subject of an annual estimate of audit fees provided by the OAG. Officers' efforts to undertake the improvements and report on progress has not been estimated or reported.

**ALIGNMENT WITH STRATEGIC PRIORITIES**

**5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations

**CONSULTATION**

Nil.

**RISK ASSESSMENT**

	Option 1
Financial	Low <i>Cost of the annual audit is included in the budget. By regularly reviewing progress against audit findings, the risks associated to misconduct and error are significantly reduced.</i>
Health	Low
Reputation	Low <i>Compliant with legislative requirements. Failure to complete the findings from audit reports would lead to increased reputational risk.</i>
Operations	Low <i>Operational impact is minimal in reporting progress on audit findings. Operational impact of not closing findings would escalate.</i>
Natural Environment	Low

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

The audit register **confidential attachment (i)** counts actions and totals by “Finding #”. Each finding may have more than one “recommendation” and associated “agreed management action”. Only when all recommendations and agreed management actions within a finding are deemed complete will the finding as a whole be totalled at 100% complete and recommended to be closed.

The process for adding and removing findings to the audit register is as follows:

1. An external audit is completed, and an audit report is finalised.
2. The audit report is presented to the Audit and Risk Committee (ARC).
3. The ARC recommends to Council that it notes and accepts the audit report.
4. All findings from the audit report are **added** to the audit register.
5. Progress is reported by management with updates recorded quarterly in “officer comment / action taken”.
6. Any findings deemed as complete by management are marked as “100% complete” with the status of “closed”.
7. The audit register – progress report is submitted by management to the ARC.
8. The ARC reviews the audit register and confirms completion of any 100% and closed findings.
9. The ARC recommends to Council that it notes progress and approves the findings marked as complete to be registered as closed.
10. Closed findings are **removed** from the audit register.

A summary of the audit register, included below, will illustrate the trend of actions that have been added, progressed, and completed.

The blue row represents actions added by the ARC. New audit findings presented to the current meeting are included at the subsequent meeting, following acceptance.

The green row represents actions closed by the ARC and will always total 0 for the current meeting date. The closed actions from the current meeting will then be shown in the “closed by the Audit & Risk Committee” total in the subsequent meeting’s table summary.

Status of Actions	ARC - Meeting Date						TOTAL
	2/2024	5/2024	8/2024	11/2024			
New actions added by ARC	1	0	0	0	0	0	1
Not commenced ≤10%	0	0	0	0	0	0	
Progressed >11% to 99%	0	0	0	0	0	0	
Completed =100%	0	0	0	0	0	0	
Total (0% to 100%)	0	0	0	0	0	0	
Closed by ARC	7	0	0	0	0	0	7
Total cumulative closed by ARC	0	0	0	0	0	0	
Open Actions	0	1	0	0	0	0	

The committee is requested to recommend to Council that Council note the progress and Officer comments.

One new action has been added to the register following the 2022-2023 financial audit. All audit finding from previous audits have now been marked as complete and have been closed off and not required to be reported.

All closed items will not form part of the audit register report for future meetings. The closed items are available for external auditors and committee/council to review.

It is requested to note the audit register progress report in **confidential attachment (i)**.

**ITEM 7      STANDING ITEMS – CONTROLS, SYSTEMS AND PROCEDURES****7.1            Delegation Register Review****Responsible Officer**    Natalie Ness, Chief Executive Officer**Reporting Officer**        Marion Haeusler, Executive Officer**Attachments**              1.    Delegation Register 2024 [↓](#) **Voting Requirements**    Absolute Majority**Disclosure of Interest**   Reporting Officer: Nil

Responsible Officer: Nil

**COMMITTEE RESOLUTION: ARC 020-23/24**

Moved:      Cr JC Hayes

Seconded: Cr BR Cowcill

That the Audit &amp; Risk Committee recommend to Council that Council:

1.    Endorse the review of its delegations by ABSOLUTE MAJORITY and in accordance with:

*Local Government Act 1995* sections 5.16, 5.17, 5.18, 5.46.*Building Act 2011* section 127*Bush Fires Act 1954* section 48*Cat Act 2011* section 44*Dog Act 1976* section 10AA*Food Act 2008* section 118(2)(b)*Graffiti Vandalism Act 2016* section 16 and 17*Planning and Development Act 2005* sections 214(2), (3) and (5)*Planning and Development (Local Planning Schemes) Regulations 2015* clause 82 of Schedule 2*Public Health Act 2016* section 21

2.    Delegates the local government functions listed in the Shire's Council Delegation Register included as Attachment [1].

**FOR:**                    Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith**AGAINST:**            Nil**CARRIED BY ABSOLUTE MAJORITY 6/0****IN BRIEF**

In accordance with section 5.46 of the *Local Government Act 1995*, Council must review its delegations at least once each financial year.

The last significant review was conducted on 13<sup>th</sup> June 2023.

The existing delegation register has been reviewed and amended mainly for formatting and typing errors.

No changes were made to the register used to report delegations exercised by delegates at the monthly Concept Forum.

### **MATTER FOR CONSIDERATION**

Since the last review of Council's delegations, no major changes to legislation or regulation have come into effect that would affect the Delegations Register.

### **BACKGROUND**

Delegations are most commonly used in organisations where:

1. A particular person has authority to exercise a discretion to enforce a right or discharge a duty on behalf of the organisation.
2. That person or officer has either:
  - A multitude of authorities to exercise a discretion to enforce rights or discharge powers; or
  - Many circumstances in which they have authority to exercise a discretion to enforce rights or discharge duties.
3. The business of the organisation could not be efficiently carried on if that person were to personally exercise their discretion to enforce all the rights or discharge all the duties.
4. Through practical administration, that person needs to appoint other persons to exercise their discretion to exercise powers or discharge duties on behalf of the organisation.

Whilst there is a requirement for local government delegations to be authorised by statute (as is explained in section 6 of the local government delegation guidelines (the guidelines, there is no limitation (unless expressly stated to the contrary by statute) on appointing a person to act on behalf of the local government or the CEO, if that appointment does not include the power of delegation.

There is a legal distinction between:

1. The delegation to a person to exercise a right or discharge a duty on behalf of an organisation; and
2. Appointing a person to act on behalf of an organisation or another employee of that organisation.

In most circumstances, where a person:

1. Is appointed only to carry out the express instructions of an employee or the governing body of an organisation; and
2. Is provided with only limited discretion in carrying out those instructions, that appointment does not constitute a delegation and does not need to be formally delegated.

When determining whether an appointment is a delegation or simply an appointment to act on behalf of another person, it is critical to consider whether the person is appointed to exercise a broad discretion to exercise a power or discharge a duty.

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

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

The Act has been framed in a way that determines whether powers and duties can be delegated or not. If the term 'Council' is used, then it is the Council itself which must carry out that function. If the term 'local government' is used then it may be possible to use delegation, subject to any other express powers against delegation or the desirability in using 'acting through' where it may be a better way of carrying out the power or duty.

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

In addition to the delegation powers of the *Local Government Act 1995* which apply to the *Local Government (Miscellaneous Provisions) Act 1960*, section 374(1b) of the *Local Government (Miscellaneous Provisions) Act 1960* provides for a local government to delegate the authority to approve certain plans to its building surveyor.

Reference also needs to be made to section 23 of the *Strata Titles Act 1985* which provides for delegations to employees.

As per the *Local Government Act 1995*, the CEO is required to report to Council what delegated authority has been exercised under the different Acts. Attachment [3] is the template that will commence being used and will be tabled monthly at the Concept Forum for Councillor information.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Sections 5.16, 5.17, 5.18, 5.46.

*Building Act 2011* section 127

*Bush Fires Act 1954* section 48

*Cat Act 2011* section 44

*Dog Act 1976* section 10AA

*Food Act 2008* section 118(2)(b)

*Graffiti Vandalism Act 2016* section 16 and 17

*Planning and Development Act 2005* sections 214(2), (3) and (5)

*Planning and Development (Local Planning Schemes) Regulations 2015* clause 82 of Schedule 2

*Public Health Act 2016* section 21

*Local Government (Miscellaneous Provisions) Act 1960* section 2, section 374(1b)

*Strata Titles Act 1985 section 23*

## POLICY IMPLICATIONS

Delegation Register

## FINANCIAL IMPLICATIONS

Some staff are given financial delegations on behalf of the local government.

## ALIGNMENT WITH STRATEGIC PRIORITIES

- 5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations
- 5.3 Governance & Leadership:** Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community

## CONSULTATION

Nil consultation required for the review.

## RISK MANAGEMENT PRIORITIES

This report addresses the following identified Strategic Risk Management Priorities:

Misconduct (non-financial) by a Shire employee results in financial, legal and/or reputational damage.

Asset Management Plan is non-compliant due to aging assets and increasing costs.

## RISK ASSESSMENT

	Option 1
Financial	Low <i>Financial risk mitigated through annual review of all Delegations granted by Council.</i>
Health	Low <i>Delegated authority is given to the EHO in relation to public health and food safety.</i>
Reputation	Low <i>Council is required to review its delegations under the Local Government Act 1995 at least once every financial year and to review its delegations made under clause 82 of schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 every two years.</i> <i>Failure to complete the review would result in non-compliance with its statutory responsibilities under these legislative frameworks.</i>



Operations	<p>Low</p> <p><i>The delegation register is required to be reviewed annually. As previous reviews were conducted in house, it was deemed necessary to request an external consultant to carry out the review.</i></p>
Natural Environment	N/A

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

Nil.



# DELEGATIONS REGISTER

 @ShireofQuairading

 @QuairadingCaravanPark

 @shireofquairading



## Delegation Register

Shire of Quairading

Current as at 14 May 2024

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## Delegation Register

Shire of Quairading

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### Introduction

#### FORMAT OF REGISTER

This Register includes:

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

The Register includes some instruments of sub delegation, authorisation, and appointment by the CEO, which do not need to be adopted/approved by Council. They are included to reflect a “one stop shop” approach.

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

#### TERMINOLOGY AND ACRONYMS

**Clause** – of the Shire of Quairading Local Planning Scheme No 3 referenced by ‘cl’, as in cl8.2.1.

**Employee** – refers to an employee of the Shire of Quairading. It should be noted although the CEO 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 AND SUB DELEGATIONS

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

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

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



## Delegation Register

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

This Register describes:

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

In general, for all matters, whether made under the *Local Government Act 1995*, or otherwise, the requirement of the *Local Government Act 1995* to review the Register at least once every financial year will be followed, except where delegations under other Acts have different requirements. Where there is no statutory requirement for review, the provisions of the *Local Government Act* will be applied to ensure uniformity of approach and outcome.

### AUTHORISATIONS

This Register includes authorisations under the *Local Government Act 1995* and other legislation. In most cases, authorisations are made by the CEO under s9.10 of the *Local Government Act*, in other cases via delegated authority. In some cases, authorisations are made by the Council itself because the relevant statute requires.

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

### 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 CEO the exercise of any of its powers or the discharge of any of its duties under the *Local Government 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,
- Any power or duty that requires the approval of the minister or the governor.

## Delegation Register

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

- Under r18g of the *Local Government (Administration) Regulations 1996* s7.12a, 7.12A(3)(a) and s7.12(4), which relate to meetings with auditors,
- Under r16 of the *Local Government (Financial Management) Regulations 1996* 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 Quairading) include:

- *Animal Welfare Act 2002*,
- *Australian Citizenship Act 2007*,
- *Building Act 2011 and Building Regulations 2012*,
- *Bush Fires Act 1954*, Regulations and local laws created under that Act,
- *Cat Act 2011* and Regulations,
- *Caravan Parks and Camping Grounds Act 1995*,
- *Control of Vehicles (Off-Road Areas) Act 1978* and Regulations,
- *Dog Act 1976* and Regulations,
- *Equal Employment Opportunity Act 1984*,
- *Environmental Protection Act 1986*,
- *Food Act 2008*,
- *Freedom of Information Act 1992*,
- *Graffiti Vandalism Act 2016*,
- *Health (Miscellaneous Provisions) Act 1911*, Regulations and local laws created under that Act,
- *Health (Asbestos) Regulations 1992*,
- *Land Administration Act 1997*, and Regulations,
- *Litter Act 1979* and Regulations,
- *Local Government (Miscellaneous Provisions) Act 1960*,
- *Parks and Reserves Act 1895*,
- *Planning and Development Act 2005* including Regulations, policies, and the Town Planning Scheme,
- *Public Interest Disclosure Act 2003*,
- *Public Health Act 2016*,
- *Rates and Charges (Rebates and Deferments) Act 1982*,
- *Road Traffic Act 1974*,
- *Strata Titles Act 1985*.

## Delegation Register

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### SUB DELEGATION BY THE CEO

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

Other legislation permits sub delegation by the CEO, either, as of right, or with the express authority of the Council (Dog Act).

The Bush Fires Act prohibits sub delegation by the CEO.

The *Planning and Development (Local Planning Schemes) Regulations 2015* permits sub delegation by the CEO, provided it is resolved by absolutely majority through Council for matters relating to the Local Planning Scheme No 3.

### REVIEW OF DELEGATIONS

The Register of Delegations relevant to the CEO and other employees or other persons 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 Quairading 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 CEO reviewing all sub delegations, authorisations and appointments made by them.

### 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 1995* requires that records be kept whenever the delegated authority is utilised (s5.46(3)).

The record is to contain information on:

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

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

Similar provisions do not exist (other than under the *Building Act 2011*), under other legislation regarding record keeping.

## Delegation Register

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### PRIMARY/ANNUAL RETURNS

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 *Local Government Act 1995*,
- complete a Primary Return s5.75 *Local Government Act 1995*,
- complete Annual Returns s5.76 *Local Government Act 1995*.

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.

### ACTING THROUGH ANOTHER PERSON

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

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

- A local government from performing any of its functions by acting through a person other than the CEO; 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 their 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.

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

## 1 Local Government Act 1995 Delegations

### 1.1 Council to Committees of Council

#### 1.1.1 Audit and Risk Committee

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
<b>Delegate:</b>	<b>Audit and Risk Committee</b>
<b>Function:</b> <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"> <li>1. Authority to meet with the Shire’s Auditor at least once every year on behalf of the Council [s.7.12A(2)].</li> <li>2. Authority to:                             <ol style="list-style-type: none"> <li>a. Examine the report of the Auditor and determine matters that require action to be taken by the Shire; and</li> <li>b. Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</li> </ol> </li> <li>3. Authority to review and endorse the Shire’s report on any actions taken in response to an Auditor’s report, prior to it being forwarded to the Minister [s.7.12A(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government’s meeting with the Auditor must be directed to the Council.
<b>Express Power to Sub-Delegate:</b>	<i>Nil. Sub-delegation is prohibited by s.7.1B.</i>

<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</a>  Audit and Risk Committee Terms of Reference
<b>Record Keeping:</b>	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

## 1.2 Council to CEO

### 1.2.1 Performing Functions Outside the District

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Economic Development</b> <b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.2 Compensation - Damage Incurred when Performing Executive Functions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	CEO
<b>Function:</b> <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"> <li>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)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation is limited to settlements which do not exceed a material value of \$500.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Executive Manager, Corporate Services
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.3 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to exercise Powers of Entry 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].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – also refer 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 1.3.1
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.



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### 1. Local Government Act 1995 Delegations

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### 1. Local Government Act 1995 Delegations

#### 1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.5 Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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]</li> <li>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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. 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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> ; 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:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 1. *Local Government Act 1995* Delegations

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.6 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.7 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>a. give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>b. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>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 [s3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b>
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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

<i>Appointed by CEO</i>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.8 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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 <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in F: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.9 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in <a href="#">the Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make</li> </ol> </li> </ol>

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

	<p>good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record Keeping</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.10 Gates Across Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.11 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)]</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has:                         <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

## Delegation Register

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### 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <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><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 1. Local Government Act 1995 Delegations

#### 1.2.12 Crossing – Construction, Repair and Removal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
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### 1. Local Government Act 1995 Delegations

Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.
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## Delegation Register

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### 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has:                         <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures

## Delegation Register

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### 1. Local Government Act 1995 Delegations

	<p>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</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	All exercises of delegated authority to be record managed in t: Information Management System and Altus Content.

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### 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in t: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.15 Expressions of Interest for Goods and Services

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>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&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services (Functions 1 and 2)</b> <b>Executive Manager, Works &amp; Services (Function 2)</b> <b>Executive Manager, Economic Development (Function 2)</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Shire of Quairading Purchasing Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.16 Tenders for Goods and Services – Call Tenders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>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&amp;G r.14(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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"> <li>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</li> <li>ii. A current supply contract expiry is imminent; and</li> <li>iii. The value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> <li>b. Exercise of this delegation to be reported to Council at least six monthly.</li> </ol>

## Delegation Register

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### 1. Local Government Act 1995 Delegations

	c. Tenders can only be invited for those goods and services identified in the Annual Budget, or separately approved by Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Economic Development</b> <b>Economic Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent’s position role and responsibilities.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Shire of Quairading Purchasing Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in FT Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:             <ol style="list-style-type: none"> <li>a. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>b. To accept the tender that is most advantageous within the \$value as detailed as a condition on this Delegation [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>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 before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>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 OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 20% or to</li> </ol>

**Delegation Register**

Shire of Quairading

**1. Local Government Act 1995 Delegations**

	<p>a maximum of \$50,000 whichever is the lesser value [F&amp;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>
<p><b>Council Conditions on this Delegation:</b></p>	<p>a. Exercise of authority under F&amp;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> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$250,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;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&amp;G r.21A(a)] 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) <b>and</b> that the contractor’s performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>f. Exercise of this delegation to be reported to Council at least six monthly.</p> <p>g. Tenders can only be invited for those goods and services identified in the Annual Budget, or separately approved by Council.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	
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## Delegation Register

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### 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent’s position role and responsibilities.
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Shire of Quairading Purchasing Policy
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.18 Tenders for Goods and Services - Exempt Procurement

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government												
<b>Express Power to Delegate:</b> <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												
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r.11(2) When tenders have to be publicly invited ( <i>exemptions</i> )												
<b>Delegate:</b>	<b>CEO</b>												
<b>Function:</b> <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"> <li>1. 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&amp;G.r.11(2)].</li> <li>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&amp;G r.11(2)(f)].</li> </ol>												
<b>Council Conditions on this Delegation:</b>	<p>a. Tender exempt procurement under F&amp;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:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Category</th> <th style="width: 30%;">Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i></td> <td style="text-align: center;">\$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 <i>[F&amp;G.r.11(2)(e)]</i></td> <td style="text-align: center;">\$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 <i>[F&amp;G.r.(2)(f)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u></td> <td style="text-align: center;">&lt;\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i>	\$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 <i>[F&amp;G.r.11(2)(e)]</i>	\$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 <i>[F&amp;G.r.(2)(f)]</i>	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i>	\$250,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u>	<\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i>	\$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 <i>[F&amp;G.r.11(2)(e)]</i>	\$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 <i>[F&amp;G.r.(2)(f)]</i>	\$250,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i>	\$250,000												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u>	<\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>												

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**1. Local Government Act 1995 Delegations**

	Indigenous Minority Supplier Office Limited (T/as Supply Nation) <u>AND</u> where satisfied that the contract represents value for money. <i>[F&amp;G.r.11(2)(h)]</i>	
	Goods or services supplied by an Australian Disability Enterprise <i>[F&amp;G.r.11(2)(i)]</i>	\$250,000
<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <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> <p>d. Exercise of this delegation to be reported to Council at least six monthly.</p> <p>e. Tenders can only be invited for those goods and services identified in the Annual Budget, or separately approved by Council.</p>		
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees	

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Each sub-delegate may only use the sub-delegation regarding contracts that are within the scope of the incumbent’s position role and responsibilities.

## Delegation Register

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### 1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Shire of Quairading Purchasing Policy
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.19 Disposing of Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.3.58(2) & (3) Disposing of Property
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to dispose of property to:                             <ol style="list-style-type: none"> <li>a. The highest bidder at public auction [s.3.58(2)(a)]</li> <li>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 or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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 \$250,000 or less.</li> <li>c. When determining the method of disposal:                             <ol style="list-style-type: none"> <li>i. Where a public auction is determined as the method of disposal:                                     <ul style="list-style-type: none"> <li>o Reserve price has been set by independent valuation.</li> <li>o 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.</li> </ul> </li> <li>ii. 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.</li> <li>iii. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:</li> </ol> </li> </ol>

### Delegation Register

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#### 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> <p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>i. Without reference to Council for resolution; and</li> <li>ii. 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.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b> <b>Executive Manager, Economic Development</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> s.3.58 Disposal of Property  <a href="#">Local Government (Functions and General) Regulations 1995</a> r.30 Dispositions of property excluded from Act s. 3.58  Shire of Quairading Disposal of Property Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.20 Payments from the Municipal or Trust Funds

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations. b. All payments are subject to compliance with Shire of Quairading Policies and Procedures.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b> <b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Economic Development</b> <b>Executive Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be either the Chief Executive Officer or Executive Manager, Corporate Services. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a>  <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.  <a href="#">Local Government (Audit) Regulations 1996</a>
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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

	Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a> Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a> Shire of Quairading Corporate Credit Card Policy and Purchasing Policy.
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Waive a debt which is owed to the Shire [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire to a maximum value of \$1000. [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)]</li> <li>4. Write off an amount of money to the maximum value of \$500 owed to the Shire, including fines/penalties imposed by court that are unrecoverable.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Write-off a rates or service charge debt up to \$1000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</li> <li>b. A debt may only be waived where:                         <ol style="list-style-type: none"> <li>i. The debtor cannot be located</li> <li>ii. Uneconomical to pursue the debt</li> <li>iii. The Hardship circumstances of the debtor do not warrant the taking or continuation of recovery action</li> <li>iv. Legal proceedings through the courts have proved, or on legal advice would prove, unsuccessful</li> <li>v. The write-off of the debt will result in a favourable outcome to the Council</li> </ol> </li> <li>c. A concession may only be granted where:                         <ol style="list-style-type: none"> <li>i. Section 6.26(2)(g) of the Local Government Act provides for a rates exemption for land used exclusively for charitable purposes and is deemed applicable.</li> </ol> </li> <li>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire.                         <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$1000 or cumulative debts of a debtor valued below \$1000. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> </ol>

### Delegation Register

Shire of Quairading

**1. Local Government Act 1995 Delegations**

	<p>e. Delegated Functions (1), (2) and (3) excludes amounts owing in respect of rates and service charges or fees for a planning service.</p> <p>f. The CEO shall report to Council at least six monthly on the exercise of these delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>1. Executive Manager Corporate Services may waive fees and charges related to their operational responsibilities where such waiver is either to:                     <ol style="list-style-type: none"> <li>a. rectify a service failure on the part of the Shire of Quairading limited to a value less than \$250.00 per customer within a financial year; or</li> <li>b. assist a not-for-profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire of Quairading.</li> </ol> </li> <li>2. Executive Manager Corporate Services may only write off debts limited to a value of less than \$250.00 per debtor within a financial year.</li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <p>Recovery of Rates, Debts and Service Charges Policy:</p> <ol style="list-style-type: none"> <li>a. Agreement as to Payment of Rates and Service Charges</li> <li>b. Recovery of Rates or Service Charges</li> <li>c. Require Lessee to Pay Rent</li> <li>d. Actions to Take Possession of the Land</li> </ol>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System. and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.22 Power to Invest and Manage Investments.

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Investment Policy.</li> <li>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.</li> <li>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.</li> <li>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]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> <li>2. Investment decisions are limited to a maximum of \$1,000,000 per transaction on the short-term money market and up to a value of \$1,000,000 per transactions for other markets.</li> <li>3. Where exposure to a single market or investment type will exceed \$1,000,000 the decision must be referred to the CEO.</li> </ol>

## Delegation Register

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### 1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Financial Management) Regulations 1996</a> refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))  Investments Policy
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.23 Rate Record Amendment

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.6.39(2)(b) Rate record
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> 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
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Decisions under this delegation must comply with the Rates Collections Policy and Financial Hardship Policy</li> <li>b. Agreements must be in writing and, subject to the Rates Collections Policy and Financial Hardship Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.</li> <li>c. Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished within 2-5 years (depending on hardship circumstances) following the current financial year that the payment plan arrangement is entered into.</li> <li>d. All such arrangements shall be presented to Council every six months.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <p>Recovery of Rates, Debts and Service Charges Policy:</p> <ul style="list-style-type: none"> <li>a. Agreement as to Payment of Rates and Service Charges</li> <li>b. Recovery of Rates or Service Charges</li> <li>c. Require Lessee to Pay Rent</li> <li>d. Actions to Take Possession of the Land</li> </ul>
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## Delegation Register

Shire of Quairading

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### 1. Local Government Act 1995 Delegations

Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.
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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.25 Determine Due Date for Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government Act 1995: s.6.50 Rates or service charges due and payable
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	a. Authority to determine the date on which rates or service charges become due and payable to the Shire. [s.6.50].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.26 Recovery of Rates or Service Charges

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with the Rates Collection Policy and Financial Hardship Policy.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i> T66t	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Recovery of Rates, Debts and Service Charges Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.27 Recovery of Rates Debts – Require Lessee to Pay Rent.

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegation must comply with the Rates Collection Policy and Financial Hardship Policy.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.  Rates Collection Policy Financial Hardship Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.2.28 Recovery of Rates Debts - Actions to Take Possession of the Land

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	CEO
<b>Function:</b> <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"> <li>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"> <li>a. lease the land, or</li> <li>b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:</li> <li>c. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>d. cause the land to be transferred to the Shire [s.6.71].</li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Rates Collection Policy and Financial Policy.</li> <li>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.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Executive Manager, Corporate Services
<b>CEO Conditions on this Sub-Delegation:</b>	

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

Conditions on the original delegation also apply to the sub-delegations.	
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> Regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Rates Collection Policy</p> <p>Recovery of Rates, Debts and Service Charges Policy</p> <p>Financial Hardship Policy</p>
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.29 Rate Record – Objections

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. An extension is not to be granted for a period exceeding six weeks.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.30 Renewal or Extension of Contracts during a State of Emergency

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate:</b>	CEO
<b>Function:</b> <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:  1. 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  2. Contracts formed through a public tender.
<b>Council Conditions on this Delegation:</b>	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:  i. It is exercised at the sole discretion of the Local Government;  ii. It is in the best interests of the Local Government;  iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;  iv. It has potential to promote local and/or regional economic benefits.  b. This authority may only be exercised where the total consideration for the renewal or extension is \$500,000 or less.  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).  d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.

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**1. Local Government Act 1995 Delegations**

	<p>e. This authority may only be exercised where the total consideration under the resulting contract is value which is over \$250,000 or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Nil</i>

<b>Compliance Links:</b>	<p><a href="#">Local Government (Functions and General) Regulations 1996</a></p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Shire of Quairading Purchasing Policy</p>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.2.31 Procurement of Goods or Services required to address a State of Emergency

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Determine that particular goods or services with a purchasing value &gt;\$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&amp;G r11(3)(b)]; and</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 President (i.e., before the expense is incurred) in accordance with Local Government Act s.6.8.</li> <li>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.</li> <li>e. The CEO cannot sub-delegate this authority.</li> </ol>



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### 1. Local Government Act 1995 Delegations

Compliance Links:	<a href="#">Local Government (Functions and General) Regulations 1996</a> <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Shire of Quairading Purchasing Policy
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3 CEO to Employees

##### 1.3.1 Determine if an Emergency for Emergency Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b>
<b>Function:</b> <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 on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:  <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

<b>Compliance Links:</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
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## Delegation Register

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### 1. Local Government Act 1995 Delegations

Record Keeping:	Decisions under this delegation must comply with Shire of Quairading Recovery of Rates, Debts and Service Charges Policy
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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b>
<b>Function:</b> <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"> <li>Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.5 Appoint Persons (other than employees) to Open Tenders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Functions and Genera) Regulations 1996: r.16(3) Receiving and opening tenders, procedure for
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b> <b>Executive Manager, Economic Development</b>
<b>Function:</b> <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 one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.6 Electoral Enrolment Eligibility Claims and Electoral Roll

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election  <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Delegate/s:</b>	<b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector’s address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector’s or their family’s safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Delegation:</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record Keeping:</b>	Decisions under this delegation must comply with Shire of Quairading Recovery of Rates, Debts and Service Charges Policy

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.7 Destruction of Electoral Papers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate/s:</b>	<b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.8 Information to be Available to the Public

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96)  <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Delegate/s:</b>	<b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil.</i>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content

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### 1. Local Government Act 1995 Delegations

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## Delegation Register

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### 1. Local Government Act 1995 Delegations

#### 1.3.9 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	<b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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"> <li>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the:                         <ol style="list-style-type: none"> <li>a. Collection of money owed to the Shire;</li> <li>b. Safe custody and security of money collected or held by the Shire;</li> <li>c. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>f. Making of payments in accordance with Delegated Authority;</li> <li>g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. 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.</li> <li>b. 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 each 3 financial years. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> <a href="#">Local Government (Financial Management) Regulations 1996</a> <a href="#">Local Government (Audit) Regulations 1996</a> Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a>
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.10 Audit – CEO Review of Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	Local Government (Audit) Regulations 1996: r.17 CEO to review certain systems and procedures
<b>Delegate/s:</b>	<b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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 conduct the review of the appropriateness and effectiveness of the Shire’s systems and procedures in relation to <ul style="list-style-type: none"> <li>a. Risk management; and</li> <li>b. Internal controls; and</li> <li>c. Legislative compliance [r.17(1)].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	a. Each matter is to be reviewed at least once within every three financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Audit) Regulations 1996</a>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

#### 1.3.11 Infringement Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice  <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>Delegate/s:</b>	<b>CEO</b> <b>Executive Manager, Works &amp; Services</b>
<b>Function:</b> <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"> <li>1. Authority to consider an owner of a vehicle’s submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. Delegation for Dog Act, Cat Act and Dogs Local Law 2016 Infringement Notices is limited to the following listed positions ONLY:                         <ol style="list-style-type: none"> <li>i. <b>CEO</b></li> <li>ii. <b>Executive Manager, Works &amp; Services</b></li> </ol> </li> <li>c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an “Approved Officer” in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices:                         <ol style="list-style-type: none"> <li>i. <b>CEO</b></li> </ol> <p><i>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p> </li> </ol>

## Delegation Register

Shire of Quairading

### 1. Local Government Act 1995 Delegations

Express Power to Sub-Delegate:	Nil.
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 1.4 Local Law Delegations to the CEO

#### 1.4.1 Local Laws of the Shire of Quairading

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<ol style="list-style-type: none"> <li>1. To administer the Shire’s local laws (listed) and do all other things that are necessary or convenient to be done for, or in connection, with performing their functions under the <i>Local Government Act 1995</i>:                     <ol style="list-style-type: none"> <li>a. <i>Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016</i></li> <li>b. <i>Animals, Environment and Nuisance Amendment Local Law 2019</i></li> <li>c. <i>Animals, Environment and Nuisance Local Law 2017</i></li> <li>d. <i>Bush Fire Brigades Local Law 2023</i></li> <li>e. <i>Cemetery Local Law 2016</i></li> <li>f. <i>Dogs Local Law 2017</i></li> <li>g. <i>Extractive Industries Local law 2011</i></li> <li>h. <i>Health Local Law 2016</i></li> <li>i. <i>Joint Standing Committee on Delegated Legislation Undertakings relating to Animals, Environment and Nuisance Local Law 2017</i></li> <li>j. <i>Local Government Property Local Law 2016</i></li> <li>k. <i>Pest Plants Amendment Local Law 2018</i></li> <li>l. <i>Pest Plants Local Law 2016</i></li> <li>m. <i>Repeal Local Law 2016</i></li> <li>n. <i>Repeal Local Law 2023</i></li> </ol> </li> </ol>
<b>Delegate:</b>	CEO
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To undertake all the roles, duties, and responsibilities of the Local Government under the Local Laws, subject to the limits and conditions set out below.
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegation excludes:                     <ol style="list-style-type: none"> <li>a. Setting of fees and charges under section 6.16 of the <i>Local Government Act 1995</i>; and</li> <li>b. Decision-making where the local law specifies the matter be determined by Council resolution.</li> </ol> </li> <li>2. Subject to Council policy, Withdrawal or Upholding of Infringements</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Executive Manager, Corporate Services Executive Manager, Works & Services Executive Manager, Economic Development
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

**Delegation Register**

Shire of Quairading

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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 2 Building Act 2011 Delegations

#### 2.1 Council to CEO

##### 2.1.1 Grant a Building Permit

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23].             <ol style="list-style-type: none"> <li>a. 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)]</li> <li>b. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
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### Delegation Register

Shire of Quairading

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<p><a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#">Building Regulations 2012</a> 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:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

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### 2.1.2 Demolition Permits

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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))
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>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) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].             <ol style="list-style-type: none"> <li>a. 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)]</li> <li>b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b>	

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<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<p><a href="#">Building Act 2011</a>                  s.119 Building and demolition permits – application for review by SAT                  s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – 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:	<p>All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.</p>

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### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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Compliance Links:	<p><a href="#">Building Act 2011</a>                      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</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – 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:	<p>All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.</p>

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### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>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)].</li> </ol> <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>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 2.1.5 Building Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to make Building Orders in relation to:                         <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:                         <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. 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)].</li> <li>6. 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>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<a href="#">Building Act 2011:</a> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order 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:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<a href="#">Building Act 2011</a> s.146 Confidentiality
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Building Act 2011:</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)]</li> <li>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)]</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Building Act 2011:</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Building Act 2011</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 2.1.10 Appointment of approved officers and authorised officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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></li> <li>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></li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil. Only employees can be sub delegated to under the Building Act.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3 Bush Fires Act 1954 Delegations

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

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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))
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>President and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

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Compliance Links:	<i>Bush Fires Act 1954:</i> <i>Bush Fire Regulations 1954:</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.
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**3.1.4 Restricted Burning Times – Vary and Control Activities**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].             <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning firebreaks 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)].</li> <li>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>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].</li> </ol>

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	<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>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:                         <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)].</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <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></li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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#### 3.1.6 Burning Garden Refuse / Open Air Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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"> <li>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)].</li> <li>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].</li> </ol> </li> <li>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"> <li>a. Camping or cooking [s.25(1)(a)].</li> <li>b. Conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

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Compliance Links:	<i>Bush Fires Act 1954</i> <i>Bush Fire Regulations 1954</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.7 Firebreaks

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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"> <li>a. Clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>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</li> <li>c. As a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>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"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and                         <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>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)]</li> <li>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"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].                         <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act Officer 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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 3.1.11 Prosecution of Offences

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to institute and carry-on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<b>Community Emergency Services Manager Bush Fire Control Officers</b>
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 4 Cat Act 2011 Delegations

#### 4.1 Council to CEO

##### 4.1.1 Cat Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>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)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>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)].</li> <li>5. Authority to reduce or waive a registration or approval to breed fee, in respect of Shire’s District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

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Compliance Links:	<p><i>Cat Regulations 2012</i></p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.11 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>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>.</p>
Record Keeping:	<p>All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.</p>

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### 4.1.2 Cat Control Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<i>Cat Regulations 2012</i> r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 4.1.3 Approval to Breed Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>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)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> 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 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))
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 4.1.4 Recovery of Costs – Destruction of Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Cat Act 2011:</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 4.1.5 Applications to Keep Additional Cats

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>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)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Cat Act 2011</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 4.1.6 Reduce or Waiver Registration Fee

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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 waive a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Council Conditions on this Delegation:</b>	a. This delegation does NOT provide authority to determine to reduce or waive the fees payable regarding 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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<i>Cat Act 2011</i> <i>Cat Regulations 2012</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 4.2 Cat Act Delegations - CEO to Employees

#### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	CEO
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Corporate Services</b>
<b>Function:</b> <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"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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 \$200 [s.10A(1)(a) and (3)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Dog Act 1976:</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.2 Refuse or Cancel Registration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>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"> <li>a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>d. the dog is required to be microchipped but is not microchipped; or</li> <li>e. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>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)].</li> <li>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"> <li>a. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].

## Delegation Register

Shire of Quairading

### 5. Dog Act 1974 Delegations

<b>Express Power to Sub-Delegate:</b>	<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)
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.3 Kennel Establishments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Quairading Dogs Local Law.
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.4 Recovery of Moneys Due Under this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	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)
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	<i>Dog Act 1976</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.6 Declare Dangerous Dog

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<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) and (2) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>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)]</li> <li>4. 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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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 and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. A notice declaring a dog to be dangerous; or b. A notice proposing to cause a dog to be destroyed.
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 5. Dog Act 1974 Delegations

#### 5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. The CEO permitted to sub-delegate to employees [s.10AA(3)].
<b>Express Power to Sub-Delegate:</b>	<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)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 6. Food Act 2008 Delegations

## 6 Food Act 2008 Delegations

### 6.1 Council to CEO

#### 6.1.1 Determine Compensation

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$200 Compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open)

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## Delegation Register

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### 6. Food Act 2008 Delegations

#### 6.1.2 Prohibition Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i> [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 6. Food Act 2008 Delegations

#### 6.1.3 Food Business Registrations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<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
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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:                         <ol style="list-style-type: none"> <li>i. <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>ii. Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>iii. WA Priority Classification System</li> <li>iv. Verification of Food Safety Program Guideline</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All exercises of delegated authority to be record managed in F: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 6. Food Act 2008 Delegations

#### 6.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(2)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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:                         <ol style="list-style-type: none"> <li>i. Appointment of Authorised Officers as Meat Inspectors</li> <li>ii. Appointment of Authorised Officers</li> <li>iii. Appointment of Authorised Officers – Designated Officers only</li> <li>iv. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

<b>Compliance Links:</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 6. Food Act 2008 Delegations

#### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

<b>Compliance Links:</b>	<i>Food Act 2008:</i>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 6. Food Act 2008 Delegations

#### 6.1.6 Food Businesses List – Public Access

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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].
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	<i>Nil – Food Regulations 2009 do not provide for sub-delegation.</i>

Compliance Links:	<i>Food Regulations 2009</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Quairading Graffiti & Other Vandalism Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 7. Graffiti Vandalism Act 2016 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to:                             <ol style="list-style-type: none"> <li>a. Determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>b. To give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Quairading Graffiti & Other Vandalism Policy
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 7. Graffiti Vandalism Act 2016 Delegations

#### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	CEO
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Executive Manager, Works & Services
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Shire of Quairading Graffiti & Other Vandalism Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 7. Graffiti Vandalism Act 2016 Delegations

#### 7.1.4 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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].</li> <li>Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Shire of Quairading Graffiti & Other Vandalism Policy
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 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)

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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)].
<b>Council Conditions on this Delegation:</b>	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)].
<b>Express Power to Sub-Delegate:</b>	<i>Nil – the Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.</i>

Compliance Links:	<i>Criminal Procedure Act 2004 – Part 2</i> Shire of Quairading Register of Authorised Officers
Record Keeping:	All exercises of delegated authority to be record managed in T: Information Management System and Altus Content.

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## Delegation Register

Shire of Quairading

### 8. Public Health Act 2016 Delegations

#### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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)]</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>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)].</i>

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 8. Public Health Act 2016 Delegations

#### 8.1.3 Designate Authorised Officers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>a. The <i>Public Health Act 2016</i> or other specified Act</li> <li>b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>i. An Environmental Health Officer or Environmental Health Officers as a class; OR</li> <li>ii. A person who is not an Environmental Health Officer or a class of persons who are not Environmental Health Officers, OR</li> <li>iii. A mixture of the two. [s.24(1) and (3)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Subject to each person so appointed being;                             <ul style="list-style-type: none"> <li>i. Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>ii. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>a. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>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)].</i>

<b>Compliance Links:</b>	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>s.20 Conditions on performance of functions by enforcement agencies.</li> <li>s.25 Certain authorised officers required to have qualifications and experience.</li> <li>s.26 Further provisions relating to designations</li> <li>s.27 Lists of authorised officers to be maintained</li> <li>s.28 When designation as authorised officer ceases</li> <li>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</li> <li>s.30 Certificates of authority</li> <li>s.31 Issuing and production of certificate of authority for purposes of other written laws</li> </ul>
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## Delegation Register

Shire of Quairading

### 8. Public Health Act 2016 Delegations

	<p>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, Chapter XXVI</i>                  Refer s.252 of the <i>Public Health Act 2016</i></p>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 8. Public Health Act 2016 Delegations

#### 8.1.4 Determine Compensation for Seized Items

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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].
<b>Council Conditions on this Delegation:</b>	a. Compensation is limited to a maximum value of \$200, with any proposal for compensation above this value to be referred for Council’s determination.
<b>Express Power to Sub-Delegate:</b>	<i>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)].</i>

<b>Compliance Links:</b>	<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
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

Shire of Quairading

### 9 Planning and Development Act 2005 Delegations

#### 9.1 Council to CEO

##### 9.1.1 Illegal Development

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>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.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:                         <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>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.</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil – must be delegated to an employee.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 9.1.2 Appointment of Designated Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> Section 234 Designated persons, appointment of
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Appoint persons, or classes of persons as designated persons for the purposes of sections 228, 229, 230 and 231 of the <i>Planning and Development Act 2005</i> .
<b>Council Conditions on this Delegation:</b>	a. Person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections mentioned under s234(1) of the <i>Planning &amp; Development Act 2005</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil – must be delegated to an employee.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Part 13 of the <a href="#">Planning and Development Act 2005</a> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Quairading Local Planning Scheme No 3
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 9.1.3 Application for Development Approval

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, cl.82, 83 and 84 - Delegations by local government
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Deemed provisions for Local Planning Schemes.
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Refuse to accept an application under cl.85 of Schedule 2, Part 11 if the applicant does not agree for local government to use any copyrighted material provided with the application for advertising the application or implementing a decision on an application and for zero remuneration.</li> <li>2. May require a heritage assessment, in the manner and form approved by the Heritage Council of WA, to be carried out prior to approval of any development proposed in a heritage area or in respect of a place entered in the heritage list, despite any existing assessment on record.</li> <li>3. Waive or vary a requirement set out in Clause 63(2), Part 8 of the Regulations in respect to information provided with a development application, c.63(2), Schedule 2, Part 8 of the Regulations.</li> <li>4. Where an application relates to a place entered on a heritage list or an area designated as a heritage area under the Scheme, the information set out in c.63(3)(a)(b) and (c) may be required which relates to street elevations, schedule of finishes and comparison of proposed finishes to existing developments on immediately adjoining lots.</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> ss82, 83 and 84 Local government CEO may delegate powers

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil – must be delegated to an employee.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Part 13 of the <a href="#">Planning and Development Act 2005</a>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 9.1.4 Development Control

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No. 3
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Approve development applications for a “single house”, “ancillary dwelling”, “grouped dwellings” or any associated, ancillary, or incidental development including, but not limited to (outbuildings, garages/carports, patios and the like, front boundary fences, retaining walls and swimming pools) that:             <ol style="list-style-type: none"> <li>a. Does not include more than four grouped dwellings; and</li> <li>b. Satisfies the provisions of Local Planning Scheme No. 3, the <i>Planning &amp; Development Regulations 2015</i>, the Shire’s Local Planning Strategy, the objectives of the Shire’s Local Planning Policies, the Residential Design Codes Volumes 1 and State Planning Policy 7.0.                 <ol style="list-style-type: none"> <li>i. Where no valid objections have been received from the affected landowners; or</li> <li>ii. Valid objections have been resolved to the satisfaction of the shire.</li> </ol> </li> </ol> </li> <li>2. Approve development applications for existing and new “multiple dwellings” development including any associated, ancillary, or incidental development, including but not limited to, outbuildings, garages, carports, patio, front boundary fences, retaining walls and swimming pools that:             <ol style="list-style-type: none"> <li>a. Satisfy the provisions of Local Planning Scheme No 3, the <i>Planning &amp; Development Regulations 2015</i>, the Shire’s Local Planning Strategy, the Objectives of the Shire’s Local Planning Policies, the Element Objectives of the Residential Design Codes Volume 2, State Planning Policy 7.0; and                 <ol style="list-style-type: none"> <li>i. Where no valid objections have been received from the affected landowners; or</li> <li>ii. The valid objections have been resolved to the satisfaction of the Shire.</li> </ol> </li> </ol> </li> <li>3. Approve applications for non-residential (including non-conforming use) development where:             <ol style="list-style-type: none"> <li>a. The development is considered minor; and</li> <li>b. No valid objections have been received from affected adjoining landowners; or</li> </ol> </li> </ol>

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	<ul style="list-style-type: none"> <li>c. The valid objections have been resolved to the satisfaction of the Shire.</li> <li>4. Approve applications that seek to reapprove expired development applications where no changes are made to the original approval.</li> <li>5. Clear all conditions on planning approvals, except those requiring specific Council approval.</li> <li>6. To waive or reduce development application fees in accordance with Council’s adopted Local Planning Policy.</li> <li>7. Approve applications for “home business” where no valid objections have been received from affected adjoining landowners.</li> <li>8. Approve retrospective applications in accordance with clause 65 of the deemed provisions where no valid objections have been received and/or valid objections have been resolved.</li> <li>9. Approve applications for change of use where:             <ul style="list-style-type: none"> <li>a. It’s a P use that varies relevant development standard/s;</li> <li>b. D, A or, use not listed in the Scheme that varies relevant development standard/s, where no valid objections are received from affected parties; or</li> <li>c. Valid objections are resolved to the Shire’s satisfaction.</li> </ul> </li> <li>10. Refuse applications that are inconsistent with Local Planning Scheme No 3, <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, SPP 7.3 Residential Design Codes Volume 1 and 2 and State Planning Policy 7.0.</li> <li>11. Approve applications that seek to amend an existing planning approval granted by Council where:             <ul style="list-style-type: none"> <li>a. Any new variations are considered minor; and</li> <li>b. The relevant design principles/element objectives of the residential design codes can be satisfied where applicable; and</li> <li>c. No valid objections received from affected parties; and/ or</li> <li>d. Valid objections resolved to the satisfaction of the Shire.</li> </ul> </li> <li>12. Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire’s Local Planning Scheme No.3.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Any application is to be referred to Council for determination if one or more elected members request such referral in a written request to the CEO.</li> <li>b. Any application for planning approval shall be referred to Council for determination, where requested by the applicant in writing.</li> </ul>

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	<p>c. Any application for planning approval to be referred to Council for determination, where the Manager, Health &amp; Building requests.</p> <p>d. The CEO is to report to the Council, on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> - s83 Local government CEO may delegate powers</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><i>Nil – must be delegated to an employee.</i></p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>This delegation does not extend to:</p> <ol style="list-style-type: none"> <li>1. Applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use.</li> <li>2. Applications for telecommunications infrastructure that have received one or more objections.</li> <li>3. Applications for development approval that propose the demolition of buildings identified in the Heritage List, within a Heritage Area, or on the State Register of Heritage Places.</li> <li>4. Requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the <i>State Administrative Tribunal Act 2004</i> where Council determined the application.</li> <li>5. Change of Use applications which are classified D and A or are uses not listed in the Scheme where after advertising, valid submissions have been received which raise objections that are not able to be rectified by way of negotiation and/or amendment(s) being made to the proposal.</li> <li>6. Grouped and/or Multiple Dwelling developments involving five (5) or more dwellings.</li> </ol>

<b>Compliance Links:</b>	<p><a href="#">Planning and Development Act 2005</a></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Shire of Quairading Local Planning Scheme No 3</p> <p>Shire of Quairading Local Planning Scheme No 3</p> <p>State Planning Policy 7.3 - Residential Design Codes - Volume 1</p> <p>State Planning Policy 7.3 - Residential Design Codes - Volume 2</p> <p>Shire of Quairading Local Planning Policies</p> <p>State Planning Policy 7.0 - Design of the Built Environment</p>
<b>Record Keeping:</b>	<p>All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.</p>

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### 9.1.5 Subdivision control

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <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  Planning and Development Act 2005 clause 16  WAPC Delegation (DEL2020/01): Powers of Local Government
<b>Express Power or Duty Delegated:</b>	Authority to exercise the relevant powers and duties in the WAPC delegation instrument DEL2020/01.
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. Approve a strata plan or an amendment of a strata plan to give effect to a subdivision of land by a strata scheme. (Cl15).</li> <li>2. Impose conditions on a strata scheme approval as if the approval were for a plan of a submission given under the <i>Planning and Development Act 2005</i>. (c.15).</li> <li>3. Approve an amendment to a scheme plan that proposes to Impose, vary or revoke a restricted use condition (c.21).</li> <li>4. Approve an amendment or repeal of a scheme by-law (c.22).</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A local government that exercises the power referred to in clause 1 and/or clause 2 of DEL2020/01 (clauses 15, 21 and 22 of the <i>Strata Titles Act 1985</i>) 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.</li> <li>b. The delegation of s.15 of the <i>Strata Titles Act 1985</i>, does not apply to those applications that— <ol style="list-style-type: none"> <li>i. Propose the creation of a vacant lot;</li> <li>ii. Propose vacant air strata in multi-tiered strata scheme developments;</li> <li>iii. Propose the creation or postponement of a leasehold scheme;</li> <li>iv. Propose a type 1 (a) subdivision or a type 2 subdivision (as defined in s.3 of the <i>Strata Titles Act 1985</i>);</li> <li>v. 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: <ol style="list-style-type: none"> <li>(a) A type of development; and/or</li> <li>(b) Land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</li> </ol> </li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil – must be delegated to an employee.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<a href="#">Planning and Development Act 2005</a> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Quairading Local Planning Scheme No 3 <i>Planning and Development Act 2005 Clause 16(4)</i> DEL2020/01 - Powers of Local Government
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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## Delegation Register

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### 9.1.6 Entering any Building or Land

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Clauses 82, 83 and 84
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, Clause 79
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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 Authorised Officers for the purposes of entering any buildings or land to determine whether the provisions of Local Planning Scheme No. 3 have been or are being observed in accordance with the relevant clauses of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions – including clause 79</i>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Quairading Local Planning Scheme No 3
<b>Record Keeping:</b>	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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#### 9.1.7 Strata Titles Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<p><i>Planning &amp; Development Act 2005</i></p> <p><i>Strata Titles Act 1985 s.15, 21, 22 and 24</i></p> <p>DEL 2020/01 – Powers of Local Government - On 19 March 2020, pursuant to section 16 of the Act, the Western Australian Planning Commission RESOLVED—</p> <ol style="list-style-type: none"> <li>1. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.</li> <li>2. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i>.</li> </ol>
<b>Express Power or Duty Delegated:</b>	Authority to exercise the relevant powers and duties delegated by the <i>Planning and Development Act 2005</i> , the <i>Strata Titles Act 1985</i> and relevant delegation instrument.
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under the <i>Strata Titles Act 1985</i> as a building in a strata scheme (c.24).</li> <li>2. Power to determine applications for the issuing of a certificate of approval for a plan of subdivision, re-subdivision, or consolidation, except those applications that: <ol style="list-style-type: none"> <li>a. Propose the creation of a vacant lot;</li> <li>b. Propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>c. In the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:</li> <li>d. A type of development; and/or</li> <li>e. 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 (c.24).</li> </ol> </li> <li>3. Determine applications under s. 21 and 22 of the <i>Strata Titles Act 1985</i> in accordance with DEL2020/01.</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executive Manager, Economic Development</b>
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<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<p><i>Strata Titles Act 1985</i> ss .15, 21 and 22</p> <p>DEL 2020/01 - Powers of Local Government</p> <p><i>Planning and Development Act 2005</i></p>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 9.1.8 Local Development Plans

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, c.82</i>
<b>Express Power or Duty Delegated:</b>	Authority to exercise the relevant powers and duties under the Local Development Plans
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. To prepare Local Development Plans, where appropriate.</li> <li>2. Determine the information provided with an application is satisfactory for the purposes of advertising in accordance with c.49 of the Deemed Provisions.</li> <li>3. Determine that a Local Development Plan does not require advertising in accordance with c.50(3) of the Deemed Provisions.</li> <li>4. Approve, modify, or refuse a Local Development Plan in accordance with</li> <li>5. c.52 of the Deemed Provisions where there are no valid objections, or where valid objections have been resolved to the satisfaction of the Shire.</li> <li>6. To extend the period of approval for a Local Development Plan in accordance with c.57(3) of the Deemed Provisions.</li> <li>7. Determine that an amendment is of a minor nature and does not require advertising in accordance with c.59(4) of the Deemed Provisions.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. CEO must not approve a Local Development Plan for reasons set out in c.52(1A) of the Deemed Provisions.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager, Works &amp; Services</b> <b>Executice Manager, Economic Development</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No 3
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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### 9.1.9 Structure Plans

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, Clause 79
<b>Delegate:</b>	<b>CEO</b>
<b>Function:</b> <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"> <li>1. To prepare a Structure Plan.</li> <li>2. Determine whether the information provided with an application is satisfactory for the purposes of assessment and advertising in accordance with clause 17 of the Deemed Provisions.</li> <li>3. Determine whether an amendment to a Structure Plan is of a minor nature and does require advertising in accordance with c.29 of the Deemed Provisions.</li> <li>4. Prepare and forward a report of the proposed Structure Plan to the WAPC in accordance with c.20 of the Deemed Provisions.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. CEO must not approve a Local Development Plan for reasons set out in c.52(1A) of the Deemed Provisions.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<i>Nil – must be delegated to an employee.</i>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Local Planning Scheme No. 3 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Record Keeping:	All exercises of delegated authority to be record managed in T: <a href="#">Delegation Register Template</a> (Click link to open) and Altus Content.

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**10 Statutory Authorisations and Delegations to Local Government  
from State Government Entities****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 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

## Delegation Register

Shire of Quairading

### 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.

## Delegation Register

Shire of Quairading

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### 10.1.3 Noise Management Plans – Construction Sites

Published by:  
Environment

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

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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 Quairading

**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 2<sup>nd</sup> day of June 2016

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

**Delegation Register**

Shire of Quairading

**SCHEDULE**

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

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local Interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany                      City of Amadise                      Shire of Ardourton                      Shire of Augusta-Margaret River                      Town of Bassendean                      City of Baywater                      City of Belconnen                      Shire of Beverley                      Shire of Bodrington                      Shire of Boyup Brook                      Shire of Bridgetown-Greenbushes                      Shire of Brookton                      Shire of Broome                      Shire of Broomehill-Tambellup                      Shire of Bruce Rock                      City of Bunbury                      Shire of Busselton                      Town of Cambridge                      City of Canning                      Shire of Capal                      Shire of Carnamah                      Shire of Carnarvon                      Shire of Chapman Valley                      Shire of Chittering                      Shire of Christmas Island                      Town of Calamit                      City of Cockburn                      Shire of Cocos (Keeling) Islands                      Shire of Collie                      Shire of Coolgardie                      Shire of Coorow                      Shire of Corrigin                      Town of Cottesloe                      Shire of Cranbrook                      Shire of Cuballing                      Shire of Cue                      Shire of Cunderdin                      Shire of Dalwallinu                      Shire of Dandaragan                      Shire of Dardanup                      Shire of Denmark                      Shire of Derby/Vest Kimberley                      Shire of Donnybrook-Balingup                      Shire of Dowerin                      Shire of Dumbleyung                      Shire of Dundas                      Town of East Fremantle                      Shire of East Pilbara                      Shire of Esperance                      Shire of Emswath                      City of Fremantle                      City of Greater Geraldton</p> <p>Shire of Gingin                      Shire of Greenough                      Shire of Goomalling                      City of Gnowalla                      Shire of Hall Creek                      Shire of Harvey                      Shire of Inn                      Shire of Jerramungup                      City of Joondalup                      Shire of Kalamunda                      City of Kalbarrie-Boulder                      Shire of Kalbarrie                      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 Marelthama                      City of Meville                      Shire of Menzies                      Shire of Merredin                      Shire of Mingenew                      Shire of Morawa                      Shire of Morue                      Town of Moaman Park                      Shire of Mount Magnet                      Shire of Mt Marshall                      Shire of Mukinbin                      Shire of Mundaring                      Shire of Murchison                      Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement:                      Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme).                      The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>

### Delegation Register

Shire of Quairading

Shire of Nannup  
 Shire of Narrobean  
 Shire of Narmgin  
 Town of Neringin  
 City of Newcastle  
 Shire of Ngaanyatjaraku  
 Shire of Northam  
 Shire of Northampton  
 Shire of Nungarin  
 Shire of Peppermint Grove  
 Shire of Perenjori  
 City of Perth  
 Shire of Pingelly  
 Shire of Plantagenet  
 Town of Port Hedland  
 Shire of Quairading  
 Shire of Ravensthorpe  
 City of Rockingham  
 Shire of Roebourne  
 Shire of Sandstone  
 Shire of Serpentine Jarrahdale  
 Shire of Shark Bay  
 City of South Perth  
 City of Stirling  
 City of Stirling  
 City of Swan

Shire of Tammin  
 Shire of Three Springs  
 Shire of Toodyay  
 Shire of Trayning  
 Shire of Upper Gascoyne  
 Town of Victoria Park  
 Shire of Victoria Plains  
 Town of Vincent  
 Shire of Wagin  
 Shire of Wandering  
 City of Wanneroo  
 Shire of Waroona  
 Shire of West Arthur  
 Shire of Westonia  
 Shire of Wickiepin  
 Shire of Williams  
 Shire of Wiluna  
 Shire of Wongan-Ballidu  
 Shire of Woodliffing  
 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

2<sup>nd</sup> June  
 ..... day of ..... 2016

## Delegation Register

Shire of Quairading

### 10.2.2 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.

## **Delegation Register**

Shire of Quairading

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### **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](#)



## Delegation Register

Shire of Quairading

**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](http://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

**Delegation Register**

Shire of Quairading

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)*

## Delegation Register

Shire of Quairading

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### 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](http://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.

**Delegation Register**

Shire of Quairading

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 Quairading

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**10.4 Road Traffic (Vehicles) Act 2012**

**10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles**

## Delegation Register

Shire of Quairading



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:

## Delegation Register

Shire of Quairading

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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 5<sup>th</sup> day of September 2017

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

*Extracted on line on 15 March 2021*

## 7.2 Report on Excess Annual Leave and Long Service Leave Entitlements

<b>Responsible Officer</b>	Natalie Ness, Chief Executive Officer
<b>Reporting Officer</b>	Tricia Brown, Executive Manager, Corporate Services
<b>Attachments</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Disclosure of Interest</b>	Reporting Officer: Nil Responsible Officer: Nil

### COMMITTEE RESOLUTION: ARC 021-23/24

Moved: Cr JC Hayes

Seconded: Cr JR Hippisley

That the Audit & Risk Committee recommends to Council that Council receive the report on the Shire's leave liabilities.

**FOR:** Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith

**AGAINST:** Nil

**CARRIED 6/0**

### IN BRIEF

- Since 2017, Council has requested that excess annual leave and long service leave be reported to the Audit and Risk Committee.
- Not taking a reasonable amount of annual leave or long service leave may pose a threat to the health and safety of employees and represent a significant financial liability for the Shire, therefore there are steps in place to ensure that leave balances are monitored and are at appropriate levels.
- Employee entitlement movements during the year are due to many reasons, such as, leave taken during the period, increased accrued leave balances, increases in remuneration rates and changes in the underlying staff with leave balances transferred to and from the Shire.

### MATTER FOR CONSIDERATION

Receipt of the report on excess annual leave and long service leave entitlements and leave liabilities.

### BACKGROUND

The current Leave Management Policy defines "excess leave" as when the employee has accrued more than eight weeks paid annual leave and provides management with direction to effectively manage the annual and long service leave entitlements of employees.

The Shire encourages employees to take leave by reinforcing the positive benefits of taking leave when it becomes due. Sometimes there are circumstances that prevent leave being able to be taken, such as staff shortages, outside influences and work demands.



There will be movements in employee entitlements throughout the year. Balances will increase naturally as employees accrue leave entitlements and decrease when employees take leave accrued. This natural fluctuation is monitored by management and through this report to ensure any excess is managed appropriately.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

*Work Health & Safety Act 2020*

*Minimum Conditions of Employment Act 1993*

### **POLICY IMPLICATIONS**

Leave Management Policy

### **FINANCIAL IMPLICATIONS**

The Employee Entitlements (Annual and Long Service Leave) reserve fund cash balance as of 1<sup>st</sup> July 2023 is \$163,697.00

The annual budget treats current leave as accruals.

The current liability for both types of leave (if all claimed on 30<sup>th</sup> April 2024 is calculated at \$123,297.00.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

- 5.3 Governance & Leadership:** Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community
- 5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations

### **CONSULTATION**

Nil

### **RISK MANAGEMENT PRIORITIES**

This report addresses the following identified Strategic Risk Management Priorities:

Non-compliance with work health and safety legislation increases the risk and potential liability to the public, staff and Councillors.

Low employee retention increases recruitment costs, decreases employee morale and decreases Shire reputation.

**RISK ASSESSMENT**

	Option 1
Financial	Low <i>Financial exposure and therefore risk escalation occurs if leave accruals are not monitored and managed. Adequate reserve balances reduce the risk of financial exposure.</i>
Health	Low
Reputation	Low
Operations	Low <i>Impact to operations where employees with excess leave are requested to take leave. This can be mitigated by agreement of mutually acceptable timeframes for taking leave that are not during heavy workload times.</i>
Natural Environment	Low

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

This report has been prepared to inform the Audit and Risk Committee of the current leave liabilities and of any employees who have excess leave and the steps taken to reduce these liabilities.

As of 30 April 2024, there has been minimal change overall to the annual leave liabilities.

As of 30 April 2024, there has been reasonable change overall to the long service liabilities. Two employees are currently taking long service leave that was due. One employee is taking leave and cashing out a portion of their long service leave.

**Annual Leave:**

There is currently one employee over and above the accepted level of excess annual leave. This employee consistently has high excess leave. This employee has applied for and been granted leave to reduce the leave Liability and will also be applying for a cash payout as per the Leave Management Policy. There are currently 2 other employees with 6 weeks or more excess leave. The Executive Manager has been advised and will encourage the staff members to reduce their balance to an acceptable level.

There has been a decrease of 14% (dollar value) in the annual leave liability since January 2023.

**Long Service Leave:**

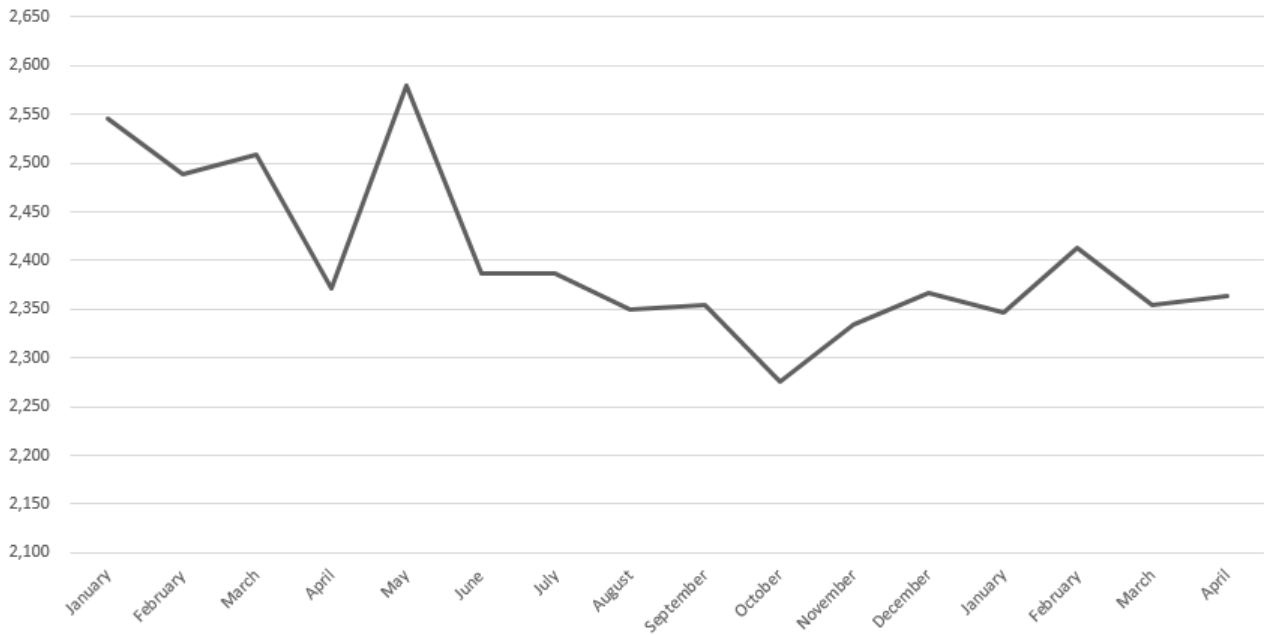
Long Service Leave is now being taken and reduced for two employees. Executive Managers are working with the employees to reduce the Liability.

There has been an increase of 30% (dollar value) in the long service leave liability since January 2023.

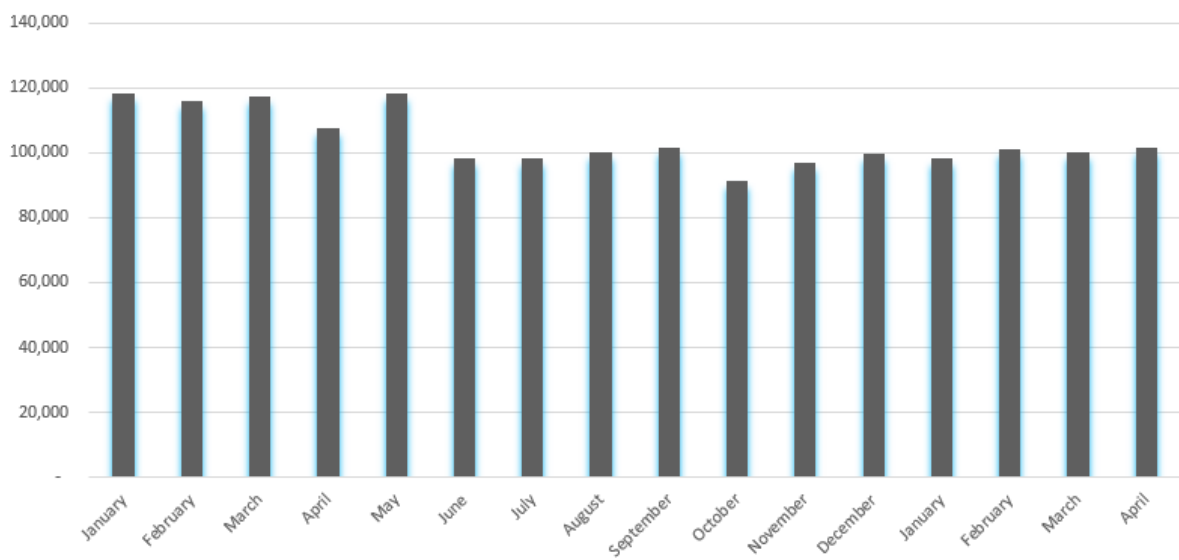
The following table and graphs show the fluctuations in the accrued hours and dollar values of both annual leave and long service leave over the period of January 2023 to 30 April 2024.

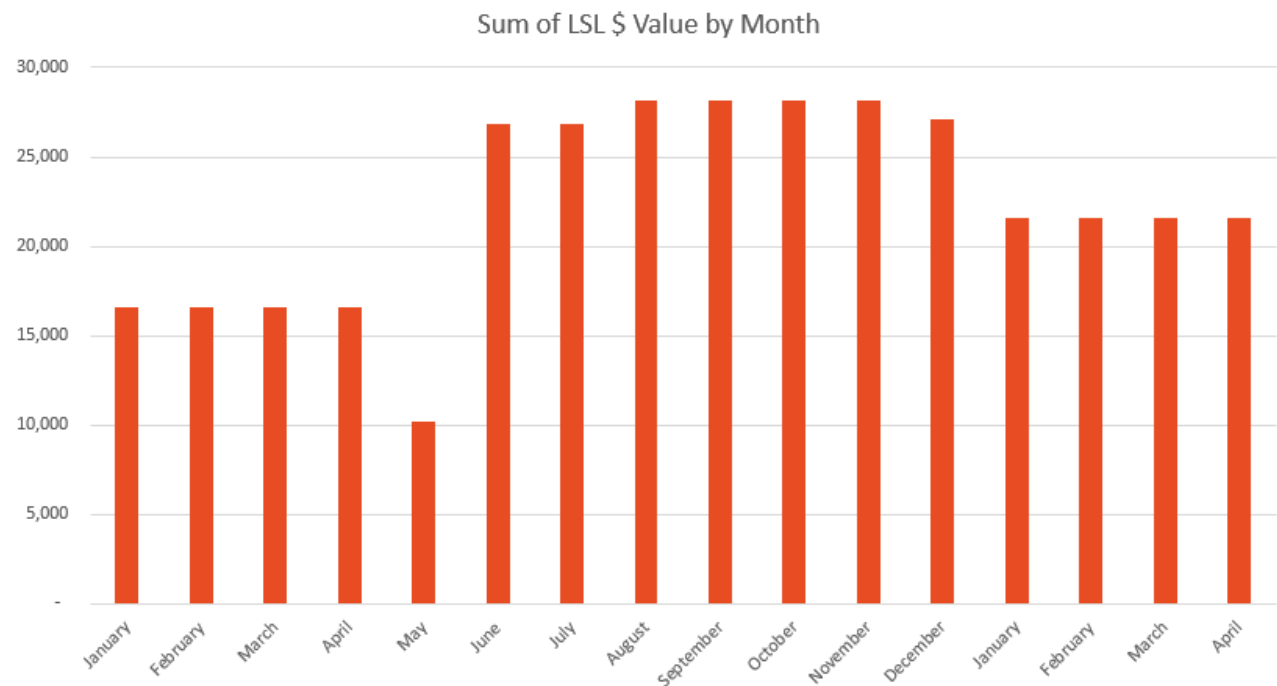
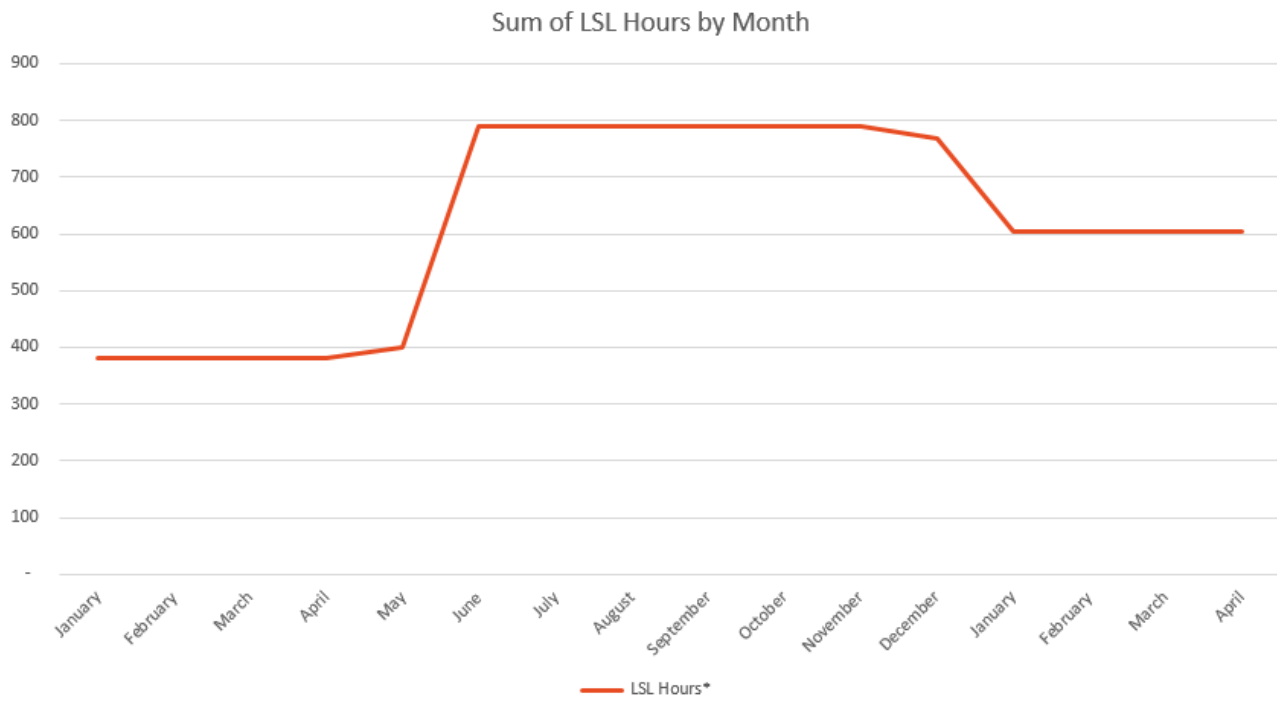
	LSL Hours	LSL \$	A/L Hours	A/L \$
January 23	380	16,568	2,545	118,286
February 23	380	16,568	2,488	116,018
March 23	380	16,568	2,508	117,305
April 23	380	16,568	2,371	107,734
May 23	399	10,158	2,579	118,058
June 23	790	26,861	2,386	98,119
July 23	790	26,861	2,386	98,119
August 23	790	28,117	2350	100,185
September 23	790	28,117	2354	101,747
October 23	790	28,117	2276	91,401
November 23	790	28,117	2334	97,079
December 23	767	27,126	2366	99,578
January 24	603	21,589	2346	98,475
February 24	603	21,589	2413	100,928
March 24	603	21,589	2354	99,908
April 24	603	21,589	2364	101,708

Sum of A/L Hours by Month



Sum of A/L \$ by Month





**COMMENTS AFFECTING COMMITTEE DECISION**

Cr Hippisley asked if this item could not be tied in with item 6.2 as excess annual leave was a finding by in the Audit Report. Cr Hippisley questioned how it is possible that a report on excess annual leave is presented at every Audit & Risk Committee meeting and yet the auditors reported a finding that an employee had accrued annual leave in excess. The EMCS responded that she would try to tie the items in with each other so they would correlate.

Cr Smith commented that even though the Committee received this agenda report every quarter, it doesn't actually specifically state that any employee is in excess of acceptable accruals, rather it states overall number of leave hours accrued and the dollar amount of the liability, except for now that excess leave had been noted by the auditors. The EMCS responded that the report always included details on the number of employees with excess accruals of annual or long service leave.

Cr Stacey asked whether once excess leave had been taken, this agenda item would remain on the agenda but state a NIL value in the comments for annual leave and long service leave. The EMCS replied that unfortunately this was an ongoing issue and at the moment another two staff members were getting close to an excessive leave balance.



Cr Faltyn asked for an explanation of why Council should consider it a problem if a staff member were to accrue leave in excess of 8 weeks. The CEO responded that the problem was twofold. First from a financial point of view, Council has to ensure that the value of the combined leave liability is available. The more leave accrued, the higher the liability, the more cash Council would need to keep available. Second from a fatigue management perspective, excess leave accruals mean that staff aren't taking meaningful breaks. Cr Stacey added that this was a compliance issue from a WHS perspective.

### 7.3 Bi-Annual Review of the Corporate Credit Card Policy

**Responsible Officer** Natalie Ness, Chief Executive Officer

**Reporting Officer** Tricia Brown, Executive Manager, Corporate Services

**Attachments**

1. Attachment (i) Corporate Credit Card Policy - Original [↓](#) 
2. Attachment (ii) Credit Card Policy - Draft Reviewed [↓](#) 

**Voting Requirements** Simple Majority

**Disclosure of Interest** Reporting Officer: Nil

Responsible Officer: Nil

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#### COMMITTEE RESOLUTION: ARC 022-23/24

Moved: Cr JC Hayes

Seconded: Cr RC Faltyn

1. That the Audit & Risk Committee recommend to Council that; Council acknowledge the Bi-Annual review of the Credit Card Policy (Attachment (i) Policy to be reviewed;
2. That the Audit & Risk Committee recommend to Council that; Council approve the changes made to the Credit Card Policy (Attachment (ii) Reviewed Policy to be approved.

**FOR:** Crs TJ Stacey, BR Cowcill, RC Faltyn, JC Hayes, JR Hippisley and PD Smith

**AGAINST:** Nil

**CARRIED 6/0**

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#### IN BRIEF

Council credit cards are issued to all Executive Staff and the Chief Executive Officer to allow purchases to be made on behalf of the Council that cannot ordinarily or easily be purchased via invoice/EFT or are urgent in nature.

#### MATTER FOR CONSIDERATION

To consider and make recommendation to Council on the reviewed and amended Credit Card Policy for the Shire of Quairading.

#### BACKGROUND

Corporate credit cards can deliver significant benefits to local governments through improved administrative practices and more effective cash management. However, they can also expose a local government to significant risks if not properly controlled.

The risks associated with credit cards can be minimised by implementing policies to control their use.

It is important to have a communication strategy that informs new employees and reminds existing employees of the policies governing the use of credit cards.

The following provisions of the *Local Government Act 1995* (the Act) and associated regulations impact on the use and control of corporate credit cards:

- Section 2.7(2)(a) and (b) of the Act requires the Council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
- Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
- Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

Council last reviewed the Credit Card Policy in February 2022. Council recently adopted changes to the available limits to all staff issued with a Credit Card as per resolution OCM 111 – 23/24.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

### **POLICY IMPLICATIONS**

Corporate Credit Card Policy

Payments from the municipal or trust funds

Purchasing Policy

### **FINANCIAL IMPLICATIONS**

There are no financial implications that have been identified as a result of this report. Expenditure on credit cards still requires coinciding with the approved budget and the Shire's Purchasing Policy. All expenditure must be made in accordance with the Annual Budget for each financial year.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

**5.4 Governance & Leadership:** Implement systems and processes that meet legislative and audit obligations

### **CONSULTATION**

Nil

### **RISK MANAGEMENT PRIORITIES**

This report addresses the following identified Strategic Risk Management Priorities:

Financial misconduct by (a) a Shire employee, and (b) an executive/office holder results in financial, legal and/or reputational damage.



**RISK ASSESSMENT**

	Option 1
Financial	Low <i>Executive Management are still required to only purchase according to their allocated budget.</i>
Health	Low
Reputation	Low <i>Staff are all required to adhere to the Credit Card Policy and are aware of the consequences of misuse in representation of Council</i>
Operations	Low <i>Can significantly reduce delays in processing for urgent items</i>
Natural Environment	Low

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

**COMMENT**

The following issues have been considered in the review of the Corporate Credit Card Policy to control the use of credit cards:

- An agreement to be signed by the cardholder and the Shire of Quairading which sets out the cardholder's responsibilities and legal obligations when using the credit card;
- A register of all current cardholders to be kept which includes card number, expiry date of the credit card, credit limit and details of goods and services the cardholder has authority to purchase;
- All new and existing cardholders to be provided with a copy of the policies relating to the use of credit cards;
- What the cardholder should do in the event their employment ceases, an extended period of leave is taken or they are moved to a position which does not require the use of a credit card;
- What the cardholder should do if they lose or misplace their credit card;
- Credit cards will not be transferred to other users;
- How reward schemes, such as Fly Buys, will be treated;

- The arrangements for destruction of all surrendered credit cards; and
- What action is to be taken in the event that a cardholder fails to comply with the policy.

### **Purchasing**

- Credit cards will only be used for purchasing goods and services on behalf of the Shire;
- Personal expenditure will be prohibited;
- A credit card will not be used for cash withdrawals;
- Maximum credit limits will be based on the cardholder's need; and
- How purchases by telephone or over the Internet are to be dealt with.

### **Issuing of corporate credit cards to elected members**

The Act does not make provision for the issuing of credit cards to elected members. A Local Government can only pay allowances or reimburse expenses to an Elected Member. There are no provisions within the Act which allow an elected member to incur a debt, as would be the case with a credit card.

### **Changes to current Credit Card Policy**

There were 2 changes to the Credit Card Policy, one change being the removal of facsimile as a means of purchasing as this form of communication is now obsolete for the Shire of Quairading (Section 3.5 – Use of Corporate Credit Cards).

The second change being the addition of a table of Credit Card Limits as per Management position (Section 1.15 Credit Card Limits) as per resolution OCM 111 – 23/24.

Staff are still required to keep all tax invoices pertinent to the purchases made and therefore complies with our Records Management Policy.

All staff are required to sign the Corporate Credit Card Agreement – Annexure B acknowledging and accepting the conditions of the Shire of Quairading Corporate Credit Card Policy.

All credit card transactions are reported to Council for transparency with the Audit & Risk Chairperson personally reviewing those transactions for accuracy and legitimacy.

### **COMMENTS AFFECTING COMMITTEE DECISION**

Cr Cowcill asked why, if the Policy states that a staff member's card is cancelled as soon as they leave, did we still receive credit card statements for the previous EMCS' card until recently. The EMCS responded that this correspondence received had not been a statement for her card, but rather a combined statement for all Shire credit cards. The previous EMCS' name had just not been changed as the contact for correspondence until recently.

**CORPORATE CREDIT CARD POLICY**

## 1. Objective

This policy establishes rules for the use and responsibilities of corporate credit cards by ensuring that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

## 2. Scope

This policy applies to all officers issued with a corporate credit card. It documents the responsibilities attached to these cards and their acceptable use.

## 3. Policy

### 3.1 Authority for Use of Corporate Credit Cards

Corporate Credit Cards may be issued to the Chief Executive Officer and authorised officers where it is inappropriate or inconvenient to use the Shire's normal payment systems.

### 3.2 Authority for Approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and any change to the credit card limit. The Chief Executive Officer may approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issued to council officers.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members of Local Governments. Elected Members are entitled to allowances or the reimbursement of expenses incurred on Council business.

### 3.3 Legislation

The *Local Government Act 1995* does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the *Local Government Act 1995* requires the Chief Executive Officer to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the Local Government (Financial Management) Regulations 11(1)(a) requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

### 3.4 Approved Bankers

Corporate Credit Cards are issued by banks and financial institutions on behalf of or through Credit Card providers such as Visa, MasterCard or American Express. Corporate Credit Cards are to be issued by its transactional banker.

### 3.5 Use of Corporate Credit Cards

The Corporate Credit Cards will only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances will they be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine. Where purchases are made by facsimile, over the telephone or on the internet, an invoice will be requested to support the purchase. Most internet transactions provide this ability and any telephone or facsimile communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction will be recorded and used to support the payment when required

(date, company, address, ABN, amount any GST to be included). Where a payment is made for entertainment, the number of persons entertained and the names of any Shire employees in that number will be detailed on the receipt. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

### **3.6 Accounts & Settlement**

The provider of the credit card will supply the Executive Manager, Corporate Services, with a statement of account each month. This statement will be forwarded to the cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. Cardholders are to certify that the account details are correct by signing the statement before it is returned to the Executive Manager, Corporate Services for payment. In the case of the Chief Executive Officer, the statement must be signed by the Chair, Audit & Risk Committee. A credit card transaction slip is not acceptable to support the claim. A tax invoice will provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

### **3.7 Card Lost or Stolen**

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing bank by telephone. At the earliest opportunity, written notification must also be given to the Executive Manager, Corporate Services so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

### **3.8 Misuse of Corporate Credit Cards**

Cards which show unreasonable, excessive or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder and/or disciplinary action and/or termination of employment.

### **3.9 Recovery of Unauthorised Expenditure**

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

### **3.10 Internal Audit of the Corporate Credit Card System**

From time to time the Executive Manager, Corporate Services will provide a report on the control, use, viability and adherence to authorised policy and procedures to the Audit & Risk Committee.

### **3.11 Reward/Bonus Points**

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Quairading. The Chief Executive Officer will decide how these points are to be utilised and may include a charitable, social or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

### **3.12 Return of Cards**

When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the the Executive

Manager, Corporate Services at least one week prior to vacating the position so that the card may be cancelled and the account settled.

### **3.13 Responsibilities**

The Executive Manager, Corporate Services is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer.

The Executive Manager, Corporate Services' responsibilities in relation to the Corporate Credit Cards include:

- 3.13.1 Maintain a Card Register of all cardholders.
- 3.13.2 Arrange the issue/cancellation of the Corporate Credit Cards.
- 3.13.3 Arrange for all cardholders to sign the Credit Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register
- 3.13.4 Process payment of card expenditure on receipt of the card statement from the bank.
- 3.13.5 To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

### **3.14 Cardholders Responsibilities**

Officers who are issued with Corporate Cards must

- 3.14.1 Ensure the care and safe keeping of the card.
- 3.14.2 Adhere to the policy and procedures in relation to use of the card and its financial limits.
- 3.14.3 Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- 3.14.4 Ensure the monthly card statement is certified correct and approved for payment when received from the process payment of card expenditure on receipt of the card statement from the bank.
- 3.14.5 Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
- 3.14.6 Provide an early response to enquiries that may be made by the bank, creditors or related parties, as the case may be.
- 3.14.7 Use the corporate credit card in accordance with the Shire's Code of Conduct at all times.

## **4. Definitions**


Nil

## **5. Relevant management practices/documents**

Nil

## **6. Legislation/Local Laws**

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996 Office use only*
- *Work Health & Safety Act 2020*

Record of Policy Review						
Version	Author	Council Adoption	Resolution	Reason for Review	Next Review Date	CEO Signature
01	Graeme Fardon	29/09/11	53-11/12	New Policy		
02	Graeme Fardon	27/09/18	41-18/19	Policy Review Project – 4/09/2018		
03	Graeme Fardon	17/12/20	97-20/21	Biennial Policy Review	Dec 20	
04	Nicole Gibbs	24/02/22	120-21/22	Biennial Policy Review	Feb 24	
05	Natalie Ness			Biennial Policy Review	Feb 26	<i>Natalie Ness</i>

## CORPORATE CREDIT CARD POLICY

### PURPOSE

This policy applies to all officers issued with a corporate credit card. It documents the responsibilities attached to these cards and their acceptable use.

### OBJECTIVE

This policy establishes rules for the use and responsibilities of corporate credit cards by ensuring that operational and administrative costs and the risks associated with credit card use are minimised while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

### POLICY

#### 1.1 Authority for Use of Corporate Credit Cards

Corporate Credit Cards may be issued to the Chief Executive Officer and authorised officers where it is inappropriate or inconvenient to use the Shire's normal payment systems.

#### 1.2 Authority for Approval of Corporate Credit Cards

The Council must approve the issue of a credit card to the Chief Executive Officer and any change to the credit card limit. The Chief Executive Officer may approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issued to council officers.

The *Local Government Act 1995* does not allow for the issue of Corporate Credit Cards to elected members of Local Governments. Elected Members are entitled to allowances, or the reimbursement of expenses incurred on Council business.

#### 1.3 Legislation

The *Local Government Act 1995* does not specifically mention the use of Corporate Credit Cards by officers in a Local Government. However, Section 6.5(a) of the *Local Government Act 1995* requires the Chief Executive Officer to ensure that proper accounts and records of the transactions and affairs of the Local Government are kept in accordance with regulations. In addition, the Local Government (Financial Management) Regulations 11(1)(a) requires Local Government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisation in place for the use of credit cards.

#### 1.4 Approved Bankers

Corporate Credit Cards are issued by banks and financial institutions on behalf of or through Credit Card providers such as Visa, MasterCard or American Express. Corporate Credit Cards are to be issued by its transactional banker.

#### 1.5 Use of Corporate Credit Cards

The Corporate Credit Cards will only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances will they to be used for personal or private purposes or for the withdrawal



of cash through a bank branch or any automatic teller machine. Where purchases are made over the telephone or on the internet, an invoice will be requested to support the purchase. Most internet transactions provide this ability, and any telephone communications provide the opportunity to make such a request. If no invoice or receipt is available, as much detail about the transaction will be recorded on a Statutory Declaration and used to support the payment when required (date, company, address, ABN, amount any GST to be included). Where a payment is made for entertainment, the number of persons entertained and the names of any Shire employees in that number will be detailed on the receipt. This is required to ensure the Shire pays the correct amount of Fringe Benefits Tax.

#### **1.6 Accounts & Settlement**

The provider of the credit card will supply the Executive Manager, Corporate Services, with a statement of account each month. This statement will be forwarded to the cardholder for certification and the supply of receipts and tax invoices to support the Shire's claim for the GST component of purchases and services obtained. Cardholders are to certify that the account details are correct by signing the statement before it is returned to the Executive Manager, Corporate Services for payment. In the case of the Chief Executive Officer, the statement must be signed by the Chair, Audit & Risk Committee. A credit card transaction slip is not acceptable to support the claim. A tax invoice will provide a brief description of the goods and services supplied along with the suppliers ABN. The cardholder is to provide the relevant or correct expense account for the expenditure.

#### **1.7 Card Lost or Stolen**

Cards that are lost or stolen must be reported immediately by the cardholder to the issuing bank by telephone. At the earliest opportunity, written notification must also be given to the Executive Manager, Corporate Services so that the cancellation of the card may be confirmed and a reconciliation of the card account from the date the card was lost or stolen may be performed.

#### **1.8 Misuse of Corporate Credit Cards**

Cards which show unreasonable, excessive, or unauthorised expenditure will be subject to audit and may result in the withdrawal of the card from the cardholder and/or disciplinary action and/or termination of employment.

#### **1.9 Recovery of Unauthorised Expenditure**

Unauthorised expenditure or expenditure of a private nature that is proved to be inappropriate will be recovered by deductions from the officer's salary.

#### **1.10 Internal Audit of the Corporate Credit Card System**

From time to time the Executive Manager, Corporate Services will provide a report on the control, use, viability, and adherence to authorised policy and procedures to the Audit & Risk Committee.

#### **1.11 Reward/Bonus Points**

Where the Corporate Cards carry rewards or bonus points, usually to encourage the use of the card by the issuing institution, these rewards or points will be accumulated in the name of the Shire of Quairading. The Chief Executive Officer will decide how these points

are to be utilised and may include a charitable, social, or sporting distribution. Under no circumstances are rewards or bonus points to be redeemed for an officer's private benefit.

#### **1.12 Return of Cards**

When the Chief Executive Officer or other Officer cease to occupy a position that is authorised to be issued with a corporate credit card (either through internal transfer, retirement, resignation or conclusion of service contract) they must return the card to the Executive Manager, Corporate Services at least one week prior to vacating the position so that the card may be cancelled, and the account settled.

#### **1.13 Responsibilities**

The Executive Manager, Corporate Services is responsible for arranging the issue of the Corporate Credit Card on advice from the Chief Executive Officer.

The Executive Manager, Corporate Services' responsibilities in relation to the Corporate Credit Cards include:

- 1.13.1 Maintain a Card Register of all cardholders.
- 1.13.2 Arrange the issue/cancellation of the Corporate Credit Cards.
- 1.13.3 Arrange for all cardholders to sign the Credit Card User Instruction Agreement (see Appendix A) on receipt of the new card and ensure the signed agreement is filed in the Card Register
- 1.13.4 Process payment of card expenditure on receipt of the card statement from the bank.
- 1.13.5 To keep cardholders informed of any changes to policy and procedures on the use of the Corporate Cards.

#### **1.14 Cardholders Responsibilities**

Officers who are issued with Corporate Cards must,

- 1.14.1 Ensure the care and safe keeping of the card.
- 1.14.2 Adhere to the policy and procedures in relation to use of the card and its financial limits.
- 1.14.3 Ensure receipts and tax invoices are received when the card is used and to produce them as evidence for settlement with the Bank.
- 1.14.4 Ensure the monthly card statement is certified correct and approved for payment when received from the process payment of card expenditure on receipt of the card statement from the bank.
- 1.14.5 Ensure relevant and correct expenditure account details (account numbers) are provided against each item of expenditure on the card statement to assist with the allocation of expenses and claims for the reimbursement of GST from the Australian Taxation Office.
- 1.14.6 Provide an early response to enquiries that may be made by the bank, creditors, or related parties, as the case may be.
- 1.14.7 Use the corporate credit card in accordance with the Shire's Code of Conduct at all times.



CORPORATE CREDIT CARD POLICY

**1.15 Credit Card Limits**

- 1.15.1 Card Limits are set in the below table.
- 1.15.2 Variations to the standard limits must be supported by genuine business needs and approved by Council & the Chief Executive Officer (CEO) as per the delegation authority policy.
- 1.15.3 Limits are subject to an annual review by Executive Manager Corporate Services (EMCS).
- 1.15.4 Replenishments made during the month must be approved by the Chief Executive Officer (CEO) and Executive Manager Corporate Services (EMCS).

CREDIT CARD LIMITS	
OFFICER	MONTHLY CREDIT LIMIT
Chief Executive Officer	\$ 5,000.00
Executive Manager Works & Services	\$ 5,000.00
Executive Manager Corporate Services	\$ 2,000.00
Executive Manager Economic Development	\$ 2,000.00
Community Emergency Services Manager	\$ 5,000.00

**STATUTORY ENVIRONMENT**

- Local Government Act 1995
- Local Government (Financial Management) Regulations 1996 Office use only
- Work Health & Safety Act 2020

Record of Policy Review						
Version	Author	Council Adoption	Resolution	Reason for Review	Next Review Date	CEO Signature
01	Graeme Fardon	29/09/11	53-11/12	New Policy		
02	Graeme Fardon	27/09/18	41-18/19	Policy Review Project – 4/09/2018		
03	Graeme Fardon	17/12/20	97-20/21	Biennial Policy Review	Dec 20	
04	Nicole Gibbs	24/02/22	120-21/22	Biennial Policy Review	Feb 24	
05	Natalie Ness			Biennial Policy Review	May 26	

**ITEM 8      EMERGING ISSUES/LATE ITEMS**

Nil

**ITEM 9      NEXT MEETING DATE**

The next Audit & Risk Committee Meeting is scheduled to take place on Tuesday 13 August 2024 commencing at 5.00pm in the Council Chambers, 10 Jennaberring Road, Quairading, WA.

**ITEM 10     CLOSURE**

There being no further business, the Chairperson closed the Meeting at 5.17 pm.

I certify the minutes of the Audit & Risk Committee meeting held on 14 May 2024 were confirmed 13 August 2024 as recorded on Resolution No. ARC 001-24/25.

Confirmed.....  ..... 13.08.2024